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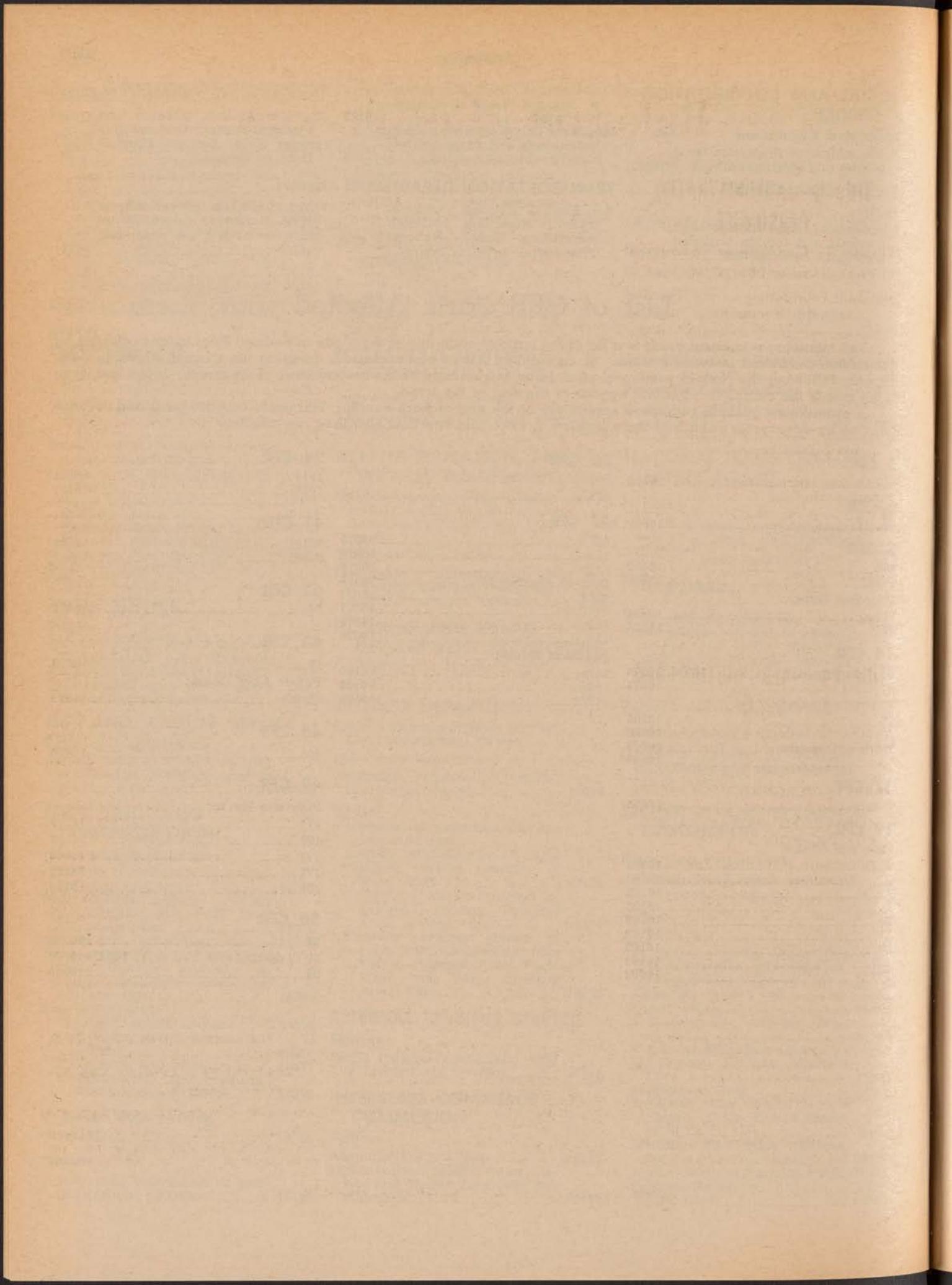
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PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3382 is amended to show that one position of Assistant for Cultural Affairs (interdepartmental activities) is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-10-72), paragraph (d) is added to § 213.3382 as set out below.

§ 213.3382 National Foundation on the Arts and the Humanities.

(d) One Assistant for Cultural Affairs (interdepartmental activities).

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the
Commissioners.

[FR Doc.72-12681 Filed 8-9-72; 8:55 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-16]

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

Alteration of Control Zone and Transition Area; Correction

In F.R. Doc. 72-10516, on page 13529 in the issue of Tuesday, July 11, 1972, line 18 of the Marion, Ill., transition area description should be corrected to read "extending from the airport to 18.5 miles." On page 13530, line 7 of the Carbondale, Ill., control zone description should be corrected to read "and 3 miles either side of the 257° bearing." On page 13530 the Marion, Ill., transition area description should be deleted, as it appears on page 13529 and is duplication.

These amendments are effective 0901 G.m.t., September 14, 1972.

Issued in Des Plaines, Ill., on July 25, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-12556 Filed 8-9-72; 8:51 am]

[Airspace Docket No. 72-GL-24]

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

Alteration of Transition Area

On page 10005 of the FEDERAL REGISTER dated May 18, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Toledo, Ohio.

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

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

This amendment shall be effective 0901 G.m.t., October 12, 1972.

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

Issued in Des Plaines, Ill., on July 21, 1972.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

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

TOLEDO, OHIO

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 84°20'00" W.; to latitude 41°49'00" N., longitude 53°37'00" W.; to latitude 41°34'00" N., longitude 83°19'00" W.; to latitude 41°17'00" N., longitude 83°35'00" W.; to latitude 41°22'00" N., longitude 84°05'00" W.; to point of beginning.

In § 71.181 (37 F.R. 2143), the following transition areas are deleted:

Waterville, Ohio. Lambertville, Mich.
Wauseon, Ohio.

[FR Doc.72-12557 Filed 8-9-72; 8:51 am]

[Airspace Docket No. 72-CE-15]

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

Alteration of Transition Area and Control Zone

On page 10078 of the FEDERAL REGISTER dated May 19, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area and control zone at Wichita, Kans.

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

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 12, 1972.

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

Issued in Kansas City, Mo., on July 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (37 F.R. 2143), the following 700-foot transition area is amended to read:

WICHITA, KANS.

That airspace extending upward from 700 feet above the surface within 8.5-mile radius of the Wichita, Kans., Municipal Airport (latitude 37°39'09" N., longitude 95°25'47" W.) and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, Kans., BVORTAC facility, extending from the 8.5-mile radius to 15 miles south of the airport; within 8.5-mile radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5-mile radius to 8 miles south of the OM; within a 5-mile radius of the Piper Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Piper Airpark extending from the 5-mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.):

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

WICHITA, KANS.

Within a 5-mile radius of the Wichita, Kans., Municipal Airport (latitude 37°39'09" N., longitude 97°25'47" W.); and within 2 miles each side of the Wichita Municipal Airport ILS localizer north course, extending to 7.5 miles north, excluding that portion subtended by a chord drawn between the points of INT of the 5-mile-radius zone of the Wichita, Kans. (McConnell AFB), 5-mile-radius control zone.

[FR Doc.72-12607 Filed 8-9-72; 8:55 am]

[Airspace Docket No. 72-NW-10]

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

Alteration of Federal Airway Segment

On May 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10577) stating

that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 357 from Walla Walla, Wash., to Wenatchee, Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. A member of the Airport Commission, Port of Ephrata, Ephrata, Wash., commented that the proposed airway would bypass the city of Ephrata, thereby possibly diverting air carrier service that would serve the community if the airway were routed over Ephrata. However, the route as proposed will provide a shorter routing between Wenatchee and Moses Lake for traffic not intending to land Ephrata. Flights intending to land Ephrata from the south can operate via V-357 to Moses Lake VOR, then direct within controlled airspace to Ephrata. East/west-bound flights intending to land Ephrata can operate via existing V-2N.

The Department of the Air Force withheld objection to the proposal provided that an MEA of 7,000 feet MSL be imposed on the airway during such times the Pasco low altitude Intercept Training Area is active. This procedure is provided for in letters of agreement between the Seattle Air Route Traffic Control Center and the 25th Air Division/NORAD Region at McChord AFB. All other comments received concurred with the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009 and 12220) V-357 is rewritten as follows:

From Baker, Oreg.; via Walla Walla, Wash.; Moses Lake, Wash.; INT of Moses Lake 285° and Wenatchee, Wash., 132° radials; to Wenatchee.

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

Issued in Washington, D.C., on August 3, 1972.

CHARLES H. NEWPOOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-12558 Filed 8-9-72;8:51 am]

[Airspace Docket No. 72-SO-42]

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

Revocation of Federal Airway

On June 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10959) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway No. 502 which extends from Louisville, Ky., to Falmouth, Ky.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 12, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended by deleting: "V-502 From Louisville, Ky., Falmouth, Ky."

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

Issued in Washington, D.C., on August 3, 1972.

CHARLES H. NEWPOOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-12559 Filed 8-9-72;8:51 am]

[Docket No. 12125, Amdt. 824]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regu-

lations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective September 21, 1972:

Allentown, Pa.—Allentown Queen City Municipal Airport; VOR-B, Amdt. 3; Revised.
Alma, Ga.—Bacon County Airport; VOR Runway 15, Amdt. 2; Revised.
Alma, Ga.—Bacon County Airport; VOR Runway 33, Amdt. 2; Revised.
Austin, Minn.—Austin Municipal Airport; VOR Runway 17, Amdt. 8; Revised.
Austin, Minn.—Austin Municipal Airport; VOR Runway 35, Amdt. 8; Revised.
Clovis, N. Mex.—Clovis Municipal Airport; VOR Runway 21, Amdt. 3; Revised.
Lubbock, Tex.—Lubbock Regional Airport; VOR-A, Amdt. 3; Revised.
Sacramento, Calif.—Sacramento Metropolitan Airport; VOR/DME Runway 34, Amdt. 4; Revised.
South St. Paul, Minn.—South St. Paul Municipal-Richard E. Fleming Field; VOR-A, Amdt. 5; Revised.
South St. Paul, Minn.—South St. Paul Municipal-Richard E. Fleming Field; VOR-B, Amdt. 5; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 12, Amdt. 1; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective September 21, 1972:

Montgomery, N.Y.—Orange County Airport; LOC Runway 3, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective September 21, 1972:

Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 15, Original; Established.
Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 33, Original; Established.
Carbondale-Murphysboro, Ill.—Southern Illinois Airport; NDB Runway 6, Original; Established.
Cushing, Okla.—Cushing Municipal Airport; NDB Runway 35, Amdt. 1; Revised.
Gallipolis, Ohio—Gallia-Meligs Regional Airport; NDB Runway 23, Original; Established.
Grand Rapids, Mich.—Kent County Airport; NDB Runway 8, Amdt. 2; Revised.
Gustavus, Alaska—Gustavus Airport; NDB-A, Amdt. 2; Revised.
Parsons, Kans.—Tri-City Airport; NDB Runway 17, Amdt. 2; Revised.
Portales, N. Mex.—Portales Municipal Airport; NDB Runway 3, Amdt. 1; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; NDB Runway 12, Amdt. 12; Canceled.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective September 21, 1972:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport; ILS (BC) Runway 15R, Amdt. 2; Revised.
Boise, Idaho—Boise Air Terminal Airport; ILS Runway 10L, Amdt. 23; Revised.
Burbank, Calif.—Hollywood-Burbank Airport; ILS Runway 7, Amdt. 25; Revised.
Las Vegas, Nev.—McCarran International Airport; ILS Runway 25, Amdt. 3; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 6; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25L/R, Amdt. 3; Revised.

Salisbury, Md.—Salisbury-Wicomico County Airport; ILS Runway 32, Amdt. 1; Revised.
 San Diego, Calif.—San Diego International Lindbergh Field; ILS Runway 9, Amdt. 3; Revised.
 San Jose, Calif.—San Jose Municipal Airport; ILS Runway 30L, Amdt. 11; Revised.
 Waterloo, Iowa—Waterloo Municipal Airport; ILS Runway 12, Amdt. 13; Canceled.
 White Plains, N.Y.—Westchester County Airport; ILS Runway 16, Amdt. 17; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective July 28, 1972:

Miami, Fla.—Miami International Airport; ILS Runway 27L, Amdt. 12; Revised.
 Miami, Fla.—Miami International Airport; Parallel ILS Runway 27L, Amdt. 4; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP effective September 21, 1972:

Moline, Ill.—Quad-City Airport; RNAV Runway 30, Original; Established.

(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 August 8, 1972.

JAMES F. RUDOLPH,
 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.72-12555 Filed 8-9-72; 8:51 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7297]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Exemption of Required Fee Payment

Notice is hereby given that the Securities and Exchange Commission has amended Rule 0-5(d) (17 CFR 270.0-5(d)) under the Investment Company Act of 1940 (Act) effective July 29, 1972, to remove the requirement that a \$500 fee presently accompany applications filed pursuant to section 9(c) under the Act (15 U.S.C. 80a-9(c)).

On January 25, 1972, Release No. IC-6959 (37 F.R. 1472) the Commission adopted a fee schedule for certain filings and services under the various Federal securities laws by means of amendments to and the adoption of rules under such laws. In this connection, Rule 0-5(d) under the Act provides that any application filed under such Act shall be accompanied by a nonrefundable \$500 fee, except an application for deregistration pursuant to section 8(f) of the Act (15 U.S.C. 80a-8(f)) of an investment company having assets less than \$100,000.

Section 9(a) of the Act (15 U.S.C. 80a-9(a)) makes it unlawful for any person who (1) within 10 years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, or investment adviser, or as an affiliated person, salesman, or employee of any investment company, bank, or insurance company; or (2) by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any securities, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company or principal underwriter for any registered open end company.

Section 9(c) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

The Commission believes that the \$500 fee requirement for applications filed pursuant to section 9(c) imposes an undue burden on persons seeking relief from the prohibitions of section 9(a). The Commission therefore has determined that a fee should not be required for the filing of any such application. The rule as amended removes the fee requirement for all applications filed pursuant to section 9(c) of the Act.

Pursuant to section 38(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-38(a)), Rule 0-5(d) of the General Rules and Regulations under the Investment Company Act is hereby amended, effective July 29, 1972, (a) to delete the word "applications," to insert in its place the following "(1) any application," to change the period at the end of the rule to a semicolon; and (b) to add at the end of the rule the following: "or (2) any application pursuant to section 9(c) under such Act."

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by deleting from paragraph (d) of § 270.0-5 the word "application" and by adding in lieu thereof the words "(1) any application" and by changing the period at the end of such paragraph (d) to a semicolon and adding the following language: "(2) any application pursuant to section 9(c) of such Act."

As so amended paragraph (d) of § 270.0-5 reads as follows:

§ 270.0-5 Procedure with respect to applications and other matters.

(d) At the time of filing an application under the Act the applicant or applicants shall pay to the Commission a total fee of \$500, no part of which shall be refunded; however, this fee shall not be applicable to (1) any application for deregistration of an investment company pursuant to section 8(f) of the Investment Company Act if such company has assets of less than \$100,000; or (2) any application pursuant to section 9(c) of such Act.

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37(a))

The Commission finds that since the foregoing amendments grant an exemption from certain provisions of the Act, notice and procedures specified under 5 U.S.C. 553 are unnecessary and impracticable. Accordingly, the foregoing amendments are declared effective on July 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
 Secretary.

JULY 28, 1972.

[FR Doc.72-12538 Filed 8-9-72; 8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYMER MODIFIERS IN SEMIRIGID AND RIGID VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2711) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of not more than 30 weight-percent of polymer units derived from copolymers of methyl methacrylate, α -methylstyrene and acrylonitrile as modifiers in semirigid and rigid vinyl chloride plastic food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2597 is amended by adding alphabetically to paragraph (a)(1)(ii) a new item α -methylstyrene, and by revising the text of paragraph (b)(2), as follows:

§ 121.2597 Polymer modifiers in semi-rigid and rigid vinyl chloride plastics.

- (a) * * *
(1) * * *
(ii) * * *

α-Methylstyrene

- (b) * * *

(2) Not less than 50 weight-percent of polymer units derived from the vinyl chloride polymers identified in the introduction to this section, not more than 50 weight-percent of polymer units derived from homopolymers and/or copolymers of ethyl acrylate and methyl methacrylate, and not more than 30 weight-percent of polymer units derived from copolymers of methyl methacrylate, *α*-methylstyrene and acrylonitrile and may optionally contain up to 15 weight-percent of polymer units derived from butadiene-styrene copolymers.

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, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8-10-72).

(Sec. 409(c)(1), 72 Stat. 1788; 21 U.S.C. 348 (c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 72-12495 Filed 8-9-72; 8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-273V) filed by Zenith Labora-

tories, Inc., Northvale, N.J. 07647 proposing the safe and effective use of chloramphenicol capsules for the treatment of dogs. The application is approved.

To facilitate referencing, Zenith Laboratories, Inc., is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 077 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

Code No.	Firm name and address
077	Zenith Laboratories, Inc., 140 Le Grand Avenue, Northvale, NJ 07647.

2. Part 135c is amended in § 135c.63(b) as follows:

§ 135c.63 Chloramphenicol capsules, veterinary.

(b) *Sponsor.* (1) For chloramphenicol capsules containing 50, 100, 250, and 500 milligrams of chloramphenicol see code Nos. 049 and 071 in § 135.501(c) of this chapter.

(2) For chloramphenicol capsules containing 50, 100, and 250 milligrams of chloramphenicol see code No. 077 in § 135.501(c) of this chapter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

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

Dated: August 1, 1972.

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

[FR Doc. 72-12496 Filed 8-9-72; 8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Iron Hydrogenated Dextran Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15-207V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, proposing revised labeling for the safe and effective use of iron hydrogenated dextran injection to prevent and treat anemia in baby pigs. The supplemental application is approved.

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

§ 135b.66 Iron hydrogenated dextran injection.

(a) *Specifications.* Iron hydrogenated dextran injection contains in each milliliter 100 milligrams of elemental iron stabilized with a low molecular weight hydrogenated dextran with 0.5 percent phenol as a preservative.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this subchapter.

(c) *Conditions of use.* It is used in baby pigs as follows:

(1) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 100 milligrams of elemental iron to each animal at 2 to 5 days of age. Dosage may be repeated at 2 weeks of age.

(2) For the treatment of anemia due to iron deficiency, administer an intramuscular injection of 100 milligrams of elemental iron to each animal when indicated between 5 to 28 days of age.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

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

Dated: August 1, 1972.

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

[FR Doc. 72-12497 Filed 8-9-72; 8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfamethizole and Methenamine Mandelate Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (30-416V) filed by Ayerst Laboratories, Inc., Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017, proposing the safe and effective use of sulfamethizole and methenamine mandelate tablets for treating urinary tract infections in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.74 Sulfamethizole and methenamine mandelate tablets.

(a) *Specifications.* Each tablet contains 250 milligrams of sulfamethizole and 250 milligrams of methenamine mandelate.

(b) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for the treatment of urinary tract infections in dogs and cats such as cystitis, nephritis, prostatitis, urethritis, and pyelonephritis. It is also used as an aid in the management of complications resulting from surgical manipulations of the urinary tract such as removal of calculi from the bladder, in ureterostomies, and in instrumentation of the urethra and bladder.

(2) It is administered at a dosage level of one tablet for each 20 pounds of body weight given three times per day. The drug should be given until all signs are alleviated. To reduce the possibility of a relapse, it is suggested that therapy be continued for a further period of a week to 10 days.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: August 1, 1972.

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

[FR Doc.72-12498 Filed 8-9-72; 8:45 am]

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

Lincomycin and Decoquinat

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-261V) filed by the Upjohn Co., Kalamazoo, Mich. 49001, and a new animal drug application (47-262V) filed by Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805, proposing the safe and effective use of lincomycin and decoquinat in chicken feed. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended as follows:

1. Section 135e.49 is amended by adding a new item (v) to paragraph (e) (2) as follows:

§ 135e.49 Lincomycin.

(e) *Conditions of use.* * * *

(v) Decoquinat in accordance with § 135e.51 of this chapter.

2. Section 135e.51 is amended by adding a new subitem c under item 2 to the table in paragraph (g) as follows:

§ 135e.51 Decoquinat.

(g) *Conditions of use.* * * *

(11) *Medium K:*

Pancreatic digest of casein.....gm..	17.0
Papaic digest of soybean.....gm..	3.0
Sodium chloride.....gm..	5.0
Dipotassium phosphate.....gm..	2.5
Dextrose.....gm..	2.5
Distilled water, q.s.....ml..	1,000.0

pH 7.3 after sterilization.

(b) * * *

(12) *Suspension 12.* *Pseudomonas aeruginosa* (ATCC 25619) is maintained and grown on medium J and transferred to a fresh agar slant once a week. Inoculate a fresh slant of medium J with the test organism and incubate at 37° C. for 24 hours. Transfer the culture from this slant with sterile glass beads onto the agar surface of a Roux bottle containing 300 milliliters of medium J. Spread the organisms over the entire agar surface with the aid of the glass beads. Incubate 24 hours at 37° C. Wash the resulting growth from the agar surface with about 30 milliliters of medium K. Do not standardize the suspension. Store the stock suspension under refrigeration and use for 2 weeks.

Effective date. This order shall become effective 30 days after date of publication in the FEDERAL REGISTER (8-10-72).

Dated: August 1, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-12500 Filed 8-9-72; 8:46 am]

PART 148g—GRISEOFULVIN

Griseofulvin Oral Suspension

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 148g is amended to provide for certification of the antibiotic drug griseofulvin oral suspension by adding the following new section:

§ 148g.4 Griseofulvin oral suspension.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Griseofulvin oral suspension is griseofulvin with one or more suitable flavorings, colorings, wetting agents, preservatives, and diluents in an aqueous vehicle. Each milliliter contains 25 milligrams of griseofulvin. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. Its pH is not less than 6.5 and not more than 7.5. The griseofulvin used conforms to the standards prescribed by § 148g.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Lincomycin.....	***	***	***	***	***
2. For floor raised broiler chickens; do not feed to laying chickens; to be fed as the sole ration; as lincomycin hydrochloride monohydrate provided by sponsor No. 037, see § 135.501(c) of this chapter.					
For increase in rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. maxima</i> , <i>E. mitis</i> , and <i>E. brunetti</i> .					

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: August 2, 1972.

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

[FR Doc.72-12499 Filed 8-9-72; 8:45 am]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Carbenicillin Disc Assay

In a notice of proposed rule making published in the FEDERAL REGISTER of March 30, 1972 (37 F.R. 6498), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by adding two new subparagraphs to paragraph (a) and revising paragraph (b) (12) of § 147.1. Interested

persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 147 is amended as follows:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

(a) * * *

(10) *Medium J:*

Pancreatic digest of casein.....gm..	15.0
Papaic digest of soybean.....gm..	5.0
Sodium chloride.....gm..	5.0
Agar.....gm..	15.0
Distilled water, q.s.....ml..	1,000.0

pH 7.3 after sterilization.

(i) Results of tests and assays on:

(a) The griseofulvin used in making the batch for potency, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The griseofulvin used in making the batch: 10 packages, each containing not less than 1 gram.

(b) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*. Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Spectrophotometric assay*. Proceed as directed in § 148g.1(b)(1)(i), except prepare the sample for assay as follows: Prepare a 0.50 milligram per milliliter solution (estimated) of the suspension by transferring an appropriate volume of the well-shaken suspension to a 100-

milliliter volumetric flask. Add about 50 milliliters of methyl alcohol to the flask. Warm the contents by heating the flask carefully over a steam bath. Swirl the contents several times during the heating period. Shake the flask on a mechanical shaker for 15 minutes, allow to cool to room temperature, and adjust to volume with methyl alcohol. Mix well. Filter the solution, discarding the first 10 to 15 milliliters of filtrate. Transfer exactly 1.0 milliliter of the subsequent filtrate to a 50-milliliter volumetric flask, adjust to volume with methyl alcohol, and mix well. Using a suitable ultraviolet spectrophotometer and matched 1 centimeter quartz cells, set the instrument to 100 percent transmission with methyl alcohol. Determine the absorbance of the sample and working standard (prepared as described in § 148g.1(b)(1)(i)(a)) at the absorption peak at 292 ± 2 nanometers. Calculate the milligrams of griseofulvin per milliliter of sample as follows:

$$\text{Milligrams of griseofulvin per milliliter} = \frac{\text{Absorbance of sample}}{\text{Absorbance of standard}} \times \frac{\text{Weight of standard in milligrams}}{\text{Milliliters of suspension tested}} \times \frac{\text{Potency of standard in micrograms per milligram}}{1,000}$$

(ii) *Microbiological agar diffusion assay*. Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured volume of the well-shaken suspension with sufficient dimethylformamide to give a stock solution containing 100 micrograms of griseofulvin per milliliter (estimated). Further dilute with 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 5.0 micrograms of griseofulvin per milliliter (estimated).

(2) *pH*. Proceed as directed in § 141.503 of this subchapter, using the undiluted suspension.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for certification of this drug have been complied with and since the matter is not controversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 2, 1972.

H. E. SIMMONS,

Director, Bureau of Drugs.

[FR Doc. 72-12501 Filed 8-9-72; 8:46 am]

SUBCHAPTER E—HAZARDOUS SUBSTANCES

[Docket No. FDC-HS-2]

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Certain Lead-Containing Paints and Other Similar Surface-Coating Materials as Banned Hazardous Substances; Confirmation in Part of Effective Date of Order

In the matter of classifying certain lead-containing paints and other surface-coating materials as banned hazardous substances (21 CFR 191.9(a)(6)) within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act:

In the FEDERAL REGISTER of March 11, 1972 (37 F.R. 5229), the Commissioner of Food and Drugs published an order under section 2(q)(1)(B) of the said act declaring paint and other similar surface-coating materials for use in or around the household to be a banned hazardous substance if shipped in interstate commerce after December 31, 1972, containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or the dried film. Separate provisions of that order also banned shipment in interstate commerce after December 31, 1973, of paint and other similar surface-coating materials for use in or around the household that contains lead compounds of

which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or the dried film. Finally, the order specifically provided, as required by section 2(q)(1)(A) of the act, that any toy or other article intended for use by children bearing such paint and other similar surface-coating materials after those respective dates would also be a banned hazardous substance.

Pursuant to section 2(q)(2) of said act and section 701(e) of the Federal Food, Drugs, and Cosmetic Act, 30 days were provided for filing written objections and requests for hearings.

Twenty-five timely submissions were received with respect to this order. Although some of these submissions related to the 0.5 percent lead level to be implemented as of December 31, 1972, the majority of the submissions were concerned with the 0.06 percent lead level to be implemented December 31, 1973. The Commissioner finds that these two different levels and effective dates present separate and distinct issues that require separate consideration. Accordingly, this document rules only upon the submissions made with respect to the 0.5 percent lead level to be implemented as of December 31, 1972. A future document will rule upon the submissions with respect to the 0.06 percent lead level to be implemented as of December 31, 1973.

The majority of the submissions endorsed the 0.5 percent lead level to be implemented as of December 31, 1972. The National Paint and Coatings Association previously endorsed this level in a letter to the Commissioner dated February 2, 1972, and the submission of the New York Paint, Varnish, and Lacquer Association and the submission of the Federation of Societies for Paint Technology supported this provision.

McCloskey Varnish Co. objected to the 0.5 percent lead level but failed to submit supporting grounds and in any event did not request a public hearing on their objections. Other submissions protested the 0.5 percent level but did not submit formal objections or request a public hearing. Precision Paint Corp. requested an additional 6 months to comply with the 0.5 percent level but did not submit formal objections or request a public hearing.

The National Decorating Products Association and Benjamin Moore & Co. submitted objections and a request for a public hearing with respect to the 0.5 percent lead level on the ground that the time for compliance should be extended 18 months for retailers and distributors. The National Retail Hardware Association submitted an objection on this issue but did not request a public hearing. Two other submissions objected on the ground that the 0.5 percent lead level offers no relief since those products would be banned and subject to repurchase when the 0.06 percent lead level

becomes effective, but no public hearing was requested on that issue.

The Commissioner has evaluated the objection and request for public hearing by the National Decorating Products Association and Benjamin Moore & Co. and concludes that they are not supported by grounds legally sufficient to justify the relief sought. Neither submission contended that the lead content of paint should not be reduced to 0.5 percent to reduce the health hazard to children. Both submissions contended only that retailers and distributors should have an additional 18 months to dispose of existing inventories. No information was submitted to show that it will take an additional 18 months to dispose of existing inventories, or that such an extension of time would not be utilized to overstock noncomplying paint in order to avoid the regulation. The act contains no provision authorizing the Commissioner to grant an exemption for retailers and distributors to sell existing inventories that fail to conform to applicable regulations, and indeed any such provision would clearly violate the law. Retailers and distributors have known since March 11, 1972, that further interstate shipment of household paint containing more than 0.5 percent of lead would be unlawful, and have therefore had sufficient opportunity to eliminate nonconforming paint from their inventory. Submissions to the Commissioner in response to his request published in the FEDERAL REGISTER of February 19, 1972 (37 F.R. 3780), with respect to the present lead content of paint, demonstrate that there is already a sufficient supply of household paint meeting the 0.5 percent lead level to satisfy all existing needs. Accordingly, since the act does not provide for an extension of time for retailers and distributors to sell existing inventories, the Commissioner concludes that the objections submitted by the National Decorating Products Association and Benjamin Moore & Co. are legally insufficient to justify a public hearing on this matter. The Commissioner therefore denies this request for a public hearing.

Borden, Inc., objected to the 0.5 percent lead level on the ground that there is no substantial evidence that adequate cautionary labeling cannot be written. This submission did not contend that the lead content of paint used in or around a household should not be reduced to 0.5 percent to reduce the health hazard to children. Since the submission presented no basis whatever to show that cautionary labeling will prevent the use of lead-based paint in or around a household (for example, particularly a household where children presently do not live), and since there is obviously no way to require cautionary labeling on walls painted with lead-based paint so that future occupants will be aware of the potential hazard, the Commissioner concludes that this objection is not supported by grounds legally sufficient to justify a public hearing on the issue. In any event, the Borden submission states that, if no hearing is granted to any other party regarding the matter, the

request for a public hearing is withdrawn. Accordingly, since no other party requested a public hearing on any issue that is being granted, the Commissioner concludes that a public hearing will not be held on the matter.

Professor Joseph A. Page et al. of the Georgetown University Law Center objected to the 0.5 percent lead level insofar as it disregards the repurchase provisions of section 15 of the act and insofar as it permits an additional year to meet the 0.06 percent lead level. Since section 15 of the act applies to all banned hazardous substances and is in any event not enforceable by the Commissioner under the act, it would be inappropriate to make any provision with respect to repurchase in this or any other regulation relating to a banned hazardous substance. The act also explicitly permits the Commissioner to establish appropriate implementation dates. The Commissioner concludes that the objections are not supported by grounds legally sufficient to justify a public hearing, and in any event the Page submission states that no public hearing is requested on these matters.

Two submissions were made after the statutory time for objections had expired. One of these, submitted by American Home Products Corp., objected generally to the order as not providing adequate support for the severity of the limitations established and requested a hearing to resolve the legal issues raised by the absence of supporting data for the order. Since the American Home Products Corp submission failed to specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, requested a hearing to resolve legal issues, and failed to state a factual basis sufficient to justify a public hearing, and in view of the fact that the submission was not made within the statutory time period, the Commissioner concludes that this submission does not require a public hearing.

The order promulgating § 191.9(a) (6) in the FEDERAL REGISTER of March 11, 1972 (37 F.R. 5229), stated that it would become effective 45 days thereafter unless stayed by the filing of proper objections. This effective date is not to be confused with the implementation dates contained in the regulations.

In view of the above findings, the Commissioner concludes that those portions of § 191.9(a) (6) pertaining to the 0.5 percent lead level should be confirmed as effective. Those portions pertaining to the 0.06 percent lead level will be the subject of a separate document to be published at a later date.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-1305; 15 U.S.C. 1261(f) (1) (A), (q)) and the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 371 (e), (f), (g)), and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That the

effective date of all but subdivisions (i) (a) and (ii) (a) of § 191.9(a) (6) became effective April 25, 1972, and that a document ruling upon subdivisions (i) (a) and (ii) (a) will be published at a later time.

Dated: August 4, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12502 Filed 8-9-72; 8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of
the Interior

PART 19—WILDERNESS PRESERVATION

Hearing Procedures

43 CFR Part 19 was contained in Circular 2203, 31 F.R. 3011, February 22, 1966.

Paragraph 19.5(a) is amended as follows: In the third sentence of § 19.5(a) substitute the figure "30" for the figure "60".

Because this amendment relates to internal wilderness area administrative procedures, notice and public procedure thereon is deemed unnecessary, and this amendment will become effective upon publication in the FEDERAL REGISTER (8-10-72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 4, 1972.

[FR Doc.72-12523 Filed 8-9-72; 8:48 am]

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5244]

[Nevada 6029]

NEVADA

Withdrawal of Lands for Air Navigation Site

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 49 U.S.C. section 214 (1970), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use by the Federal Aviation Administration, Department of Transportation, as an air navigation site:

MOUNT DIABLO MERIDIAN

T. 4 N., R. 68 E.,
Sec. 6: lot 1.

The area described aggregates 40.76 acres in Lincoln County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Administration finds that the proposed use of the land will not interfere with the proper operation of its facilities on the land.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1972.

[FR Doc.72-12524, Filed 8-9-72; 8:48 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Reports and Maintenance of Records; Fiscal Policies and Accountability

Part 205 of Chapter II of Title 45 of the Code of Federal Regulations is amended to implement Attachment C of the Office of Management and Budget Circular A-102, dated October 19, 1971, which (1) effective not later than July 1, 1972, changes the record retention period for Federal grant programs from 5 years to 3 years, and requires that records for nonexpendable property acquired with Federal grant funds be retained for 3 years after final disposition of such property; and (2) provides that Federal grantor agencies should authorize State and local agencies to substitute microfilm copies for the original records, if they so desire.

Notice of proposed rule making has been dispensed with since the amendments to § 205.145 merely implement the standards promulgated by the Executive Office of the President, Office of Management and Budget, and the amendments to § 205.60 simply provide a recommended option which many States have requested.

Part 205 of Chapter II of Title 45, of the Code of Federal Regulations is amended as follows:

1. Section 205.60 is revised to read as set forth below:

§ 205.60 Reports and maintenance of records.

(a) *State plan requirements.* A State plan under title I, IV-A, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(1) The State agency will maintain or supervise the maintenance of records

necessary for the proper and efficient operation of the plan, including records regarding applications, determination of eligibility, the provision of financial or medical assistance or social services, and administrative cost; and statistical, fiscal and other records necessary for reporting and accountability required by the Secretary; and will retain such records for such periods as are prescribed by the Secretary. Under this requirement, individual records are kept which contain pertinent facts about each applicant and recipient and include information as to the date of application and date and basis of its disposition; facts essential to determination of initial and continuing eligibility, need for, and provision of financial or medical assistance or social services, and basis for discontinuing assistance or services.

(2) The State agency will make such reports in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

(b) *Conditions for optional use of microfilm copies.* Certified microfilm copies of the substantiating documents required for Federal audit and review purposes may be substituted for the originals (i.e., the originals may be destroyed), provided that:

(1) The State agency can show, on the basis of a study of its record storage situation, that the use of microfilm copies is in the interest of efficiency and economy;

(2) The proposed microfilm system is adequate:

(i) To enable the State to discharge its own audit responsibility for propriety of expenditures for which Federal financial participation is claimed and in no way hinders the State agency's supervision and control of the programs; and

(ii) To enable the HEW Audit Agency and SRS to properly discharge their respective responsibilities for reviewing the manner in which all aspects of the public assistance programs are being administered in the State; and

(3) Prior approval is obtained from the regional office indicating that the system meets the conditions in subparagraph (2) of this paragraph and that the proposed microfilming procedures are reliable and are supported by an adequate retrieval system.

2. Section 205.145 is revised to read as set forth below:

§ 205.145 Fiscal policies and accountability.

State plan requirements: A State plan under title I, IV-A, X, XIV, XVI, or XIX of the Social Security Act must provide that the State agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal require-

ments. Under this requirement, State and, where applicable, local agencies are required to maintain accounting records, identifiable for each of the above titles of the Act, for a period of 3 years, subject to the following qualifications:

(a) The 3-year retention period starts from the date of submission of the final expenditure report;

(b) The records shall be retained beyond the 3-year period if audit findings have not been resolved;

(c) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after final disposition of such property.

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Effective date. These regulations shall be effective on July 1, 1972.

Dated: July 11, 1972.

JOHN D. TWINAME,
Administrator, Social and
Rehabilitation Service.

Approved: August 3, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-12521 Filed 8-9-72; 8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-1—GENERAL

Subpart 3-1.4—Procurement Responsibility and Authority

RATIFICATION OF UNAUTHORIZED CONTRACT AWARDS

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to reflect current authorizations for the ratification of unauthorized contractual commitments.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves an internal administrative procedure. Therefore, the public rule making process is deemed unnecessary in this instance.

Paragraph (b) of § 3-1.405 is revised to read as follows:

§ 3-1.405 Ratification of unauthorized contract awards.

(b) Contracting officers shall not ratify contractual commitments made by other personnel of HEW without the prior approval of the head of the procuring activity or the Deputy Assistant Secretary for Administration in cases involving the Office of the Secretary. This approval authority shall not be redelegated.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (8-10-72).

Dated: August 4, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary
for Administration.

[FR Doc.72-12522 Filed 8-9-72; 8:48 am]

**Chapter 9—Atomic Energy
Commission**

PART 9-54—CONTRACT REPORTING

**Requirements, Submission, Frequency,
and Preparation of Reports**

This amendment adds three new sections to AECPR 9-54, Contract Reporting, to describe the reports required, to provide the requirements for submission and frequency, and to provide an appropriate notation relative to instructions for the preparation of the reports.

1. Three new sections, § 9-54.004, *Reports required*, § 9-54.005, *Submission and frequency of reports*, and § 9-54.006, *Preparation of reports*, are added as follows:

§ 9-54.004 Reports required.

(a) "Form AEC 328 A, Contract Data Worksheet," shall be prepared by each AEC office (including Headquarters Divisions and Headquarters Offices which execute and administer contracts), cost-type prime contractor, and first-tier cost-type subcontractor, unless excepted in § 9-54.001(a), for each of the following:

(1) Initial awards for research and development and initial awards to educational and other nonprofit organizations, both categories of which are to include awards from zero dollars.

(2) Other procurement actions:

(i) When the initial procurement action is for \$25,000 or more, or

(ii) When the accumulated amount of a series of procurement actions under a previously unreported contract, sub-contract, or sub-subcontract or purchase order totals \$25,000 or more;

(3) Letter contracts which meet reporting requirements under subparagraph (1) or (2) of this paragraph shall be reported. Conversions of letter contracts to definitive contracts shall be reported on Form AEC 328 B or AEC 328 C as appropriate.

(b) "Form AEC 328 B, Prime Contract Change Worksheet," shall be prepared by AEC offices to report changes in AEC prime contracts.

(c) "Form AEC 328 C, Subcontract Change Worksheet," shall be prepared by AEC prime contractors and first-tier cost-type subcontractors to report changes in their procurement actions.

(d) "Form AEC 330 A, Supplemental Report of Procurement Actions—Worksheet," shall be prepared in accordance with paragraph § 9-54.005(b) by those required to submit reports under paragraph (a) of this paragraph.

§ 9-54.005 Submission and frequency of reports.

(a) Field Offices and Headquarters Divisions and Offices which administer contracts shall furnish reports on Forms 328 A, B, and C in the required CIS format by tabulating machine cards¹ to the Division of Management Information and Telecommunications Systems, Computer Center Branch, Headquarters, either (1) on a current basis, as soon as practicable after the date the individual procurement action is taken, or (2) monthly, in time to reach Headquarters no later than the fourth workday for AEC

¹Reporting offices without ADP facilities may furnish the completed worksheets identified above to the Division of Contracts, Headquarters, for further handling.

actions, or the ninth workday for actions by cost-type prime contractors and first-tier cost-type subcontractors, following the close of the month in which the procurement actions were taken.

(b) "Semiannual Supplemental Report of Procurement Actions" (Form AEC 330 A) Procurement actions (including purchase orders) not reportable under AECPR 9-54.004(a)(2) shall be reported semiannually by AEC offices and reporting cost-type prime contractors and first-tier cost-type subcontractors to the Division of Contracts, Headquarters by January 15 (July through December) and July 15 (January through June) for actions taken or changed in the preceding 6-month period. One copy of Form AEC 330 A shall be prepared to summarize all fixed-price procurement actions by number of actions and dollar value, and another copy of Form 330 A shall be prepared to summarize all cost-type procurement actions by number of actions and dollar value.

§ 9-54.006 Preparation of reports.

Detailed instructions for completion of the forms are contained in AECPI 9-54.006, "Preparation of reports," and AECPI Appendix 9-54, "Contract Information System (CIS) Handbook" (to be issued).

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949 as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (8-10-72).

Dated at Germantown, Md., this 3d day of August, 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72-12508 Filed 8-9-72; 8:46 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
***	***	***	***	***	***	***
New York	Orange	Washingtonville Village.				Aug. 11, 1972, Emergency.
South Carolina	Horry	Grand Strand Flood District.				Do.

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

Issued: August 2, 1972.

[FR Doc.72-12568 Filed 8-9-72; 8:52 am]

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Orange	Washingtonville Village				Aug. 11, 1972.
South Carolina	Horry	Grand Strand Flood District				Do.

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

Issued: August 2, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-12589 Filed 8-9-72; 8:52 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENTS AND SCHOLARSHIPS

Subpart Q—Grants to Hospitals for Training, Traineeships, and Fellowships in Family Medicine

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following new Subpart Q of Part 57, which relates to the awarding of grants to public or nonprofit hospitals pursuant to section 767 of the Public Health Service Act for training, traineeships, and fellowships in family medicine because for good cause it has been found that such procedures would be contrary to the public interest in light of the delay in the passage of the amending legislation (Comprehensive Health Manpower Training Act of 1971, Public Law 92-157), and the limited time for which funds are available for these purposes.

Although grants may be made under this program to: (1) Plan, develop, and operate, or participate in, an approved professional training program (including continuing education and approved residency programs in family practice) in the field of family medicine for medical students, interns, residents, or practicing physicians; (2) provide financial assistance (in the form of traineeships and fellowships) to medical students, interns, residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in any such program, and who plan to special-

ize or work in the practice of family medicine; and (3) plan, develop, and operate, or participate in, other approved training programs in the field of family medicine; notice is hereby given that, as a result of an examination of national health needs in light of the financial resources available to this program, it has been decided that for fiscal year 1972, grants will be given only to support residency training in family medicine, including financial assistance to residents participating in such programs.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate, to the Associate Directors (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5 C 12, Bethesda, MD 20014. All comments received in response to this regulation will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 5 B 36, Bethesda, MD 20014.

The regulations set forth below shall become effective on the date of publication in the FEDERAL REGISTER (8-10-72).

Dated: July 6, 1972.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: August 3, 1972.

ELLIOTT L. RICHARDSON,
Secretary.

Part 57 is amended by adding thereto a new Subpart Q as follows:

Subpart Q—Grants to Hospitals for Training, Traineeships, and Fellowships in Family Medicine	
Sec.	
57.1601	Applicability.
57.1602	Definitions.
57.1603	Eligibility.
57.1604	Application.
57.1605	Grant awards.
57.1606	Payments.

Sec.	
57.1607	Use of project funds.
57.1608	Nondiscrimination.
57.1609	Inventions or discoveries.
57.1610	Publications and copyright.
57.1611	Accountability.
57.1612	Records, reports, inspection, and audit.
57.1613	Additional conditions.
57.1614	Early termination and withholding of payments.

AUTHORITY: The provision of this Subpart Q issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 767, 85 Stat. 457; 42 U.S.C. 295e-1.

Subpart Q—Grants to Hospitals for Training, Traineeships, and Fellowships in Family Medicine

§ 57.1601 Applicability.

The regulations in this subpart are applicable to the award of grants to public or other nonprofit hospitals under section 767 of the Public Health Service Act (42 U.S.C. 295e-1) to (a) plan, develop, and operate, or participate in, an approved professional training program (including continuing education and approved residency programs in family practice) in the field of family medicine for medical students, interns, residents, or practicing physicians; (b) provide financial assistance (in the form of traineeships and fellowships) to medical students, interns, residents, practicing physicians, or other medical personnel, who are in need thereof, who are practicing in any such program, and who plan to specialize or work in the practice of family medicine; and (c) plan, develop, and operate, or participate in, other approved training programs in the field of family medicine.

§ 57.1602 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Hospital" means a public or other nonprofit hospital which is accredited by the Joint Commission on Accreditation of Hospitals or the Board of Trustees of the American Osteopathic Association.

(d) "Family medicine" means the field of medicine in which the physician:

(1) Serves as the physician of first contact with the patient and provides a means of entry into the health care system;

(2) Evaluates the patient's total health needs, provides personal medical care within one or more fields of medicine, and refers the patient, when indicated, to appropriate sources of care while preserving the continuity of his care;

(3) Assumes the responsibility for the patient's comprehensive and continuous health care and acts as a leader or coordinator of others providing health services to the patient; and

(4) Accepts responsibility for the patient's total health care within the context of his environment, including the community and the family or comparable social unit.

(e) "Budget period" means the interval of time into which an approved activity is divided for budgetary purposes, as specified in the grant award document.

(f) "Project period" means the time for which support for a project has been approved, as specified in the notice of grant awarded.

§ 57.1603 Eligibility.

To be eligible for a grant under section 767 of the Act, the applicant shall:

(a) Be a hospital as defined in § 57.1602(c); and

(b) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, Canal Zone, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

§ 57.1604 Application.

(a) Each hospital desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may require.¹ Applications which include a request for funds to enable institutions to pay stipends to individuals receiving training in family medicine shall state the requested rate of stipend and the total amount requested for such trainee support. In cases where stipends are to be awarded to provide a portion of the salary of residents, the application shall contain documentation showing:

(1) That alternative sources of income for such support are not available;

(2) That grant funds would not be used to supplant other available funds; and

(3) Plans for payment of residents' salaries in the future.

¹ Applications and instructions are available from the Division of Physician and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4C39, Bethesda, MD 20014.

(b) Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) Such application shall state the purposes for which the application is made, and shall contain a budget and a narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart.

§ 57.1605 Grant awards.

(a) The Secretary may award a grant under this subpart to an eligible applicant when he determines that such grant will be used by the applicant in accordance with one or more of the purposes of section 767 of the Act taking into consideration, among other pertinent factors:

(1) The effectiveness of the proposed project in providing training in family medicine;

(2) The national need which the particular project proposes to serve;

(3) The capability of the applicant to carry out the proposed project; and

(4) The ability to continue the project on a self-sustaining basis.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) Except as may otherwise be provided by the regulations of this subpart, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapter 3-80 of the Department of Health, Education, and Welfare Grants Administration Manual.²

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

² The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR § 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(e) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, or continuation or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate applications annually and at such times and in such forms as the Secretary may dictate.

§ 57.1606 Payments.

The Secretary shall from time to time make payments to a grantee of all or portion of any grant award, either in advance or by way of reimbursement.

§ 57.1607 Use of project funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with the applicable provisions of the Act, the regulations of this subpart, the terms and conditions of the award, and the cost principles set forth in chapter 2-66 of the Department of Health, Education, and Welfare Grants Administration Manual.

(b) In the case of support for residents, the amount of any stipend shall be limited to that portion of the annual amount normally paid to other residents by the applicant which the Secretary determines, on the basis of the documentation required in the application pursuant to § 57.1604(a), cannot reasonably be paid from other available funds, including the incomes derived by the hospital from the residents' services.

(c) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during a subsequent budget period of the project period. Any subsequent award shall take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government in accordance with § 57.1611(d)(2).

§ 57.1608 Nondiscrimination.

(a) Attention is called to the requirements of section 799A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under title VII of the Act to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel or any other entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school, training center, or other entity, will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds

of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with approval of the President (45 CFR Part 80).

(c) Each grant for remodeling, alterations, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 F.R. 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.1609 Inventions or discoveries.

Any grant awarded pursuant to § 57.1605 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 57.1610 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty free, nonexclusive, and irrevocable license or right in the government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 57.1611 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property pro-

duced or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures and be accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other health projects.* Equipment may be used, without adjustment of accounts, on other grant supported projects (whether or not federally supported) within the scope of section 767 of the Act and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of their useful life, the equipment is transferred by sale or otherwise for use outside the scope of section 767 of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting or proceeds or value.* The equipment may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income—(1) Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in § 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publication or similar material produced

from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as provided in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1-420 of the Department of Health, Education, and Welfare, Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout—(1) Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraph (a) of this section; (ii) any credits for equipment on hand as provided in paragraph (b) of this section; (iii) any credits for earned interest pursuant to paragraph (c) (1) of this section; (iv) any other settlements required pursuant to paragraphs (c) (2) and (3) of this section. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 57.1612 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the applicable provisions of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3 year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such reports shall be retained (1) for 5 years after the close of the budget period, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interviews with the principal staff members and students to the extent that such resources, personnel, and students are, or

will be involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.1613 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interest of the public health or the conservation of grant funds.

§ 57.1614 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the applicable provisions of the Act, the regulations of this subpart, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the applicable provisions of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-12583 Filed 8-9-72;8:53 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Tamarac and Rice Lake National Wildlife Refuges, Minn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-10-72).

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE AND RICE LAKE NATIONAL WILDLIFE REFUGE

Public access and use of Tamarac National Wildlife Refuge and Rice Lake National Wildlife Refuge for the purpose of harvesting wild rice is subject to the following special conditions:

- (1) *Authorized activities.* Public access for wild rice harvest.
- (2) *Open season.* The open season for wild rice harvests is from August 25 through September 23, 1972 on Tamarac National Wildlife Refuge and from September 1 through September 27, 1972 on

Rice Lake National Wildlife Refuge. During this period, wild rice harvest will be limited to the hours of 9 a.m. to 3 p.m.

(3) *Open areas.* The areas open to wild rice harvest will be determined by the Refuge Manager and this information will be provided to permit holders in advance of the earliest open season date.

(4) *Specific conditions or requirements.* A Federal permit will be required before wild rice harvest can be pursued on Tamarac and Rice Lake National Wildlife Refuges. These permits will be issued by the Refuge Manager of each respective area.

(5) *Other provisions.* Provisions of this special regulation supplement the regulations which govern public access, use, and recreation on National Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through September 27, 1972.

CHARLES A. HUGHLETT,
Acting Regional Director.

AUGUST 3, 1972.

[FR Doc.72-12526 Filed 8-9-72;8:48 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-10-72). These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General Conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, NV 89406.

Pahrnatagat National Wildlife Refuge, Post Office Box 440, Las Vegas, NV 89101.

Special Condition: The use of motors on boats is not permitted.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada 89833.

Special Condition: Waterfowl only may be hunted.

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, NV 89406.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, NV 89406.

Pahrnatagat National Wildlife Refuge, Post Office Box 440, Las Vegas, NV 89101.

Sheldon National Antelope Refuge, Nev. (Headquarters: Post Office Box 111, Lakeview, OR 97630).

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, NV 89406.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, NV 89108.

Special Condition: Desert bighorn sheep only.

Sheldon National Antelope Refuge, Nev. (Headquarters: Post Office Box 111, Lakeview, OR 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

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

AUGUST 7, 1972.

[FR Doc.72-12528 Filed 8-9-72;8:48 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-10-72). These regulations apply to public hunting on portions of certain national wildlife refuges in Oregon.

General Conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and

Sundays from opening shooting time each day until 12 noon from November 15 through the remainder of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1972, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special Condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal Holidays.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special Condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

Upper Klamath National Wildlife Refuge (Headquarters, Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special Condition: Sculling and air-thrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon, from November 15 through the remainder of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1972, by mail only.

3. In the designated goose hunting area "A" hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

Ducks, geese, coots, and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134).

Special Condition: Sculling and air-thrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special Condition: Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, OR 97352.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special Condition: That portion of the refuge in Blitzen Valley west of Highway 205 south of Diamond Lane will be open to hunting.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651).

Hart Mountain National Antelope Range, Post Office Box 111, Lakeview, OR 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special Condition: Hunting will be permitted during the last 9 days of the State season on the upland game hunting area and during State season running concurrently with the waterfowl season on the waterfowl hunting area, and that portion of the refuge in the Blitzen Valley west of Highway 205.

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.)

Special Condition: Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Special Condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and Federal holidays.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, OR 97352.

Special Conditions: 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, OR 97338.

Special Conditions: 1. No hunting permitted after November 5, 1972.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: 1. No hunting permitted after November 5, 1972.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, OR 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, Post Office Box 113, Burns, OR 97720.

Special Conditions: 1. That portion of the refuge in the Blitzen Valley west of Highway 205 from Diamond Lane south will be open to deer hunting in accordance with regular State season.

2. The special archery area (bow and arrow only) will be opened for hunting from August 26 through September 3, 1972.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. The use of rifles is prohibited.

3. The season is not to extend beyond November 12, 1972.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

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

AUGUST 4, 1972.

[FR Doc. 72-12529 Filed 8-9-72; 8:48 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-10-72). These regulations apply to public hunting on portions of certain national wildlife refuges in Idaho.

General Conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, 1500 Northeast Irving Street, Portland, OR 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Waterfowl and coot may be hunted on the following refuge areas:

Bear Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Special Condition: The use of air-thrust boats is prohibited.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Special Condition: The use of air-thrust boats is prohibited.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

Special Condition: Hunting permitted only Wednesdays, Saturdays, and Sundays.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Bear Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special Condition: Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

Special Condition: Pheasants may be hunted only Wednesdays, Saturdays, and Sundays.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Special Condition: Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, ID 83651.

Special Condition: Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title

50, Code of Federal Regulations, Part 32, and are effective through June 30, 1973.

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

AUGUST 7, 1972.

[FR Doc.72-12527 Filed 8-9-72; 8:48 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8-10-72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, bobcats, and raccoons is permitted only on the area designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels and bobcats may be hunted October 1-19, 1972, from sunrise to sunset.

(2) Raccoons may be hunted November 20-December 5, 1972, from 6 p.m. to midnight only.

(3) Only shotguns and .22 caliber rifles may be used. Pistols and other sidearms are prohibited.

(4) Dogs are required during the raccoon hunts and are prohibited during the other hunts.

(5) Cutting or burning of trees, fires, camping, and littering are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1972.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species to be taken: Squirrel, rabbit, bobcat, beaver, feral hogs, and turkey by gun; and turkey by archery.

(2) Open season: Gun Hunt (except turkey)—October 1-15; Archery (turkey)—October 16-30; Turkey shotgun hunt—November 10-11, 1972.

(3) Bag limit: One turkey of either sex; rabbits—8; squirrels—8. No limit on bobcat, beaver, and hogs.

(4) Weapons: (a) Gun—shotguns and rimfire rifles are legal. Rifles larger than .22 caliber are prohibited. (b) Long bows only with a minimum pull of 40 pounds and arrows with 7/8-inch minimum width blades.

The provisions of these special regulations supplement the regulations which govern hunting on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1972.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

General Conditions—Hunting shall be in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and/or delineated on maps which are available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Rabbits, gray squirrels, raccoons, and opossum may be hunted in accordance with the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Foxes (nonprotected species) may be hunted during periods prescribed for other game species.

(3) Foxes may be hunted with dogs, but without guns, at other times of the year under conditions set forth in permits obtainable from the Refuge Manager.

(4) Gray squirrels and rabbits may be hunted October 16-21, 1972.

(5) Raccoons and opossums may be hunted February 12-17, 1973.

(6) Rabbits may be hunted February 20-24, 1973.

(7) Both shotguns and .22 rimfire rifles may be used for squirrel hunting, but only shotguns may be used for other species listed. Raccoon and opossum hunting is limited to 20-gauge shotguns and smaller. No shot larger than No. 6 may be used for squirrel and rabbit hunting, nor larger than No. 8 for raccoon and opossum hunting.

(8) Legal hours for entering upon and hunting on the refuge for raccoons and opossums shall be 7 p.m. to 5 a.m., inclusive, for rabbits 8 a.m. to 5 p.m., inclusive, and for squirrels all daylight hours.

(9) No hunting is permitted within 100 yards of buildings on the refuge or adjoining the refuge boundary.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through February 24, 1973.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail and squirrels on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of bobwhite quail and squirrels subject to the following special conditions:

(1) Species permitted to be taken: Bobwhite quail and squirrel only.

(2) Open season: Quail—December 2, 1972–February 27, 1973, on Tuesdays, Thursdays, and Saturdays only. Squirrel—September 1–20, 1972 (every day except Sundays); December 2, 1972–February 27, 1973, on Tuesdays, Thursdays, and Saturdays only. Hunters are permitted on areas open to quail and squirrel hunting from 30 minutes before sunrise until 30 minutes after sunset on the above cited hunting days.

(3) No vehicular or horseback travel except on State and county roads.

(4) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(5) Camping and fires are prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 27, 1973.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations cov-

ering the hunting of raccoons and squirrels subject to the following special conditions:

Raccoons: (1) Raccoons may be taken without limit on the refuge October 2 through October 7 and from October 9 through 14, 1972.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

Squirrels: (1) Squirrels may be hunted on the refuge September 1–30, 1972.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 14, 1972.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, raccoons, and opossums on the Yazoo National Wildlife Refuge, Miss., is permitted on all the refuge except for that area which lies within 250 yards of the refuge headquarters, personnel housing, or equipment buildings. This open area, comprising approximately 10,500 acres, is delineated on a map available at the refuge headquarters, Route 1, Hollandale, Miss. 38748, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, raccoons, and opossums subject to the following special conditions:

(1) The open season for squirrels extends from October 21–November 3, 1972, Sundays excluded; and the open season for raccoons and opossums extends from December 2–16, 1972, Sundays excluded.

(2) No dogs permitted during the squirrel hunt; however, dogs may be used in the process of taking raccoons and opossums.

(3) Squirrel hunting permitted from one-half hour before official sunrise to official sunset; raccoon and opossum hunting permitted from dark to daylight only.

(4) Firearms: Shotguns, 10 gage or smaller (no buckshot or slugs permitted, possession illegal), rifles limited to .22 caliber (.22 magnum and 222 rifles prohibited). All shotguns must be plugged to hold three shells. Side arms (pistols and revolvers) prohibited.

(5) No firearms may be discharged within 250 yards of refuge headquarters or residences.

(6) Carrying of loaded firearms in vehicles is prohibited and shooting from vehicles or shooting from or across State or county roads is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1972.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, squirrels, and raccoons on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, squirrels, and raccoons except the following special conditions:

(1) The open season for hunting rabbits, squirrels, and raccoons is October 30–November 4, November 23–25, and December 11–16, 1972. Daylight hours only.

(2) Bow and arrows permitted. Firearms, crossbows, or any type mechanical bow prohibited. Drugged or poison arrows prohibited.

(3) No dogs allowed on the island.

(4) Hunters must check in with refuge personnel upon arrival and check out upon departure from Bulls Island.

(5) Hunters under 16 years of age must be accompanied by an adult.

(6) Camping is permitted in the designated campground only. Campsites may be erected 24 hours prior to each hunt and must be removed within 24 hours after the close of each hunt. Campsites and camp gear may not be left from one hunt to the next.

(7) Permits are required and may be obtained at the refuge office on Bulls Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1972.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons and squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building,

Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons and squirrels subject to the following special conditions:

Raccoons: (1) Raccoons may be taken, without limit, on both the North Unit and Grassy Island from October 2 through 7, 1972 and from October 9 through 14, 1972.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

Squirrels: (1) Squirrels may be hunted on the refuge from September 1-30, 1972.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 14, 1972.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,850 acres, is delineated on maps available at the refuge headquarters, Samburg, Tenn., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 1-30, 1972.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(3) Dogs are not permitted.

(4) A Federal permit is not required to enter the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1972.

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted on the area designated by signs as open to hunting. This open area, comprising 10,640 acres, is delineated on a map available at the refuge headquarters, Brownsville, Tenn.

38012 and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State and Federal regulations subject to the following conditions:

(1) Seasons: Squirrels—August 19-September 30, 1972. Raccoons—October 13-November 14, 1972.

(2) Weapons: Only .22 caliber rifles or shotguns incapable of holding more than three shells are permitted. Possession of buckshot or slugs is in violation of refuge regulations.

(3) Camping is prohibited.

(4) Dogs are prohibited during the squirrel hunt, but are required to hunt raccoons.

(5) The hunting hours for raccoons shall be from sunset to midnight.

(6) No axes, saws, or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1972.

C. EDWARD CARLSON,
Regional Director,
Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1972.

[FR Doc.72-12574 Filed 8-9-72; 8:52 am]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-10-72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The open season for hunting prairie grouse on the refuge extends from September 16, 1972, through the closing date of the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(2) The open season for hunting pheasants on the refuge extends from November 4, 1972, through the close of the regular State pheasant hunting sea-

son. The open areas shall include 70,085 acres or 98 percent of the refuge.

(3) In the event the regular State prairie grouse hunting season continues past the opening date of the regular State pheasant hunting season (November 4, 1972) all portions of the refuge east of U.S. Highway 83 will be closed to the hunting of pheasant from November 4, 1972 until the close of the regular State prairie grouse hunting season.

(4) The refuge will be open to prairie grouse and pheasant hunting during the regular State duck hunting season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1972-73 pheasant and prairie grouse hunting seasons.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 4, 1972.

[FR Doc.72-12577 Filed 8-9-72; 8:53 am]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-10-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special regulations:

(1) The open season for hunting deer with firearms on the refuge will extend from November 11, 1972, through November 19, 1972.

(2) The hunting season for deer on the refuge with bow and arrow will extend from September 16, 1972, through December 31, 1972, except that the bow and arrow season will be closed during the season open to hunting deer with firearms.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part

32, and are effective through December 31, 1972.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 4, 1972.

[FR Doc.72-12578 Filed 8-9-72; 8:53 am]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-10-72).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

Public hunting of deer, wild hogs, and javelina with bow and arrow on a portion of the Aransas National Wildlife Refuge, Tex., is permitted from noon September 21 through September 25, September 29 through October 2, and October 6 through October 9, 1972. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters, Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) A bag limit of one (1) deer, either sex, and one (1) javelina may be taken by each hunter. There is no limit to the number of wild hogs taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1972-73 State of Texas hunting license is required of each participant.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) Possession of target or field arrows outside of the vehicle on the refuge is prohibited.

(6) Shooting at, or of other wildlife species on the refuge other than deer, javelina, or wild hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads or designated trails of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of an early arrival of any whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through October 9, 1972.

ROBERT C. BROWN,
Refuge Manager, Arkansas National Wildlife Refuge, Austwell, Tex.

AUGUST 7, 1972.

[FR Doc.72-12576 Filed 8-9-72; 8:53 am]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-10-72).

§ 33.5 Special regulations; sport fishing; for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,880 acres of water on the refuge, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge during daylight hours only, will be from January 1, 1973, through December 31, 1973, in those waters posted as open, except that all fishing is prohibited from the opening day of the regular State duck hunting season through December 14, 1973.

(2) Hook and line, bow and arrow, and hand spearing fishing only are permitted.

(3) Boats are permitted on lakes opened to sport fishing, but boats with motors are prohibited.

(4) The use or possession of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 4, 1972.

[FR Doc.72-12579 Filed 8-9-72; 8:53 am]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 404]

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

Limitation of Handling

§ 908.704 Valencia Orange Regulation 404.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the

act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 8, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 11, 1972, through August 17, 1972, are hereby fixed as follows:

- (i) District 1: 309,000 cartons;
- (ii) District 2: 321,000 cartons; and
- (iii) District 3: 20,000 cartons.

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

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

Dated: August 9, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12744 Filed 8-9-72; 11:29 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 94]

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans, La., marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (37 F.R. 15313) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1094.10 that part of paragraph (b) which reads, "each of the months of August through"; and

2. In § 1094.15 that part of subparagraph (1) of paragraph (d) which reads, "During December through July" and subparagraph (2) of paragraph (d) in its entirety.

STATEMENT OF CONSIDERATION

This action provides, during the month of August 1972, for unlimited diversion of

producer milk by an operator of a pool plant, or by a cooperative association, to a nonpool plant. The order now limits diversions to 35 percent of a cooperative's total member producer milk during the month and to 35 percent of the non-member producer milk received by the operator of a pool plant.

Additionally, a supply plant, even though less than 45 percent of its Grade A supply of milk from dairy farmers is shipped to pool distributing plants during August 1972, will be enabled to qualify as a pool plant during the following months of December through July 1973, provided the minimum percentage shipping requirement pursuant to § 1094.10 (b) is met during the months of September through November 1972. The order was amended April 1, 1972, requiring a minimum of 45 percent shipment of dairy farm receipts from supply plants to pool distributing plants during the month of August.

This suspension action was requested by Gold Seal Creamery, Inc., a fully regulated handler under the order and by Gulf Dairy Association, Inc., a cooperative association.

Under the existing level of milk production relative to Class I sales in the market, large quantities of milk delivered in farm bulk tanks will not be needed by pool distributing plants in New Orleans in August.

The suspension of such provisions is necessary to insure that dairy farmers regularly associated with the fluid market will continue their producer status.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the economic and efficient disposal of the reserve supply of producer milk to manufacturing plants.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (8-10-72).

Signed at Washington, D.C., on August 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-12594 Filed 8-9-72; 8:54 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

[Special Regulation No. 1]

FIRMS ENGAGED IN SALE OF CERTAIN LUMBER AND WOOD PRODUCTS

Modification of Small Business Exemption

Pursuant to the amendments to § 101.51 of Part 101 of the regulations of the Cost of Living Council, effective July 17, 1972, the small business exemption of the Council was made inapplicable to any firm, otherwise exempt under such section, which in its most recent fiscal year derived more than \$100,000 of its sales or revenues from or by the sale of brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hard-board and particle board.

The effect of the amendments is to make the wage stabilization regulations of the Pay Board in Chapter II of Title 6 of the Code of Federal Regulations applicable to the employees of manufacturers, brokers, wholesalers, and retailers who were covered by the exemption. In addition, the wage control provisions will apply to the employees of new firms which entered the business of selling those products during the period the exemption was in effect, and who meet the gross sales test of § 101.51(b) (2) (vii) of Part 101 of the regulations of the Cost of Living Council.

Each appropriate employee unit of such firms no longer exempted from the stabilization program shall assume its proper control year in accordance with § 201.53 of Pay Board Regulations and shall be subject to the general wage and salary standard of § 201.10 of Pay Board Regulations. Wage and salary adjustments made to any employee unit after May 1, 1972 and prior to July 17, 1972 may be continued under this Order; provided that, if such adjustment exceeds the maximum permissible wage and salary increase of such unit for an appropriate control year, no additional wage or salary adjustment may be made during such control year. Hardships or other inequities fostered by this modification of the small business exemption will be considered by the Pay Board pursuant to § 201.11(d) of the Pay Board Regulations.

(Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743), Executive Order No. 11640, 37 F.R. 1213 (1972) as amended by Executive Order No. 11660, 37 F.R. 6175 (1972), and Cost of Living Council Order No. 3, 36 F.R. 20202 (1971), as amended)

This Order is effective on and after July 17, 1972.

By direction of the chairman.

ROBERT P. TIERNAN,
Executive Director.

[FR Doc.72-12750 Filed 8-9-72; 11:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 4, 6, 8, 9, 10, 11, 23,
123, 148]

PERSONAL DECLARATIONS AND EXEMPTIONS

Declaration and Entry of Articles

Notice is hereby given that under authority of 5 U.S.C. 301, Revised Statute 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to revise the Customs Regulations pertaining to personal exemptions for persons arriving in the United States and in certain other circumstances, and to the declaration and entry of articles entitled to exemption under these provisions.

The proposed revision is part of the general revision of the Customs Regulations, which includes a rearrangement of the sequence of parts in Chapter I of Title 19, Code of Federal Regulations. The proposed Part 148 will replace the provisions of §§ 10.11 through 10.28, 10.42, 23.4, 23.5, and paragraph (g) of § 6.7. Conforming changes to other provisions are also proposed.

Changes or additions in language are proposed to clarify the provisions, eliminate inconsistencies, and conform the Customs Regulations to current administrative practices. The principal changes in the requirements and procedures in the proposed part from those set forth in Parts 6, 10, and 23 are as follows:

1. Section 148.4 is added to clarify what is meant by "accompanying" baggage or other articles.

2. In § 148.11, the requirement that all articles presented for examination on preclearance must be within allowable exemptions is omitted. Present practice does not follow this limit.

3. In § 148.12, the oral declaration procedure is clarified, and provides that completion of the identification portion of Customs Form 6059-B may be required when articles imported are orally declared.

4. In § 148.13, the requirements for written declarations are clarified, and the form is specified.

5. In § 148.14, the provisions relating to family grouping on declarations are clarified, and in § 148.34, the related provisions for family grouping of exemptions by residents are also clarified.

6. In § 148.17, the procedures are clarified which are to be followed by a resident on arrival incidental to further foreign travel so that his exemption may be preserved.

7. In §§ 148.18 and 148.19, the penalties incident to failure to declare and false or fraudulent statements on declaration are set forth in conjunction with the requirements for declaration rather than in a separate part as in the present regulations.

8. In § 148.23, several changes are made in paragraph (a) to conform the statement of authority to examine and pass works of art to prior changes in §§ 10.48 and 10.50 of the regulations. In paragraph (c), the authority to examine and pass articles in baggage which are not for personal use is more clearly stated.

9. In § 148.25, paragraph (b) sets forth the procedure to be followed by a passenger dissatisfied with an assessment of duty. Protest rather than reappraisal is the correct procedure in accordance with the Customs Administrative Act of 1970, Public Law 91-271, 84 Stat. 282.

10. Section 148.32 includes among the provisions on exemptions for returning residents the procedures to be followed for automobiles and other conveyances taken abroad.

11. In § 148.39, paragraph (b) states the rule for forfeiture for unauthorized use of, or failure to export, automobiles rented abroad and imported by residents of the United States.

12. In § 148.46, the rules on sale of articles imported by nonresidents under their exemptions are rephrased for clarity.

13. In § 148.51, the provisions for an administrative exemption under section 321(a)(2)(B), Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) are rephrased and clarified. As it applies to crewmembers, the provision is set forth in § 148.64 to avoid confusion, and make clear that it is applicable in certain instances when an exemption is allowed under item 814.00, Tariff Schedules of the United States.

14. In § 148.61, general concepts are set forth indicating persons who are not considered crewmembers for purposes of the applicable exemptions, such as persons engaged in the operation of a private aircraft.

15. In the provisions relating to crewmembers, §§ 148.61-148.67, it is generally made clear that these provisions apply to crewmembers on vessels, vehicles, and aircraft.

16. In § 148.63, paragraph (b) excludes certain crewmembers from obtaining the exemption allowed on temporary leave, since they are not considered to be on leave.

17. In § 148.66, the language is clarified to allow a nonresident crewmember the nonresident exemptions only when he is leaving his employment in international traffic without intention of resuming it, in conformity with headnote 3,

schedule 8, part 2A, Tariff Schedules of the United States.

18. Sections 148.71-148.77 contain the procedures and exemptions applicable to military and civilian employees of the United States, and evacuees. Section 10.26 of the present regulations relating to household and personal effects of military personnel and civilian employees of the Panama Canal is omitted as it contains obsolete procedures.

The proposed Part 148, and conforming amendments to the Customs Regulations are as follows:

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Sec.	Scope.
Subpart A—General Provisions	
148.1	Registration of valuable effects to be taken abroad.
148.2	Residence status of arriving persons.
148.3	Customs treatment after transiting the Panama Canal.
148.4	Accompanying articles.
148.5	Regular entry for articles in baggage.
148.6	Entry of unaccompanied shipments of effects subject to personal exemptions.
148.7	Unclaimed baggage.
Subpart B—Declarations	
148.11	Declaration required.
148.12	Oral declarations.
148.13	Written declarations.
148.14	Family declarations.
148.15	Inclusion of articles not for personal or household use.
148.16	Amendment of declaration.
148.17	Declaration on arrival incidental to further foreign travel.
148.18	Failure to declare.
148.19	False or fraudulent statement.
Subpart C—Examination of Baggage and Collection of Duties and Taxes	
148.21	Opening of baggage, compartments, or vehicles.
148.22	Examination of air travelers' baggage in foreign territory.
148.23	Examination and clearance of baggage.
148.24	Determination of dutiable value.
148.25	Reexamination and protest.
148.26	Collection of internal revenue taxes.
148.27	Receipt for payment.
Subpart D—Exemptions for Returning Residents	
148.31	Effects taken abroad.
148.32	Vehicles, aircraft, boats, teams and saddle horses taken abroad.
148.33	Articles acquired abroad.
148.34	Family grouping of exemptions for articles acquired abroad.
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AUTHORITY: The provision of this Part 148 issued under R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 66, 1498, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the section affected.

§ 148.0 Scope.

This part contains the regulations governing the allowance of exemptions for residents and nonresidents arriving in the United States, for crewmembers of carriers engaged in international traffic, and for military and civilian employees of the United States, and certain evacuees. Procedures and requirements are also set forth pertaining to registration of articles to be taken abroad, declaration and entry, and examination of baggage, and collection of duties and taxes.

Subpart A—General Provisions

§ 148.1 Registration of valuable effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take val-

uable effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to the United States.

(b) *Procedure for registration.* Applicants for registration of valuable articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

§ 148.2 Residence status of arriving persons.

(a) *General.* Persons arriving from foreign countries shall be divided into two classes for Customs purposes:

- (1) Residents of the United States returning from abroad, and
- (2) All other persons, hereinafter referred to as nonresidents.

(b) *Status as returning resident.* Citizens of the United States, or persons who have formerly resided in the United States, shall be deemed residents thereof returning from abroad within the meaning of "residents" as used in schedule 8, part 2A, Tariff Schedules of the United States, in the absence of satisfactory evidence that they have established a home elsewhere. For this purpose, the residence of a wife shall be deemed to be that of her husband unless satisfactory evidence is presented that the wife has established a separate residence elsewhere. The residence of a minor child shall be presumed to be that of his parents.

(c) *Status as nonresident.* Any person arriving in the United States who is not a resident of the United States or who, though a resident of the United States, is not returning from abroad, shall be treated for the purpose of these regulations as a nonresident.

§ 148.3 Customs treatment after transiting the Panama Canal.

Passengers' baggage and effects and purchases of officers and crewmembers landed in the United States from vessels which have transited the Panama Canal are subject to Customs examination and treatment in the same manner as arrivals from a foreign country.

§ 148.4 Accompanying articles.

(a) *Generally.* Articles shall be considered as accompanying a passenger or brought in by him if the articles arrive on the same vessel, vehicle, or aircraft on the same date as that of his arrival in the United States.

(b) *Baggage shipped as freight.* Articles in baggage shipped as freight on a bill of lading or airway bill shall be

considered as accompanying a passenger when the baggage arrives on the conveyance on which he arrives in the United States.

(c) *Precleared articles.* Articles in baggage, or in baggage shipped as freight, shall be considered as accompanying a passenger if examined at an established preclearance station and the baggage is hand-carried, checked or manifested on the conveyance on which he arrives in the United States.

(d) *Automobiles.* An automobile which arrives on the same mode of conveyance on the same date as a passenger arrives in the United States shall be considered as accompanying him.

(e) *Misdirected baggage.* Baggage which arrives on the same mode of conveyance ahead of, or after a passenger, shall be treated as accompanying him if it is fully evident to the examining officer from the circumstances that:

- (1) The passenger intended the baggage to arrive with him; and
- (2) It was misdirected through no fault of the passenger.

§ 148.5 Regular entry of articles in baggage.

Subject to any applicable exemption from entry requirements, articles imported as baggage but not passed under a baggage declaration or under the procedure provided in § 148.6 for unaccompanied shipments of effects subject to personal exemptions shall be entered in the same manner as a cargo importation of like goods. In making regular entry for articles imported in baggage, the value of articles entitled to free entry under item 810.20 or 813.10, Tariff Schedules of the United States, shall be disregarded in determining whether formal or informal entry is required.

§ 148.6 Entry of unaccompanied shipments of effects subject to personal exemptions.

(a) *Declaration to support free entry.* When effects claimed to be free of duty under items 810.20, 812.10, 812.20, 812.30, or 313.10, Tariff Schedules of the United States, do not accompany the importer on his arrival in the United States or are forwarded in bond, a declaration of the importer on Customs Form 3299 shall be required to support the claim for free entry. However, an oral declaration may be accepted in lieu of a written declaration on Customs Form 3299, for effects of a resident which are free of duty under item 810.20 for tools of trade taken abroad or under item 813.10 for personal and household effects taken abroad. Effects of returning residents entitled to free entry under item 810.20 or item 813.10 (except automobiles and other vehicles of residents returning from countries other than Canada or Mexico) need not be itemized if a written declaration is required.

(b) *Exemption from entry.* If the district director is satisfied that an entry would serve no good purpose, none need be required, but evidence of ownership for Customs purposes, such as a carrier's certificate or properly endorsed bill of

lading, shall be required with the declaration. Such exemption from entry may also be applied with respect to household effects or tools of trade entitled to free entry (see §§ 148.52 and 148.53 respectively) which are unaccompanied or forwarded in bond.

§ 148.7 Unclaimed baggage.

Articles in passengers' baggage on which duties due are not paid and baggage not claimed within a reasonable time shall be treated as unclaimed and sent to general order.

Subpart B—Declarations

§ 148.11 Declaration required.

All articles brought into the United States by any individual shall be declared to a Customs officer at the port of first arrival in the United States, on a conveyance en route to the United States on which a Customs officer is assigned for that purpose, or at a pre-clearance office in a foreign country where a United States Customs officer is stationed for that purpose.

§ 148.12 Oral declarations.

(a) *Generally.* Returning residents and nonresidents arriving in the United States may make an oral declaration under the conditions set forth in paragraph (b) of this section. However, written declarations may be required generally or in respect to particular types of traffic at any port if necessary to effect prompt and orderly clearance of passengers and their effects, and may be required in particular cases at any port if deemed necessary to protect the revenue. If an oral declaration is permitted, completion of the identifying information on Customs Form 6059-B may be required.

(b) *When permitted.* Oral declarations may be permitted under the following conditions:

(1) *Residents.* A returning resident may make an oral declaration if:

(i) The aggregate fair retail value in the country of acquisition of all accompanying articles acquired abroad by him and of the cost or value of alterations and dutiable repairs made abroad to personal and household effects taken out and brought back by him does not exceed \$100, or \$200 in the case of direct or indirect arrivals from American Samoa, Guam, and the Virgin Islands of the United States, if not more than \$100 shall have been acquired elsewhere than in such insular possessions;

(ii) None of his accompanying articles are forwarded in bond; and

(iii) None of his accompanying articles are imported for the account of any other person or for sale.

(2) *Nonresidents.* An arriving nonresident may make an oral declaration if all the articles he has to declare are:

(1) Entitled to free entry under his personal exemptions (see Subpart E of this part); or

(ii) Eligible for the administrative exemption for articles not exceeding \$10 in aggregate value, provided in section

321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.51).

(c) *Memorandum baggage declaration for dutiable articles.* When an arriving person is carrying a few dutiable or taxable articles which can be readily identified and segregated from articles entitled to free entry under his personal exemptions, the Customs officer may prepare a memorandum baggage declaration using a cash receipt, Customs Form 5104, for dutiable or taxable articles if he determines that a written declaration by the arriving person is not essential.

§ 148.13 Written declarations.

(a) *When required.* Unless an oral declaration is accepted under § 148.12, the declaration required of a person arriving in the United States shall be in writing on Customs Form 6059-B.

(b) *Completion and presentation of written declarations.* The person arriving in the United States shall complete the information required by Customs Form 6059-B and shall list all articles acquired abroad which are in his possession at the time of arrival. Individual items not exceeding \$5 per item in fair retail value in the country of acquisition may be grouped on the written declaration as "Miscellaneous" up to but not exceeding a total value of \$50. Articles not requiring itemization as set forth in paragraph (c) of this section shall be declared orally to the Customs officer. The form shall be presented to the Customs officer who will inspect the passenger's baggage.

(c) *Itemization of certain articles not required.* Except as required by § 148.62 or § 148.66 for crewmembers' articles, the following need not be itemized in written declarations:

(1) Effects of a returning resident entitled to free entry under item 810.20, Tariff Schedules of the United States, for tools of trade taken abroad, or under item 813.10, for personal or household effects taken abroad. However, automobiles and other vehicles of residents returning from countries other than Canada or Mexico and the cost of all repairs or alterations to articles taken abroad must be itemized.

(2) Effects of a nonresident entitled to free entry under item 812.10, Tariff Schedules of the United States, for wearing apparel and other similar personal effects; item 812.20, for tobacco products and alcoholic beverages; item 812.25, for articles to be disposed of as bona fide gifts; or item 812.40, for articles accompanying a person in transit to a place outside U.S. Customs territory.

(3) Books, libraries, furniture, and similar household effects entitled to free entry under item 810.10, Tariff Schedules of the United States.

(d) *Value.* Opposite the description of each article required to be declared specifically in a written declaration the passenger shall state either:

(1) The price at retail actually paid for the article in the currency of purchase, or its equivalent in U.S. currency; or

(2) The fair retail value in the country of acquisition if the article was not acquired at retail or by purchase, in the currency of the country in which the article was acquired or in U.S. currency.

(e) *Acknowledgment before Customs officer.* Each written declaration shall be acknowledged by the declarant before the Customs officer who examines the baggage covered by the declaration.

§ 148.14 Family declarations.

A family group residing in one household, traveling together, and having the same residence status may be permitted to declare orally articles acquired abroad for the personal or household use of any member of the family if the value of such articles does not exceed the total amount of the exemption to which the family group is entitled. (See § 148.34.) Where a written declaration is required, one member of a family group may declare for all. Servants accompanying a family group shall not be included in the family declaration.

§ 148.15 Inclusion of articles not for personal or household use.

Articles not personal in character, or which are intended for sale or are brought in on commission for another person, may be included in the baggage declaration of a resident or nonresident under the conditions specified in § 148.23 (c). If not so included, regular entry shall be required.

§ 148.16 Amendment of declaration.

(a) *Before examination.* A passenger shall be permitted to add an article to his declaration if, before examination of his baggage has begun, the fact that the article has not been declared is brought to the attention of the examining officer by the passenger.

(b) *After examination is begun.* A passenger shall be permitted to add an article to his declaration after examination of his baggage has begun if, before any undeclared article is found, the passenger advises the examining officer that he has such an article and the officer is satisfied that there was no fraudulent intent. Under no circumstances shall a passenger be permitted to add any undeclared article to his declaration after such article has been discovered by the examining officer.

§ 148.17 Declaration on arrival incidental to further foreign travel.

(a) *Declaration on incidental arrival.* A resident who enters the United States merely as an incident of foreign travel and who will continue his foreign travel before finally returning to the United States from a continuous trip shall declare, but need not clear through Customs, any articles he has acquired or had repaired or altered while abroad. The incidental character of the arrival shall be made known to the Customs officer.

(b) *Treatment of articles on incidental arrival.* In order that a resident may claim the \$100 or \$200 exemption upon his final arrival in the United States from a continuous trip, articles accompanying him at the time of an incidental

arrival may be exported directly from Customs custody or after transportation in bond, or the articles may be left in Customs custody if the resident upon his final return is to arrive at the Customs facility where the articles are deposited.

(c) *Failure to advise of incidental character of arrival.* If the traveler fails to advise the Customs officer of the incidental character of his arrival, or for other reason declares any articles for allowance of the \$100 or \$200 exemption, such declaration shall mark the beginning of the respective period or periods during which a further exemption cannot be granted.

§ 148.18 Failure to declare.

(a) *Penalty incurred.* Except as provided in paragraphs (b) and (c) of this section for the remission of the personal penalty and mitigation of the forfeiture in special circumstances, any article in the baggage of a passenger arriving from a foreign country which is not declared as required by this subpart shall be seized if it is available for seizure at the time the violation is detected, and the personal penalty prescribed by section 497, Tariff Act of 1930 (19 U.S.C. 1497) shall be demanded from the passenger. If the article is not seized, a claim for the personal penalty shall be made against the person who imported the article without declaration. No duty shall be collected, since undeclared articles are treated as smuggled.

(b) *Remission of penalty.* When an article not declared as required by this subpart is found in the baggage of a person arriving in the United States, the personal penalty incurred is hereby remitted pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), provided it is satisfactorily established that:

(1) The article would have been free of duty and internal revenue tax if it had been properly declared;

(2) Its importation is not prohibited or restricted; and

(3) The failure to declare was not due to willful negligence or fraudulent intent.

(c) *Mitigation or remission of forfeiture incurred.* In any case in which the personal penalty for failure to declare is remitted in accordance with paragraph (b) of this section, the forfeiture incurred will be mitigated or remitted as follows:

(1) When the article would have been free of duty only because of the provisions of items 810.20, 812.10, 812.25, 812.30, 812.40, 813.10, 813.30, or 813.31, Tariff Schedules of the United States, or section 321(a) (2) (B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a) (2) (B)), the forfeiture incurred is hereby mitigated pursuant to the authority of section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), to a sum equal to the duty and any internal revenue tax which would have accrued upon the article had it been imported for commercial purposes; or

(2) When the article would otherwise have been free of duty and internal revenue tax, the forfeiture incurred is

hereby remitted pursuant to the same authority.

§ 148.19 False or fraudulent statement.

A passenger who makes any false or fraudulent statement or engages in other conduct within the purview of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), whereby a Customs officer is or may be induced to pass an article free of duty or at less than the proper amount of duty, shall be deemed to have violated the said section 592. In any such case the article involved shall be seized, if it is available for seizure at the time the violation is detected and such seizure is otherwise practicable, unless the article is in the possession of an innocent holder for value who has full right to possession as against any party to the Customs violation. If the article is not available for seizure or is in the hands of such an innocent holder, or if seizure is impracticable, the domestic value of the article, determined in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606), shall be demanded from the passenger. Whether the article is seized or the domestic value thereof is demanded in lieu of seizure, the duty estimated to be due thereon shall be demanded of the passenger as soon as possible after the discovery of the violation. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

Subpart C—Examination of Baggage and Collection of Duties and Taxes

§ 148.21 Opening of baggage, compartments, or vehicles.

(a) *Customs officers not to open.* Customs officers shall not open baggage or other containers, nor unlock vehicles or compartments thereof for the purpose of examination, but shall detain them until the owner, his agent, or the person in charge of any baggage, container or vehicle opens or refuses to open them.

(b) *Refusal to open—(1) General.* If an owner, his agent, or the person in charge of any baggage, other container, or vehicle with a locked compartment refuses to open it, the baggage, container, or vehicle shall be treated as unclaimed.

(2) *On arrival from Canada or Mexico.* If the owner, his agent, or the person in charge of any baggage, container, or vehicle arriving from Canada or Mexico refuses to open it, it shall be opened in accordance with section 462, Tariff Act of 1930 (19 U.S.C. 1462), unless a request is received from him to make other proper disposition. If any article subject to duty, or any prohibited article is found upon opening by a Customs officer, the whole contents and the container or vehicle shall be subject to forfeiture.

(Secs. 461, 462, 46 Stat. 717, 718; 19 U.S.C. 1461, 1462)

§ 148.22 Examination of air travelers' baggage in foreign territory.

(a) *Examination and surrender of declaration.* The baggage of persons trav-

eling by air may be examined and passed in accordance with § 148.23 at places in foreign territory where U.S. Customs offices have been established for that purpose (see § 1.4 of this chapter). When baggage is examined in foreign territory, the baggage declaration shall be surrendered to the Customs officer at the airport of departure for the United States prior to boarding the flight.

(b) *Subsequently acquired articles.* When a person whose baggage has been examined and passed in foreign territory in accordance with paragraph (a) of this section subsequently acquires additional articles prior to return to the United States, the Customs officer to whom the declaration was surrendered may permit the amendment of that declaration to include the additional articles.

§ 148.23 Examination and clearance of baggage.

(a) *Articles free of duty.* The inspector, including inspectors on trains or ferries, who examines the baggage of any person arriving in the United States may examine and pass, without limitation as to value, the following articles in such baggage or otherwise accompanying such person:

(1) All articles which are for the personal or household use of the arriving person and are free of duty under schedule 8, part 2A, Tariff Schedules of the United States including automobiles and other articles under § 148.32.

(2) Works of art classifiable under item 765.03, Tariff Schedules of the United States.

(3) Works of art classifiable under item 765.10, 765.15, 765.20, or 765.25, Tariff Schedules of the United States, upon compliance with § 10.48 of this chapter.

(4) Works of art produced by American artists temporarily residing abroad provided for in item 765.30, Tariff Schedules of the United States, upon compliance with § 10.50 of this chapter.

(b) *Articles subject to duty.* The inspector who examines the baggage of any person arriving in the United States may examine, determine the dutiable value of, collect duty on, and pass articles accompanying the arriving person which are for his personal or household use but are subject to duty, including articles imported to be disposed of by him as bona fide gifts.

(c) *Articles not for personal use—*

(1) *Valued at not more than \$250.* The inspector may also examine, determine the dutiable value of, collect duty on, and pass articles accompanying any person arriving in the United States properly listed on the baggage declaration which are not for the personal or household use of the declarant or which are intended for sale or are brought in on commission for another, provided the aggregate value of such articles is not more than \$250.

(2) *Valued over \$250 but not over \$500.* Articles in the baggage of or otherwise accompanying any person arriving in the United States which have an aggregate

value over \$250 but not over \$500 and are not intended for his personal or household use, or are intended for sale or are brought in on commission for another, may be examined and entered and cleared on a baggage declaration at the place of their arrival with a passenger if:

(i) The articles are accompanied by a proper invoice if one is required (see section 8.15 of this chapter); and

(ii) It is practicable to appraise the articles at the place of arrival.

(d) *Examination of tea for personal use imported in baggage.* Tea for personal use in one or more packages weighing not more than 5 pounds each, when imported in a passenger's baggage, may be delivered without examination for purity under 21 U.S.C. 41-50 and without payment of the examination fee prescribed in 21 U.S.C. 46a.

§ 148.24 Determination of dutiable value.

(a) *Principles applied.* In determining the dutiable value of articles examined under § 148.23, the Customs inspector shall apply the principles of section 402 or section 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402), and shall not regard the declared value or price as conclusive.

(b) *Adjustment of value declared.* An adjustment shall be made by the Customs inspector whenever the purchase price or value declared differs from the fair retail value, whether by reason of depreciation due to wear or use, circumstances of purchase or acquisition, or for any other reason. He shall give due consideration to the condition of the articles at the time of importation, but he shall not make any allowance for wear and use in excess of 25 per centum of the declared price or value of a worn or used article. A passenger who desires to claim a larger allowance may arrange for formal entry and appraisal of his goods.

§ 148.25 Reexamination and protest.

(a) *Reexamination.* Whenever the Customs officer deems it advisable any or all of a passenger's baggage may be sent to the public stores for examination or reexamination. Passengers dissatisfied with the assessment of duty on their baggage may demand a reexamination, provided the articles have not been removed from Customs custody. In either case, a receipt for the baggage to be examined or reexamined shall be given on Customs Form 6051.

(b) *Protest.* If the passenger remains dissatisfied with the assessment of duty after reexamination, he shall pay the duty assessed and may protest the decision of the district director in accordance with Part 174 of this chapter.

§ 148.26 Collection of internal revenue taxes.

(a) *Cigars and cigarettes.* The internal revenue tax on taxable cigars and cigarettes in a passenger's baggage shall be paid to Customs, using the Customs entry form as a return. Any such return shall show the kind, the quantity, and the tax by class on cigars and cigarettes separately from the statement of duty.

Unless for the personal consumption of the importer or disposition as his bona fide gift, cigars and cigarettes are subject to the packaging and marking requirements in the regulations of the Internal Revenue Service.

(b) *Alcoholic beverages.* The internal revenue tax shall be collected on all wines and liquors in excess of the quantity entitled to exemption as specified in this part. Alcoholic beverages found in passenger's baggage shall be released without the placing of strip stamps on the bottles when it appears from the baggage declaration or otherwise that the liquors are for personal use and not for sale or other commercial purposes.

§ 148.27 Receipt for payment.

When duties and internal revenue taxes on articles in a passenger's baggage are collected, a receipt on Customs Form 5104 shall be issued to the passenger if such duties and taxes are paid in cash. If such duties and taxes are paid by personal check, the check shall be the passenger's receipt unless a receipt is requested.

Subpart D—Exemptions for Returning Residents

§ 148.31 Effects taken abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under item 813.10 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, all personal and household effects taken abroad. To ensure allowance of the exemption, articles of foreign origin should be registered in accordance with § 148.1. Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, may be brought in free of duty if taken abroad for non-commercial use (see § 148.32).

(b) *Repair or alteration while abroad.* If any such personal or household effect taken abroad has been advanced in value or improved in condition while abroad by repairs (including cleaning) not merely incidental to wear or use while abroad, or by alterations (including additions) which did not change the identity of the article, the cost or value of such repairs or alterations is subject to duty unless all or part of such cost or value is covered by an allowance of the \$100 or \$200 exemption for articles acquired abroad (see § 148.33). An effect taken abroad and there changed into a different article is dutiable at its full value when returned to the United States, unless covered in whole or in part by some provision for free entry.

§ 148.32 Vehicles, aircraft, boats, teams and saddle horses taken abroad.

(a) *Admission free of duty.* Automobiles and other vehicles, aircraft, boats, teams and saddle horses, together with their accessories, taken abroad for non-commercial use and returned by a returning resident shall be admitted free of duty upon being satisfactorily identified.

(b) *Identification of articles taken abroad.* Upon the request of the owner or

his agent, the district director shall cause any article described in paragraph (a) of this section to be examined before it is taken abroad, and shall issue a certificate of registration therefor on Customs Form 4455. On the return of the article, the certificate may be accepted as satisfactory identification of the described article for the purpose of admitting the article free of duty. In lieu of Customs Form 4455, the following may be accepted as satisfactory identification of such articles taken abroad:

(1) For an automobile, the State registration card;

(2) For an aircraft, the certificate of registration issued by the Federal Aviation Administration; and

(3) For a pleasure boat, the yacht license or motorboat identification certificate.

(c) *Repairs, alterations, and accessories.* Repairs made abroad to articles described in paragraph (a) of this section, if incidental to use abroad, are not subject to duty. Repairs not incidental to use abroad, and alterations and additions made abroad, shall be assessed with duty upon their value at the rate at which the article itself would be dutiable if imported. Accessories for articles described in paragraph (a) of this section which are acquired abroad are dutiable as if separately imported. Any accessories, repairs, alterations, or additions, which accompany the returning resident at the time of his return to the United States shall be included in his baggage declaration.

(d) *Entry.* Entry on a baggage declaration or regular entry (see § 148.5) shall be required if:

(1) The owner or his agent is unable to produce a proper registration card or certificate to cover the article;

(2) A claim for free entry of repairs, alterations, additions, or accessories is to be made under the \$100 or \$200 returning resident's exemption for articles acquired abroad; or

(3) Duty is to be collected.

(77A Stat. 411; 19 U.S.C. 1202, item 813.10, Tariff Schedules of the United States)

§ 148.33 Articles acquired abroad.

(a) *Exemption.* Each returning resident is entitled to bring in free of duty and internal revenue tax under items 813.30 and 813.31 and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, articles for his personal or household use which were purchased or otherwise acquired abroad merely as an incident of the foreign journey from which he is returning and which accompany him on his arrival, subject to the limitations and conditions set forth in this section and §§ 148.34-148.38. The aggregate fair retail value in the country of acquisition of such articles for personal and household use shall not exceed \$100, or \$200 in the case of a resident arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, of which not more than \$100 shall have been acquired elsewhere than in such insular possession.

(b) *Application to articles of highest rate of duty.* The \$100 or \$200 exemption shall be applied to the aggregate fair retail value in the country of acquisition of the articles acquired abroad which are subject to the highest rates of duty. If an internal revenue tax is applicable, it shall be combined with the duty in determining which rates are highest.

(c) *Gifts.* An article acquired abroad by a returning resident and imported by him to be disposed of after importation as his bona fide gift is considered to be for the personal use of the returning resident and may be included in the exemption.

(d) *Tobacco products and alcoholic beverages.* Cigars, cigarettes, manufactured tobacco, and alcoholic beverages, may be included in the exemption to which a returning resident is entitled, with the following limits:

(1) No more than 100 cigars may be included;

(2) No alcoholic beverages shall be included in the case of an individual who has not attained the age of 21; and

(3) No more than 1 quart of alcoholic beverages may be included unless the individual is arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States. An individual returning directly or indirectly from these insular possessions shall be entitled to include in the exemption no more than 1 wine gallon of alcoholic beverages, not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions.

(e) *Exemption not applicable.* The exemption does not apply to articles intended for sale or acquired on commission, i.e., for the account of another person, with or without compensation for the service rendered. Articles acquired on one journey and left in a foreign country cannot be allowed the exemption accruing upon the return of the resident from a subsequent journey.

(f) *Remainder not applicable to subsequent journey.* A returning resident who has received a total exemption of less than \$100 under the \$100 exemption, or less than \$200 under the \$200 exemption in connection with his return from one journey is not entitled to apply the remainder of either amount to articles acquired abroad on a subsequent journey.

§ 148.34 Family grouping of exemptions for articles acquired abroad.

(a) *Grouping of exemptions.* Each member of a family is entitled to the \$100 or \$200 exemption for articles acquired abroad, subject to the conditions prescribed in this subpart. When members of a family residing in one household travel together on their return to the United States, the \$100 or \$200 exemption to which the several members of the family may be entitled may be grouped and allowed without regard to which member of the family is the owner of the articles. However, a group exemption shall not include an exemption for a family member not entitled to it in his own right, nor shall a group exemption

be applied to any property of such a member. The exemption of a family member who has not attained the age of 21 shall not be applied under the group exemption to alcoholic beverages. No exemptions allowable to a resident servant accompanying the family shall be included in the family grouping.

(b) *Members of a family residing in one household.* The term "members of a family in one household" shall include all persons, regardless of age, who:

(1) Are related by blood, marriage, or adoption;

(2) Lived together in one household at their last permanent residence; and household after

(3) Intend to live together in one household after their arrival in the United States.

§ 148.35 Length of stay for exemption of articles acquired abroad.

(a) *Required for allowance of \$100 exemption.* The \$100 exemption for articles acquired abroad shall not be allowed unless the returning resident has remained beyond the territorial limits of the United States for a period of not less than 48 hours, except in the case of a resident arriving directly in the United States from Mexico. The exemption may be allowed on articles acquired abroad by a returning resident arriving directly from Mexico without regard to the length of time the person has remained outside the territorial limits of the United States.

(b) *Required for allowance of \$200 exemption on return from Virgin Islands.* The \$200 exemption applicable in the case of the arrival of a returning resident directly or indirectly from the Virgin Islands of the United States may be allowed without regard to the length of time such person has remained outside the territorial limits of the United States.

(c) *Computation of time.* The 48-hour period a returning resident must have completed abroad to be entitled to an exemption shall be computed exactly. For example, a resident leaving United States territory at 1:30 p.m. on June 1 would complete the 48-hour period at 1:30 p.m. on June 3.

§ 148.36 Frequency of allowance of exemption for articles acquired abroad.

(a) *30-day period.* The \$100 or \$200 exemption for articles acquired abroad shall not be granted to a returning resident who has taken advantage of such exemption within the 30-day period immediately preceding his return to the United States. The date of the returning resident's latest prior arrival on which he declared articles acquired abroad for allowance of the \$100 or \$200 exemption shall be deemed the date he took advantage of the applicable exemption.

(b) *Computation of time.* The 30-day period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 30 days. For example, in the case of an arrival on May 28, the resident would not be entitled to the \$100 or \$200 exemption if he had taken advantage of such exemption on or after the preceding April 28.

§ 148.37 Replacement of unsatisfactory articles acquired abroad.

(a) *Free entry of replacement articles.* An article furnished by a foreign supplier to replace a like article of comparable value previously exempted from duty under the \$100 or \$200 exemptions for articles acquired abroad shall be allowed free entry if the original article is found by the importer to be unsatisfactory and the procedures provided by paragraph (b) of this section are followed. In any case in which the importer has failed to follow these procedures, the district director may allow free entry of the replacement article if he is satisfied that the unsatisfactory article was timely exported and that the failure to comply with the procedures of paragraph (b) of this section was due to inadvertence or lack of experience in Customs matters and was without willful intent to avoid Customs supervision.

(b) *Procedure for replacement.* Any article previously exempted from duty under the \$100 or \$200 exemptions found by the importer to be unsatisfactory shall be returned to Customs custody and exported under Customs supervision at the expense of the importer within 60 days after its importation. A certificate of registration on Customs Form 4455 shall be issued to the importer with instructions as to its use when the unsatisfactory article is exported for replacement under the provisions of item 813.40, Tariff Schedules of the United States.

(c) *Articles found damaged upon declaration.* The requirement that the original article be exported under Customs supervision does not apply when a duplicate article is furnished by a foreign supplier as a replacement for an article declared for entry under the \$100 or \$200 exemption and found by the Customs inspector or other examining officer to be so damaged as to constitute a nonimportation (§ 15.10 of this chapter). In such a case, Customs Form 4455 shall be issued to the importer at the time the determination of nonimportation is made and the duplicate replacement shall be considered to have been acquired abroad for the purposes of the \$100 or \$200 exemption provision, provided no charge is made to the importer for the duplicate replacement.

§ 148.38 Sale of articles acquired abroad.

An article brought in under the \$100 or \$200 exemption for articles acquired abroad for personal or household use and subsequently sold is not dutiable or subject to forfeiture by reason of the sale if the returning resident actually acquired and imported the article for his bona fide personal or household use and not for sale.

§ 148.39 Rented automobiles.

(a) *Importation for temporary period.* An automobile rented by a resident of the United States while abroad may be brought into the United States by or on behalf of such resident for a temporary period not to exceed 30 days under item

813.25, Tariff Schedules of the United States, without payment of duty. The automobile shall be used for the transportation of the resident and that of his family and guests, and for such incidental carriage of articles as may be appropriate to his personal use of the automobile. No entry or security for exportation shall be required.

(b) *Unauthorized use or failure to export.* If any automobile exempted from duty under item 813.25, Tariff Schedules of the United States, is used otherwise than for the purpose expressed or is not returned abroad within 30 days, without prior payment to a district director of the duty which would have been payable at the time of entry if entered without benefit of the exemption, the automobile or its value (to be recovered from the importer) shall be subject to forfeiture.

Subpart E—Exemptions for Nonresidents

§ 148.41 Articles carried through the United States.

An arriving nonresident who is in transit to a place outside U.S. Customs territory may take with him through U.S. Customs territory for carriage to such place articles not exceeding \$200 in aggregate value without the payment of duty or internal revenue taxes as provided in item 812.40, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States.

§ 148.42 Personal effects.

(a) *Exemption.* A nonresident arriving in the United States, regardless of age, is entitled under item 812.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, to entry free of duty and internal revenue tax for his wearing apparel, articles of personal adornment, toilet articles, and similar personal effects. "Similar personal effects" include all articles intended and appropriate for the personal use of the nonresident while traveling, such as hunting and fishing equipment, wheelchairs for invalids or crippled persons, pet and hunting dogs, and the like.

(b) *Application of exemption.* The exemption applies only to articles which were actually owned by the nonresident and in his possession abroad at the time of, or prior to, his departure for the United States. The articles must be appropriate for the personal use of the nonresident, and intended only for such use and not as a gift for another person nor for sale.

§ 148.43 Tobacco products and alcoholic beverages.

(a) *For personal use.* Fifty cigars, or 300 cigarettes, or 3 pounds of smoking tobacco, and not exceeding 1 quart of alcoholic beverages may be passed free of duty and internal revenue tax under item 812.20, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, when brought in by an adult nonresident for his personal use, and not for commercial use or to be given to another person. This exemption for tobacco products may be applied proportionately; for

example to 25 cigars and 150 cigarettes, or to 25 cigars, 50 cigarettes and 1 pound of smoking tobacco. The exemption may be applied to more than one kind of alcoholic beverages but not to an aggregate volume of more than 1 quart for one adult nonresident.

(b) *For gifts.* A nonresident who is allowed the \$100 gift exemption (see § 148.44) may include not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars under such exemption from duty and internal revenue tax, provided the articles accompany him and are to be disposed of only as bona fide gifts.

§ 148.44 Gifts.

(a) *Exemption.* An arriving nonresident who intends to remain in the United States for not less than 72 hours is entitled to claim as free of duty and internal revenue tax under item 812.25, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, articles not over \$100 in aggregate value which accompany him and are to be disposed of by him as bona fide gifts. See § 148.43 for limitations on alcoholic beverages and cigars under this exemption.

(b) *Frequency of allowance.* The exemption for gifts may be allowed only if the nonresident has not claimed the exemption within the immediately preceding 6 months.

§ 148.45 Vehicles and other conveyances.

Nonresidents are entitled to entry free of duty and internal revenue tax under item 812.30, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, for automobiles, trailers, aircraft, motorcycles, bicycles, baby carriages, boats, horse-drawn conveyances, horses, and similar means of transportation and the usual equipment accompanying them, if such articles are imported in connection with the arrival of the nonresident to be used in the United States only for the transportation of the nonresident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the conveyance.

§ 148.46 Sale of exempted articles.

(a) *Sale resulting in forfeiture.* The following articles or their value (to be recovered from the importer) upon their sale, shall be subject to forfeiture in accordance with the provisions of schedule 8, part 2A, headnote 1, Tariff Schedules of the United States, unless the procedure set forth in paragraph (b) of this section is followed:

(1) Any jewelry or similar articles of personal adornment having an aggregate value of \$300 or more which have been allowed an exemption under § 148.42, if sold within 3 years of the date of importation.

(2) Any conveyance or its equipment allowed an exemption under § 148.45, if sold within 1 year after the date of importation.

(b) *Procedure permitting sale.* Articles described in paragraph (a) of this sec-

tion may be sold if, prior to the time of sale, payment is made to a district director of the duty which would have been payable at the time of entry if the article had been entered without the benefit of the applicable exemption.

(c) *Permissible sales.* A sale pursuant to a judicial order or in liquidation of the estate of a decedent is not a basis for any liability for duty or forfeiture.

Subpart F—Other Exemptions

§ 148.51 Special exemption for personal or household articles.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)), may be applied to articles for his personal or household use including gifts, but not for any business or commercial use, accompanying:

(1) A nonresident arriving in the United States who is not entitled to an exemption for gifts under item 812.25, Tariff Schedules of the United States (see § 148.44); or

(2) A returning resident who is not entitled to the \$100 or \$200 exemption for articles acquired abroad under item 813.31, Tariff Schedules of the United States (see Subpart D of this part).

(b) *Limitations.* No article accompanying a person arriving in the United States shall be exempted from duty or internal revenue tax under section 321(a)(2)(B), Tariff Act of 1930, as amended, if any article accompanying such person is subject to duty or tax by reason of the following limitations on the application of this exemption:

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed \$10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to articles subject to internal revenue tax other than:

- (i) Cigarettes not in excess of 50;
- (ii) Cigars not in excess of 10;
- (iii) Alcoholic beverages not in excess of 4 ounces; or
- (iv) Alcoholic perfumery not in excess of 4 ounces.

(c) *Family grouping.* Family grouping of the exemption shall not be allowed. (Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

§ 148.52 Exemption for household effects used abroad.

(a) *Exemption.* Furniture, carpets, paintings, tableware, books, libraries, and other usual household furnishings and effects actually used abroad for not less than 1 year by resident or nonresidents, and not intended for any other person or for sale may be allowed entry free of duty and tax under item 810.10, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States. Household effects used abroad not less than 1 year by a family of which the importer was a resident member for not less than 1 year during the period of use may be allowed free entry whether or not the importer owned the effects at the time of

such use. The year of use need not be continuous, nor need it immediately precede the time of importation.

(b) *Proof of use.* In order to obtain free entry for household effects under this section, the use of the effects abroad for 1 year must be proven to the satisfaction of the district director. The district director, in his discretion, may require evidence of use other than the declaration provided for in paragraph (c) of this section.

(c) *Declaration.* When household effects are claimed to be free of duty a declaration of the owner on Customs Form 3299 shall be required to support the claim for free entry. If it is impracticable to produce the declaration at the time of entry, the importer may give a bond on Customs Form 7551 or 7553 for the production of the owner's declaration within 6 months.

(d) *Arrival of effects more than 10 years after arrival of importer.* As a general rule, household effects arriving more than 10 years after the last arrival of the importer from the country in which the effects were used shall not be admitted free of duty under this exemption unless the district director is satisfied from the importer's explanation that the effects were unavoidably detained beyond the 10-year period. However, in no case shall free entry be allowed under this provision when a period of 25 years or more has elapsed since the last arrival of the importer in the United States from the country in which the effects were used.

§ 148.53 Exemption for tools of trade.

(a) *Exemption.* Professional books, implements, instruments, or tools of trade, occupation or employment, may be allowed entry free of duty and tax under the provisions of schedule 8, part 2, headnote 1, and item 811.10, Tariff Schedules of the United States, for such articles owned and used abroad by any person emigrating to the United States, or item 810.20 for such articles taken abroad by or for the account of any person arriving in the United States. The exemption for emigrants under item 811.10 shall not be applied to:

- (1) Theatrical scenery, properties, or apparel;
- (2) Articles for use in any manufacturing establishment;
- (3) Articles for any other person; or
- (4) Articles for sale.

(b) *Declaration.* A declaration of the emigrant or returning individual on Customs Form 3299 shall be required to support the claim of free entry. However, an oral declaration may be accepted from a returning individual in lieu of a written declaration for any such articles claimed to be free of duty under item 810.20, Tariff Schedules of the United States.

§ 148.54 Exemption for effects of citizens dying abroad.

(a) *Exemption.* Articles claimed to be personal and household effects, not stock in trade, the title to which is in the estate

of a citizen of the United States who died abroad may be allowed entry free of duty and tax under item 815.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States.

(b) *Entry.* Such effects shall be entered in accordance with the provisions of § 8.50 of this chapter, or if the value of such effects does not exceed \$250, entry may be permitted under the provisions of § 8.51 of this chapter.

(c) *Statement of facts required.* The district director shall require in connection with the entry the written statement of a person having knowledge of the facts or shall otherwise satisfy himself as to the citizenship of the deceased owner of the effects at the time of death.

Subpart G—Crewmember Declarations and Exemptions

§ 148.61 Status as crewmembers.

The following persons arriving in the United States shall not be treated as crewmembers:

(a) Members of the Armed Forces of the United States and persons in the civil service of the United States engaged in the operation of a vessel, vehicle, or aircraft owned by, or under the complete control and management of, the United States or any of its agencies.

(b) Persons engaged in the operation of a private or public aircraft.

(c) Persons not connected with the operation, navigation, ownership, or business of a vessel, vehicle or aircraft engaged in international traffic.

§ 148.62 Declaration and entry of articles by crewmembers.

(a) *Declaration required.* Articles which are to be landed by a crewmember, including any person traveling on board a vessel, vehicle, or aircraft engaged in international traffic who is returning from a trip on which he was employed as a crewmember, shall be declared upon arrival of the vessel, vehicle, or aircraft in the United States. When practicable, the clearance of articles through Customs shall be made and permission to unlade obtained before the articles are taken from the carrier. However, if no danger to the revenue will result, articles may be submitted for examination and clearance to the Customs office on the pier or at the landing place.

(b) *Form of declaration.*—(1) *Oral declaration.* A crewmember may be permitted to make an oral declaration and entry if all articles he has to declare, in addition to articles for use in port on temporary leave for which no entry is required in accordance with § 148.63, may be admitted free of duty and tax under section 321(a)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(B)) (see § 148.64).

(2) *Written declaration.* A written declaration on Customs Form 5123, Declaration and Entry of Crewmember for Imported Articles, or on Customs Form 5129, Crewmember's Declaration shall be required in any case in which an oral declaration is not permitted. A written

declaration may be required in any case if necessary to effect prompt and orderly clearance of crewmembers and their effects or if deemed necessary to protect the revenue.

(c) *Transfer without declaration.* Articles belonging to a crewmember may be transferred from one carrier to another in international traffic without declaration, entry, or assessment of duty if the transfer is carried out under the supervision of Customs officers, or by a bonded cartman if necessary.

(d) *Entry at port where articles to be landed.* Articles in the possession of or owned by a crewmember of a character for which entry must be made when they are brought into the United States shall be entered at the port where the articles are to be landed. However, if the crewmember remains on a vessel, vehicle, or aircraft which is to proceed to another port of the United States in a movement in which entry of the vessel, vehicle, or aircraft will not be required, entry of the articles shall be made at the port at which such movement begins.

(e) *Collection of duty and taxes.* Any duties and taxes found due shall be collected as in the case of arriving passengers.

§ 148.63 Articles for use while on temporary leave.

(a) *Exemption.* Articles in the possession of and exclusively for use by any crewmember during the trip or voyage, such as necessary clothing, toiletries, and purely personal effects, may be landed by such crewmember for use on temporary leave without a written declaration or entry, and without payment of duty or internal revenue tax under item 814.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States if the district director is satisfied that:

(1) The articles are reasonable and appropriate for the crewmember's accommodation while on temporary leave, and are to be taken out of the United States, except for articles consumed in use;

(2) The articles are intended exclusively for the crewmember's bona fide personal use;

(3) The quantities are reasonable, depending on the circumstances in each particular case; and

(4) In the case of tobacco products and alcoholic beverages, the containers have been opened and the total quantity landed shall not exceed 50 cigars, 300 cigarettes, or 3 pounds of smoking tobacco, or a proportionate amount of each, and 1 quart of alcoholic beverages.

(b) *Temporary leave.* A crewmember is not considered to be on temporary leave from a vessel, vehicle, or aircraft engaged in international traffic or entitled to the exemption under this section upon disembarkation when he is to remain in the confines of a pier, terminal, airport, or area immediately adjacent thereto, in order to timely embark on the carrier in the course of a continuous journey or on a concurrently scheduled arrival and departure.

§ 148.64 Administrative exemption.

(a) *Application of exemption.* The exemption from duty and internal revenue tax contemplated by section 321 (a) (2) (B), Tariff Act of 1930, as amended (19 U.S.C. 1321(a) (2) (B)), may be applied to articles for the personal and household use, including gifts, of a crewmember arriving in the United States who is not entitled to an exemption under item 812.25 or 813.31, Tariff Schedules of the United States (see §§ 148.66(c) and 148.65). The exemption may be applied when the crewmember is entitled to an exemption under item 814.00, Tariff Schedules of the United States, for articles for use while on temporary leave (§ 148.63).

(b) *Limitations.* No article accompanying a crewmember arriving in the United States shall be exempted from duty or internal revenue tax under section 321 (a) (2) (B), Tariff Act of 1930, as amended, if any article accompanying such crewmember is subject to duty or internal revenue tax by reason of the following limitations.

(1) *Value of articles.* The exemption shall be allowed only when the aggregate fair retail value of all articles not otherwise entitled to an exemption does not exceed \$10.

(2) *Articles subject to internal revenue tax.* The exemption shall not be applied to any article subject to internal revenue tax in addition to any articles allowed an exemption under item 814.00, Tariff Schedules of the United States, other than:

- (i) Cigarettes not in excess of 50;
- (ii) Cigars not in excess of 10;
- (iii) Alcoholic beverages not in excess of 4 ounces; or
- (iv) Alcoholic perfumery not in excess of 4 ounces.

§ 148.65 Exemptions for resident crewmembers.

(a) *Status as returning resident.* A crewmember arriving on a vessel, vehicle, or aircraft from a foreign port who is a resident of the United States shall be considered a returning resident qualifying for the exemptions allowed under schedule 8, part 2A, Tariff Schedules of the United States, and subpart D of this part if:

- (1) He permanently leaves the carrier without intention of resuming his employment on the same or another carrier engaged in international traffic; or
- (2) He remains on or transfers to a vessel which is to proceed to another port of the United States in a movement in which entry of the vessel will not be required.

(b) *Statement on declaration.* A resident crewmember who claims that articles declared by him are entitled to be passed free of duty and tax under the returning resident's exemption, shall include a legible statement on the declaration, Customs Form 5123 or 5129, of the

basis for his claim for entitlement to the resident's exemption (see paragraphs (a) (1) and (2) of this section).

§ 148.66 Exemptions for nonresident crewmembers.

(a) *Status as arriving nonresident.* A nonresident crewmember will be treated as an arriving nonresident for purposes of claiming the exemptions allowable under schedule 8, part 2A, Tariff Schedules of the United States, and subpart E of this part when he permanently leaves his employment with a vessel, vehicle, or aircraft at a port in the United States without intention of resuming employment on the same or another carrier in international traffic. However, a nonresident crewmember shall not be treated as an arriving nonresident for this purpose when he departs a carrier for temporary leave but retains his employment with the carrier so that he will be going foreign again in the course of his continuing employment (see § 148.63).

(b) *Articles carried through the United States.* A nonresident crewmember, permanently leaving a carrier in a U.S. port to travel as a passenger on another carrier which will take him to a place outside the United States, who desires to take with him articles not exceeding \$200 in aggregate value without the payment of duty or internal revenue tax as provided in item 812.40 (see § 148.41), may be accorded free entry of the articles under the following procedure:

(1) *Declaration and supporting statement.* The nonresident crewmember shall itemize the articles on his declaration and entry, Customs Form 5123 or 5129, required by § 148.62(b) (2), and shall state in writing in support of his declaration that:

(i) He has been finally discharged from the carrier, with the date of discharge;

(ii) He intends to depart from the same or another U.S. port as a passenger on another carrier for a place outside U.S. Customs territory; and

(iii) The articles will be taken with him on such carrier and will not remain in the United States.

(2) *Allowance by district director.* The district director may require verification of the crewmember's discharge and a statement as to the accuracy of the second and third supporting statements of the crewmember from the person in charge of the carrier, the vessel agent, or the port captain. If the district director is satisfied that the crewmember's statements are correct, the articles may be passed free of duty and internal revenue tax under item 812.40, Tariff Schedules of the United States.

(c) *Articles to be disposed of as gifts.* A nonresident crewmember shall itemize on his baggage declaration and entry, Customs Form 5123 or 5129, required by § 148.62, all articles in his possession for which he seeks entry under item 812.25,

Tariff Schedules of the United States, as bona fide gifts. The crewmember must be permanently leaving his employment on the international carrier for a stay in the United States of at least 72 hours before departing for a place outside the United States as a passenger.

§ 148.67 Penalties for failure to declare articles.

(a) *Avoidance of inspection.* When articles may be presented to the Customs office on the pier or at the landing place for inspection and clearance, if the circumstances under which the articles are landed indicate an attempt to avoid inspection, the penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall be assessed.

(b) *Articles landed without declaration.* Any article landed without having been properly declared as provided in § 148.62 shall be considered as having been unladen without a permit and the penalties provided in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), or section 1474 of title 49, United States Code, shall be assessed as applicable.

(c) *Articles omitted from declaration.* If the declaration does not include all the articles landed, the crewmember shall be subject to the penalties prescribed in section 497, Tariff Act of 1930 (19 U.S.C. 1497), with respect to the articles omitted. The penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall not be assessed if any, though not all, of the articles are declared, except as provided in paragraph (a) of this section.

Subpart H—Military and Civilian Employees of the United States, and Evacuees

§ 148.71 Status of persons in service of United States as returning residents.

A person in the service of the United States and members of his family arriving in the United States are ordinarily considered returning residents for the purpose of schedule 8, part 2A, Tariff Schedules of the United States, except that the following persons are treated as nonresidents:

(a) A wife or husband of any person in the service of the United States emigrating to the United States, and

(b) A child born abroad of any person in the service of the United States who is arriving in the United States for the first time.

§ 148.72 Articles acquired abroad by personnel on Government vessels.

(a) *Declaration of dutiable articles by commanding officer.* Immediately upon the arrival of any vessel operated by the United States or any agency thereof from a foreign port, the commanding officer shall file with the district director information as to dutiable articles acquired abroad in the following form:

UNITED STATES NAVY CUSTOMS DECLARATION

U.S.S. _____, Port of arrival _____

To the District Director of Customs:
 Herewith is submitted a list of articles acquired in foreign countries by me and the respective officers and members of the crew under my command, which list is correct to the best of my knowledge and belief.

Owner	Rank	Description of articles	Cost or value

Date _____, 19____ (Name) _____
 (Rank) _____
 Commanding Officer

If there are no articles to be listed, the statement "Nothing to declare" shall be placed on the form. No individual baggage declarations shall be required.

(b) *Examination of baggage.* Articles listed on the declaration filed by the commanding officer shall be segregated until formally passed by Customs. The listed articles shall be examined and passed in the same manner as the baggage on passenger vessels.

§ 148.73 Baggage on military transports.

(a) *Declaration.* Commissioned officers and enlisted personnel of the Armed Forces of the United States engaged in the operation of an Army or Navy transport, enlisted men carried as passengers, and civilian officers and crewmembers shall not be required to execute baggage declarations, but all articles acquired abroad by them must be listed on the manifest of the vessel. All cabin passengers shall be required to execute written baggage declarations.

(b) *Exemptions applicable.* Passengers on transports shall be granted the applicable exemptions from duty provided for in schedule 8, part 2A, Tariff Schedules of the United States. Members of the Armed Forces of the United States and personnel in the civil service of the United States engaged in the operation of the vessel shall be accorded the same privilege. Civilian officers and crewmembers not in the service of the United States shall be subject to the provisions of Subpart G of this part with respect to exemption from duty.

(c) *Examination of baggage.* Baggage on transports shall be examined at the port where landed in the same manner as baggage on commercial vessels.

§ 148.74 Exemption on termination of assignment to extended duty or on evacuation.

(a) *Exemption.* With the limitation on alcoholic beverages and tobacco products provided in paragraph (c) of this section, entry free of duty and tax under item 817.00, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States, may be accorded personal and household effects of:

(1) Any person in the service of the United States who returns to the United States upon the termination of assignment to extended duty at a post or station

outside the Customs territory of the United States;

(2) Members of his family who have resided with him at such post or station and are returning upon the termination of his assignment; or

(3) Any person evacuated to the United States under Government orders or instructions.

(b) *Applicability of exemption.* The term "personal effects" as used in item 817.00, Tariff Schedules of the United States, is not confined to that class of articles described in item 812.10, Tariff Schedules of the United States, nor is any period of use, such as is prescribed by item 810.10, Tariff Schedules of the United States, applicable to household effects entered under item 817.00. The privilege of free entry under item 817.00, Tariff Schedules of the United States, does not apply to:

(1) Articles imported for sale, or for the account of any person not specified in item 817.00, Tariff Schedules of the United States; or

(2) Articles which have not been in the direct personal possession of the claimant, or a member of his household, while abroad.

(c) *Limitation on alcoholic beverages and tobacco products.* A total of not more than 1 wine gallon of alcoholic beverages and not more than 100 cigars shall be accorded free entry under item 817.00, Tariff Schedules of the United States, subject to the conditions that:

(1) These articles accompany the person making the claim for free entry upon his arrival in the United States;

(2) Not more than 1 quart of any such alcoholic beverages shall have been distilled or otherwise manufactured and bottled in any place other than the United States or its possessions;

(3) Such individual has not concurrently claimed exemptions as a returning resident under items 813.30 and 813.31, Tariff Schedules of the United States; and

(4) Such person, if other than one in the service of the United States, shall have attained the age of 21.

(d) *Termination of assignment to extended duty.* The requirement of item 817.00 that the person "returns to the United States upon the termination of assignment to extended duty" shall be considered met upon the necessary proof being submitted that any one of the following is applicable:

(1) The person is returning upon the termination of a tour of duty outside the Customs territory of the United States of at least 140 days' duration.

(2) The person is returning after the termination of an assignment under permanent change of station orders to duty at a post or station outside the Customs territory of the United States, regardless of the duration of the duty. A crewmember, including a member of a command, serving on a United States naval vessel when it departs from the United States on an intended deployment of 120 days or more outside the Customs territory of the United States and who con-

tinues to serve on the vessel until it returns to the United States may be considered as returning after the termination of an assignment of duty under permanent change of station orders.

(3) The person is returning to the United States upon the termination of a tour of duty at any time after leaving the United States for duty of not less than 140 days outside the Customs territory of the United States.

(4) The person, although not returning to the United States, is ordered by the Government agency involved from duty at a post or station outside the Customs territory of the United States to duty at another post or station outside the Customs territory of the United States necessitating the return to the United States of his personal and household effects.

§ 148.75 Persons ineligible for exemption on termination of assignment.

(a) *Persons returning from temporary assignment.* No person, or member of his family, shall be allowed free entry of personal and household effects under item 817.00, Tariff Schedules of the United States, where the person returns to the United States pursuant to Government orders or instructions which authorized him initially to proceed to a foreign post or station and return to the United States upon termination of temporary duty, except as it may otherwise be deemed proper in accordance with the provisions of § 148.74(d) or § 148.76.

(b) *Persons returning on leave or before termination of extended duty assignment.* A person returning on leave, other than on reemployment leave at the termination of assignment to extended duty as defined in § 148.74(d), or otherwise returning before the termination of an assignment to extended duty outside the Customs territory of the United States, with or without orders covering the return, is not eligible for an exemption under item 817.00, Tariff Schedules of the United States.

(c) *Person returning on temporary duty assignment.* A person returning to the United States under orders on temporary duty assignment at the termination of which he is returned to his duty station abroad to resume his regular duties is not regarded as returning to the United States at the termination of extended duty outside the Customs territory of the United States and is not eligible for an exemption under item 817.00, Tariff Schedules of the United States.

§ 148.76 Waiver of requirements or limitations.

In any case in which the limitation on the quantity of alcoholic beverages and tobacco products which may be exempted from duty and tax under § 148.74(c) or the failure of the person to meet the requirements that he be returning upon the termination of assignment to "extended duty," as explained in § 148.74(d), will cause undue hardship to the person through no fault of his own, but rather because of the nature of his assignment

or other hardship circumstances, the Commissioner of Customs, upon receipt of a request from the Government agency involved, may waive the limitation or the requirement, as the case may be, if he deems such waiver warranted by the facts.

§ 148.77 Entry of effects on termination of assignment to extended duty, or on evacuation.

(a) *General procedure.* All articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States, shall be entered or withdrawn in accordance with the requirements prescribed by the Tariff Act of 1930, as amended. District directors shall be satisfied in all cases that the articles for which free entry is claimed under item 817.00, Tariff Schedules of the United States, are personal and household effects of the importer entitled to the benefits of item 817.00, particularly in those cases where the quantity of effects imported may appear to be unreasonable for personal or household use. No invoice shall be required for articles accorded free entry under this provision.

(b) *Declaration and entry.*—(1) *Person entitled to exemption.* Declaration and entry for articles claimed to be exempt from duty and tax under item 817.00, Tariff Schedules of the United States, may be made on Customs Form 6061, or Department of Defense Form (DD) 1252 when entry is made in the name of the person who is entitled to the benefits of the exemption. The date of the person's last departure from the United States shall be indicated on the declaration and entry.

(2) *Designated official.* Customs Form 6061, executed on behalf of the owner of unaccompanied personal and household effects by either a United States Dispatch Agent or a designated responsible military official in his own name, may be accepted by the Customs officer as the declaration and entry if there is a valid reason evident from the owner's travel orders or information at hand why the United States Government agency concerned is unable to present Department of Defense Form (DD) 1252 or Customs Form 6061 executed by the owner. The date of the owner's last departure from the United States need not be indicated on the form. The following statement shall be added across the face or to the back of Customs Form 6061:

This form is completed on behalf of

(Name of Government employee)

Travel orders and information on hand in this office show that the named person has met all requirements of § 148.74 of the Customs Regulations and is entitled to the benefits of item 817.00, Tariff Schedules of the United States. The shipment imported consists of nothing but personal and household effects of the named person, which effects are not imported for sale or as an accommodation for others.

(c) *Verification of claim for exemption.*—(1) *By travel orders.* The declaration and entry shall be verified by the Customs officer by an inspection of the owner's travel orders. If the district di-

rector accepts an inspection of the owner's travel orders as evidence that the effects were brought into the United States within the requirements of item 817.00, the owner's travel orders shall be identified on the entry, which shall be handled like a free baggage declaration. Istration card;

(2) *By other evidence.* The declaration and entry may be verified by other evidence which satisfies the district director that the effects were brought into the United States in connection with:

(i) The person's return to the United States upon the termination of assignment to extended duty, as explained in § 148.74(d);

(ii) The return of members of his family who have resided with him at his post or station upon the termination of his assignment; or

(iii) The evacuation of a person to the United States under Government orders or instructions.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

§ 4.2 [Amended]

In § 4.2, paragraph (c) is amended by substituting "subpart B of Part 148" for "section 10.19."

§ 4.5 [Amended]

In § 4.5, the second sentence of paragraph (a) is amended by substituting "§ 148.72" for "§ 10.24."

§ 4.7a [Amended]

Section 4.7a is amended as follows:

In paragraph (b), subparagraph (3) is amended and a new subparagraph (4) is added as follows:

(3) For requirements concerning the preparation of Customs Forms 5123 and 5129, see subpart G of Part 148 of this chapter.

(4) Any articles which are required to be manifested and are not manifested shall be subject to forfeiture and the master shall be subjected to a penalty equal to the value thereof, as provided in section 584, Tariff Act of 1930, as amended.

In paragraph (e), subparagraph (1) is amended to substitute "devolving" for "developing" in the text of the certification, and to add a new subparagraph (4) as follows:

(e) *Passenger List.*—(1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR Part 231), and the following certification shall be placed on its last page:

I certify that Customs baggage declaration requirements have been made known to incoming passengers; that any required Customs baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the proper Customs officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper Customs officer. I further

certify that there are no steerage passengers on board this vessel (46 U.S.C. 151-163).

Master

(4) All baggage on board a vessel not accompanying a passenger and the marks or addresses thereof shall be listed on the last sheet of the passenger list under the caption "Unaccompanied baggage."

§ 4.30 [Amended]

In § 4.30, paragraph (a) is amended to include provision for vessels transiting the Panama Canal, as follows:

(a) Except as prescribed in paragraph (f), (g), or (k) of this section or in § 123.8 of this chapter and except in the case of a vessel exempt from entry or clearance under 19 U.S.C. 288^{aa} no passengers,^{aa} cargo,^{aa} baggage,^{aa} or other article^{aa} shall be unladen from a vessel which arrives directly or indirectly from any port or place outside the Customs territory of the United States or from a vessel which transits the Panama Canal and no cargo, baggage, or other article shall be laden^{aa} on a vessel destined to a port or place outside the Customs territory of the United States if Customs supervision of such lading is required,^{aa} until the district director shall have issued a permit or special license therefor on Customs Form 3171.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 6—AIR COMMERCE REGULATIONS

§ 6.7 [Amended]

Section 6.7 is amended by deleting paragraph (g).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.2 [Amended]

Section 8.2 is amended to correct the cross-references in the list of articles not liable to duty on subsequent importation as follows:

In (a) substitute "§ 148.31" for "§ 10.17 (a)" in the parenthetical matter.

In (b) substitute "§ 148.53" for "§ 10.15" in the parenthetical matter.

In (c) substitute "§ 148.32" for "§ 10.42" in the parenthetical matter.

§ 8.3 [Amended]

In § 8.3, paragraph (b) is amended by substituting "§ 148.51" for "§ 10.21(i)" in the parenthetical matter at the end thereof.

§ 8.15 [Amended]

In § 8.15, paragraph (c) (6) is amended to read:

(6) Aircraft, automobiles, and other vehicles, boats, horses, and the usual equipment of any of the foregoing, if taken abroad for noncommercial use and returned in accordance with the provisions of § 148.32 of this chapter.

Section 3.51a is amended to correct the cross-references and forms prescribed to read as follows:

§ 3.51a Entry of certain shipments of unconditionally or conditionally free merchandise.

A shipment not exceeding \$250 in value which is (a) unconditionally free of duty and not subject to any quota or internal revenue tax, or (b) conditionally free and all conditions for free entry are met at the time of entry, may be released upon examination and identification by a Customs officer and the filing by the importer of Customs Form 7523, in duplicate, supported by evidence of the right to make entry: *Provided*, That this procedure shall not be followed in the case of American goods returned for the entry of which Customs Form 3311 has been prescribed by § 10.1, or effects and tools of trade released under Customs Form 3299 without other entry in accordance with § 148.6 of this chapter.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498; R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 9—IMPORTATIONS BY MAIL

§ 9.4 [Amended]

Section 9.4 is amended by substituting "section 148.6" for "§ 10.20" in the first sentence.

§ 9.11 [Amended]

In § 9.11, paragraph (a) is amended by deleting the last sentence thereof and substituting the following:

See §§ 8.45 and 22.27 of this chapter; and as to articles released from continuous Government custody for which return to Customs custody is appropriate prior to exportation, see §§ 10.8, 10.38, 22.33, and 148.37 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§§ 10.11-10.28; 10.42 [Deleted]

Part 10 is amended by deleting therefrom § 10.11 through § 10.28, together with the accompanying centerheads, § 10.42, and footnotes 9 through 31a appended thereto.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

Section 11.3 is amended to read as follows:

§ 11.3 Package and notice requirements for cigars and cigarettes; package requirements for cigarette papers and tubes.

Exemptions from tax on cigars, cigarettes, and cigarette papers and tubes

apply in accordance with the regulations of the Internal Revenue Service (26 CFR Part 275) upon release from Customs custody of such articles imported by consular officers and employees of foreign states. Cigars, cigarettes, cigarette papers, and tubes may also be released without payment of tax as provided in § 11.2a and for exhibition in accordance with Part 147 of this chapter. Additionally, cigars, cigarettes, or cigarette papers and tubes may be admitted free of duty and tax under the provisions of schedule 8, part 2A, Tariff Schedules of the United States, or section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321), § 10.29, 10.30, 10.30a, 10.30b, 10.30c, 54.3, 148.63, or 148.74 of this chapter. Except in the foregoing instances and in any instance in which such articles are imported in passengers' baggage or are to be released under a mail entry for the personal consumption of the importer or for disposition as his bona fide gift, the provisions in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) as to packages and notices thereon apply.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

§§ 23.4, 23.5 [Deleted]

Part 23 is amended by deleting §§ 23.4 and 23.5

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.52 [Amended]

In § 123.52, paragraph (a) is amended by substituting "§ 148.41" for "§ 10.18(d)" in the last sentence.

§ 123.62 [Amended]

Section 123.62 is amended by substituting "§ 123.3" for "§ 5.3" in the parenthetical matter at the end of the section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

For ready comparison there is attached a table of sources.

Prior to the adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Division of Regulations, Bureau of Customs, Wash-

ington, D.C., during regular business hours.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: July 25, 1972.

EUGENE T. ROSSIDES,
*Assistant Secretary
of the Treasury.*

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 148 to 19 CFR Part 10)

Proposed art 148 section	19 CFR section
148.0	New.
148.1	10.28.
148.2	10.16.
148.3	10.23.
148.4	New.
148.5	10.19(i).
148.6	10.20.
148.7	10.27.
148.11	10.19(a).
148.12(a) and (b)	10.19(b).
148.12(c)	New.
148.13(a)	10.19(c)(1).
148.13(b)	New, 10.19(c)(3).
148.13(c)	10.19(c)(1).
148.13(d)	10.19(f).
148.13(e)	10.19(d).
148.14	10.19(b) and (g).
148.15	10.1 (h).
148.16	10.19(e).
148.17	10.17(g).
148.18	23.5(a) and (b).
148.19	23.5(c).
148.21	10.21(a).
148.22	10.19(a) and (j).
148.23(a)	10.21(b).
148.23(b)	10.21(b).
148.23(c)	10.21(c) and (e).
148.23(d)	10.21(k).
148.24	10.21(d), 10.19(f).
148.25(a)	10.21(f) and (g).
148.25(b)	New.
148.26(a)	10.21(l).
148.26(b)	10.21(m).
148.27	10.21(j).
148.31	10.17(a).
148.32	10.42.
148.33(a)	10.17(b).
148.33(b)	10.17(c).
148.33(c)	10.17(c).
148.33(d)	10.17(d).
148.33(e)	10.17(b), (h)(2).
148.33(f)	10.17(h)(2).
148.34	10.17(f).
148.35(a)	10.17(g)(1).
148.35(b)	10.17(g)(2).
148.35(c)	10.17(i)(1).
148.36	10.17(h)(1), (i)(2).
148.37	10.17(i)(1)-(3).
148.38	10.17(m).
148.39(a)	10.17(n).
148.39(b)	New.
148.41	10.18(d).
148.42	10.18(a).
148.43	10.18(f).
148.44	10.18(b).
148.45	10.18(c).
148.46	10.18(c).
148.51	10.21(i).
148.52	10.11, 10.12, footnote 11.
148.53	10.15.
148.54	10.14.
148.61	New.
148.62	10.22(b), 23.4(a), 6.7(g).
148.63(a)	23.4(c).
148.63(b)	New.
148.64	10.21(i), 23.4.
148.65(a)	10.22(a).
148.65(b)	New.
148.66(a)	10.22(e).
148.66(b)	10.22(d), 6.7(g).
148.66(c)	10.22(e), 6.7(g).
148.67	23.4(a), (b).
148.71	New.
148.72	10.24.
148.73	10.25.
148.74	10.26a (a), (b), (c), (f)(1).
148.75	10.26a (e), (f)(2).
148.76	10.26a (g).
148.77(a)	10.26a (d), (h), (i).
148.77(b)(1)	10.26a (h).
148.77(b)(2)	New.
148.77(c)	10.26a (h).

[FR Doc.72-12567 Filed 8-9-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering the following proposal of the Lemon Administrative Committee, established under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal would extend the size limitation, in Lemon Regulation 499, for the period September 3, 1972, through September 29, 1973.

The proposed extension of the period of Lemon Regulation 499 is designed to continue its size requirement for such fruit consistent with (1) the available supply and demand for such fruit; and (2) improve returns to producers pursuant to the declared policy of the act.

The proposal is as follows:

Amend paragraph (a) of Lemon Regulation 499 (36 F.R. 18636) to read as follows:

§ 910.799 Lemon Regulation 499.

(a) Order: From September 3, 1972, through September 29, 1973, * * *

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

Dated: August 7, 1972.

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

[FR Doc.72-12595 Filed 8-9-72; 8:54 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and rate of assessment as hereinafter set forth, which were recommended by the Idaho-

Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945 both as amended (7 CFR Part 945).

This marketing order program regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than the 15th 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)).

§ 945.225 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1973, by the Idaho-Eastern Oregon Potato Committee for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to \$35,520.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be \$0.0026 per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period: *Provided*, That potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) *Definition of terms.* Terms used in this section have the same meaning as when used in the said agreement and this part.

Dated: August 4, 1972.

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

[FR Doc.72-12533 Filed 8-9-72; 8:49 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 625]

DISASTER UNEMPLOYMENT ASSISTANCE

Notice of Proposed Rule Making

I hereby propose to amend § 625.9 (c) (1) of Part 625 of Chapter V of Title 20 of the Code of Federal Regulations by (1) adding to subdivision (i) a provision for the deduction from disaster unemployment assistance payable to an applicant of unemployment compensation payable under a State or Federal law other than those specified, and (2) adding a new subdivision (vii) providing for

the deduction from disaster unemployment assistance payable to an applicant of certain workmen's compensation, the amendments to read as set forth below.

Interested persons may submit written data, views, or arguments regarding the proposal by mailing them to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, attention of Robert C. Goodwin, Associate Manpower Administrator for Unemployment Insurance, within 30 days after this notice is published in the FEDERAL REGISTER. Persons interested in inspecting or copying submissions received pursuant to this notice should call 202-961-2701 and necessary arrangements will be made.

As proposed to be amended, § 625.9 (c) (1) would read as follows:

§ 625.9 Amount.

(c) *Deductions.* The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application therefor and took all procedural steps necessary under the appropriate law or insurance policy:

(i) Regular unemployment compensation, additional unemployment compensation, extended unemployment compensation, and any other unemployment compensation under a State or Federal unemployment compensation law, or

(vii) Any workmen's compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the applicant is within the provisions of § 625.8(a)(7).

Signed at Washington, D.C. this 4th day of August 1972.

J. D. HONGSON,
Secretary of Labor.

[FR Doc.72-12599 Filed 8-9-72; 8:54 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141a, 146a, 149j]

CLOXACILLIN

Notice of Proposed Rule Making

The Commissioner of Food and Drugs proposes that 21 CFR Parts 141a and 146a be amended as they apply to sodium cloxacillin monohydrate and that a new Part 149j be added to Title 21. In these proposed amendments, the name of the drug has been changed from sodium cloxacillin monohydrate to sodium cloxacillin, in order to conform with U.S.P. XVIII. In addition, these

proposed amendments have been updated as well as recodified.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Parts 141a, 146a, and 149j be amended:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.118, 141a.119, and 141a.120 [Revoked]

1. In Part 141a by revoking §§ 141a.118, 141a.119, and 141a.120.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.114, 146a.115, and 146a.116 [Revoked]

2. In Part 146a by revoking §§ 146a.114, 146a.115, and 146a.116.

PART 149j—CLOXACILLIN

3. By adding a new Part 149j consisting at this time of three sections, as follows:

- Sec. 149j.1 Sodium cloxacillin.
- 149j.2—149j.10 [Reserved]
- 149j.11 Sodium cloxacillin capsules.
- 149j.12 Sodium cloxacillin for oral solution.

AUTHORITY: The provisions of this Part 149j issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149j.1 Sodium cloxacillin.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin is the monohydrate sodium salt of 5-methyl-3-(o-chlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

- (i) Its potency is not less than 825 micrograms of cloxacillin per milligram.
- (ii) It passes the safety test.
- (iii) Its moisture content is not less than 3 percent and not more than 5 percent.
- (iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.
- (v) Its sodium cloxacillin content is not less than 90 percent.
- (vi) It passes the identity test.
- (vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Sodium cloxacillin content.* Accurately weigh approximately 100 milligrams of the sample and dissolve in sufficient 5N sodium hydroxide to give a total volume of 25 milliliters. Place in a boiling water bath for 30 minutes. Cool, acidify 1 milliliter with 1 milliliter of dilute sulfuric acid (1 in 2), add 8 milliliters of water, and extract with two 25-milliliter portions of ethyl ether. Combine the ether extractives and extract with two 25-milliliter portions of 0.1N sodium hydroxide. Combine the alkaline extractives and dilute to 100 milliliters with carbon dioxide-free water. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at the absorption peaks at 257±3 nanometers and at 282±3 nanometers compared with a reagent blank. Determine the percent sodium cloxacillin in the sample by means of the following calculation:

$$\text{Percent sodium cloxacillin} = \frac{A_1 \times \text{weight of standard in milligrams, on an "as is" basis} \times \text{percent sodium cloxacillin in the standard}}{A_2 \times \text{weight of sample in milligrams on an "as is" basis}} \times 100$$

where:

- A₁=Difference in absorbance for the sample between 257 nanometers and 282 nanometers;
- A₂=Difference in absorbance for the cloxacillin working standard, similarly treated.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 0.5 percent potassium bromide disc described in paragraph (b) (1) of that section.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 149j.11 Sodium cloxacillin capsules.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin capsules are composed of sodium cloxacillin and one or more suitable and harmless diluents and lubricants. Each capsule contains sodium cloxacillin equivalent to 125 milligrams, 250 milligrams, or 500 milligrams of cloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cloxacillin that it is represented to contain. Its moisture content is not more than 5 percent. The sodium cloxacillin used conforms to the standards prescribed by § 149j.1(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The sodium cloxacillin used in making the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(b) The batch for potency and moisture.

(ii) Samples required:

(a) The sodium cloxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149j.12 Sodium cloxacillin for oral solution.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin for oral solution is a mixture of sodium cloxacillin with one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling, each milliliter contains sodium cloxacillin equivalent to 25 milligrams or 50 milligrams of cloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 11452; Reference Notice 71-34]

AIRBORNE VOR RECEIVING EQUIPMENT

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 71-34 (36 F.R. 20441) in which the FAA solicited comments on a proposed amendment of Part 37 of the Federal Aviation Regulations which would revise the Technical Standard Order (TSO-C40a) for airborne VOR receiving equipment.

A number of comments were received in response to Notice 71-34, all but one of which were either opposed to the issuance of the proposed amendment or opposed to significant portions thereof.

The principal objection made by the commentators was that the proposed revision of TSO-C40a was untimely. The commentators stated that the Radio Technical Commission for Aeronautics (RTCA) has been working for a number of years to develop updated minimum performance standards for VOR receiving equipment, and that these standards are in the final stages of completion. The commentators requested that Notice 71-34 either be withdrawn or held in abeyance to await the finalization of the RTCA activity.

Since the issuance of Notice 71-34, the FAA has determined that the RTCA has approved minimum operational characteristics (MOC) for airborne VOR receiving equipment, intended for general aviation aircraft, and that approval of minimum performance standards (MPS), intended for air carrier aircraft, is expected in the near future. The withdrawal of Notice 71-34, which applies only to equipment intended for use in air carrier aircraft, would permit, at a later date, the issuance of a notice of proposed rule making which would encompass standards for VOR receivers intended for use in both general aviation and air carrier aircraft. The FAA believes that such a course of action would provide for a more cohesive and comprehensive revision of TSO-C40a.

In view of the foregoing, the FAA has determined that rule-making action on the proposed amendments is not appropriate at the present time, and that Notice 71-34 should be withdrawn. The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 20441)

the number of milligrams of cloxacillin that it is represented to contain. Its moisture content is not more than 1 percent. When reconstituted as directed in its labeling, its pH is not less than 5.0 nor more than 7.5. The sodium cloxacillin used conforms to the standards prescribed by § 149j.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The sodium cloxacillin used in making the batch for potency, safety, moisture, pH, sodium cloxacillin content, identity, and crystallinity.

(b) The batch for potency, moisture, and pH.

(ii) Samples required:

(a) The sodium cloxacillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—(1) Potency—(i) Sample preparation.* Reconstitute the sample as directed in the labeling. Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated).

(b) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in its labeling.

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: August 2, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs,

[FR Doc. 72-12503 Filed 8-9-72; 8:46 am]

on October 22, 1971, and circulated as Notice 71-34 entitled "Airborne VOR Receiving Equipment," is hereby withdrawn.

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

Issued in Washington, D.C., on August 3, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc. 72-12560 Filed 8-9-72; 8:51 am]

[14 CFR Part 39]

[Airworthiness Docket No. 72-SW-53]

AIRPLANES HAVING WINGS, TAIL, OR CONTROL SURFACES COVERED WITH FIBERGLAS USING "RAZOR- BACK" METHOD

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to airplanes having wings, tail, or control surfaces covered with fiberglass using the "razorback" method. There have been failures of the plastic coated glass rib stitch cord on airplanes that have resulted in loss of fabric. Since this condition is likely to exist or develop in other airplanes with the same type covering, the proposed airworthiness directive would require replacement of any plastic coated glass rib stitch cord now in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before August 30, 1972, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

Applies to airplanes having wings, tail, or control surfaces covered with fiberglass using the "razorback" method, certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To determine if the fabric is attached with plastic coated glass rib stitch cord, inspect the interior of the wings, tail, or control surfaces through inspection openings or by cutting small holes in the fabric. The plastic coating on the rib stitch cord is black in color.

a. If the fabric is attached with the plastic coated rib stitch cord, replace the stitching with MIL-C-5649 cord.

b. If the fabric is attached with MIL-C-5649 cord, no further action is required.

c. All work required, including patching holes, may be accomplished in accordance with FAA Advisory Circular 43.13-1. Razorback Fabrics, Inc., Service Bulletin 1-1 covers the same subject.

NOTE: Copies of Razorback Fabrics, Inc., Service Bulletin 1-1 may be obtained from the company at Manila, Ark. 72442.

Issued in Fort Worth, Tex., on August 2, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-12562 Filed 8-9-72;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 72-RM-6]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Billings, Mont., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

Additional transition areas of 7,000 feet, 7,500 feet, and 8,500 feet AMSL are necessary for maximum utilization of en route radar capability in vectoring aircraft to and from the terminal area at Billings, Mont.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Billings, Mont., transition area is amended by deleting all after " * * * that airspace extending upward from 6,200 feet MSL within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial and from the Billings VORTAC 212° radial clockwise to the 266° radial; * * * " and substitute "That airspace extending upward from 7,000 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 072° radial clockwise to the 131° radial. That airspace extending upward from 7,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 301° radial clockwise to the 317° radial; that airspace extending upward from 8,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 266° radial clockwise to the 301° radial and that airspace extending upward from 9,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 131° radial clockwise to the 150° radial, excluding the portions that overlie VOR Federal airways.

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

Issued in Aurora, Colo., on August 1, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-12561 Filed 8-9-72;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-51]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a new part-time control zone at Harlingen, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials

may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

In § 71.171 (37 F.R. 2056), the following is added:

HARLINGEN, TEX.

Within a 5-mile radius of Harlingen Industrial Airport (latitude 26°13'37" N., longitude 97°39'12" W.); and within 2 miles each side of the Harlingen VOR 117° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR. This part-time control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Tentative dates and times are proposed to be: From 0600 to 2200 local time on a daily basis.

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

Issued in Fort Worth, Tex., on August 2, 1972.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.72-12563 Filed 8-9-72;8:51 am]

[14 CFR Part 75]

[Airspace Docket No. 72-WA-37]

JET ROUTE

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would establish a new jet route J-595/HL 595 airway between London, Ontario, Canada, and St. John, New Brunswick, Canada.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At the request of the Canadian Ministry of Transport, the FAA is proposing a new jet route/high level airway, J-595/HL 595 between London, Ontario, and St. John, New Brunswick, to support the North Atlantic structure between the ocean control boundary and terminals in Canada and the northeastern United States.

The proposed jet route/airway would extend from London, Ontario, via the 070° magnetic radial (064° T.) to an intersection at latitude 43°52'30" N., longitude 78°43'00" W.; thence via the Watertown, N.Y., 281° M. radial (269° T.) to Watertown; Plattsburgh, N.Y., thence via J-29 Bangor, Maine; direct to St. John, New Brunswick, Canada.

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

Issued in Washington, D.C., on August 2, 1972.

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

[FR Doc.72-12564 Filed 8-9-72;8:51 am]

Hazardous Materials Regulations Board

[49 CFR Parts 171, 172, 173, 174, 178]

[Docket No. HM-104; Notice 72-10]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendments to several unrelated sections of the Department's Hazardous Materials Regulations. Commenters need only identify the particular proposal on which they wish to comment when responding. The proposals covered in this document are:

- A—Ammonium nitrate and other nitrates.
- B—Dry chlorine compounds and securing of certain portable tanks.
- C—Titanium sulfate with not over 45 percent sulfuric acid.
- D—Dichlorodifluoromethane - difluoroethane mixtures in DOT-4E240 cylinders.
- E—Motor vehicle passenger restraint systems.
- F—Hydraulic accumulators.
- G—DOT specification 2N metal cans.
- H—ASTM test method reference correction in Part 178, Appendix B.

PROPOSAL A—AMMONIUM NITRATE AND OTHER NITRATES

The Hazardous Materials Regulations Board is considering an amendment to

§§ 171.7, 172.5, 173.182, and 174.532 of the Department's Hazardous Materials Regulations to specify a new definition for ammonium nitrate fertilizer and to provide new packaging for this material. Also, it is proposing to remove calcium nitrate from regulation and to provide additional packaging for ammonium nitrate (no organic coating), ammonium nitrate mixed fertilizer, and sodium nitrate.

The proposal to adopt a new definition for ammonium nitrate fertilizer is based on a petition from The Fertilizer Institute. The Board believes that the definition will provide the general public a greater degree of protection by insuring that ammonium nitrate fertilizer does not contain unacceptable percentages of organic or sensitizing substances. The new packaging proposed for ammonium nitrate fertilizer are based on petitions from special permit holders who have reported satisfactory shipping experience to the Board with these packaging.

A number of petitions were received by the Board which requested that calcium nitrate be removed from regulation based on the nonhazardous composition of technical grade calcium nitrate which includes 12- to 15-percent water. This material is relatively inactive when mixed with combustible materials and involved in fire because of the water content. Since technical grade calcium nitrate is considered nonhazardous by the United Nations' publication Transport of Dangerous Goods (1970) and the Intergovernmental Maritime Consultative Organization's (IMCO) Dangerous Goods Code, and since the Board's review of information available on the material indicates its low hazard, the Board has proposed that calcium nitrate (5Ca(NO₃)₂·NH₄NO₃·10H₂O, with 15.5 to 15.6 percent nitrogen and at least 12 percent water) be removed from regulation.

The proposal to provide additional packaging for various nitrate materials is based on petitions from special permit holders who have individually submitted reports to the Board which indicate the packaging have performed satisfactorily in transportation.

Editorial changes have been made to some sections of the regulations involving nitrates for clarification purposes.

In § 172.5, an asterisk has been added in front of the ammonium nitrate-phosphate entry indicating that this material may or may not be classed as an oxidizing material. Use of the asterisk in this manner obviates the need for the footnote reference to ammonium nitrate-phosphate in § 173.182(a) and (b). Similarly, the footnote reference to ammonium nitrate mixed fertilizer has been removed in § 173.182 (a) and (b) since an asterisk is presently shown in § 172.5 before the entry for this material. Also, ammonium nitrate (organic coating) has been deleted from § 173.182(b) since this material is not known to be shipped in packaging listed under the section. In Part 174 of the regulations concerning loading of other hazardous materials in rail freight transportation (see § 174.532), the modifying phrase to ammonium nitrate fertilizer "having no organic coating" has been deleted because of the proposed new definition.

This proposal does not affect the transportation of nitro carbo nitrate. The Board has received petitions for changes to the regulations governing the shipment of this material and it will consider them in a future docket.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 171, 172, 173, and 174 as follows:

I. In § 171.7, paragraph (c) (14) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *
(14) TFI: The Fertilizer Institute, 1015 18th Street NW., Washington, DC 20036.

* * * * *

II. In § 172.5 paragraph (a), the list of hazardous materials, would be amended to read as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in an outside container by rail express (pounds)
(Cancel)				
Ammonium nitrate.....	Oxy. M.....	173.153, 173.182.....	Yellow.....	100
Ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating.....	Oxy. M.....	173.153, 173.182.....	do.....	100
Calcium nitrate.....	Oxy. M.....	173.153, 173.182.....	do.....	100
(Add)				
Ammonium nitrate (no organic coating).....	Oxy. M.....	173.153, 173.182.....	do.....	100
Ammonium nitrate fertilizer, containing no more than 0.2 percent carbon.....	Oxy. M.....	173.153, 173.182.....	do.....	100
(Change)				
*Ammonium nitrate-phosphate.....	Oxy. M.....	173.153, 173.182.....	do.....	100

III. In § 173.182, the introductory text of paragraphs (a) and (b) and paragraphs (b) (3), (4), (5), and (6) would be amended; paragraph (b) (7) would be added to read as follows:

§ 173.182 Nitrates.

(a) Aluminum nitrate, ammonium nitrate (no organic coating), ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate-fertilizer¹ (containing no more than 0.2 percent carbon), ammonium nitrate mixed fertilizer, barium nitrate, guanidine nitrate, lead nitrate, magnesium nitrate, nitrate, n.o.s., nitrate of soda and potash, nitro carbo nitrate (see note 1), potassium nitrate, silver nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water must be packed in containers as follows:

[Note 1 remains the same.]

(b) Aluminum nitrate, ammonium nitrate (no organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate fertilizer¹ (containing no more than 0.2 percent carbon), ammonium nitrate mixed fertilizer, barium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to packagings prescribed in paragraph (a) of this section, may be packed as follows:

(3) In bulk on cargo vessels subject to the regulations in Subchapter N—Dangerous Cargoes, 46 CFR Part 146, prescribed by the Commandant, U.S. Coast Guard.

(4) Burlap bag made water-resistant and tight against sifting, and of not less than 7½-ounce burlap. Authorized net weight not over 200 pounds. Ammonium nitrate-carbonate mixtures, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 177.823 of this subchapter. For water shipments see Subchapter N—Dangerous Cargoes, 46 CFR Part 146, for the regulations prescribed by Commandant, U.S. Coast Guard. (See §§ 174.532 and 177.838 of this subchapter for loading requirements.)

(5) Multiple-wall paper bags. Each bag filled to weight with product and closed for shipment must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture and must be constructed as follows:

(i) Multiple-wall paper bag made of at least four plies. Authorized net weight not over 110 pounds. Each bag must include a moisture barrier ply and be made tight against sifting. Ammonium nitrate-carbonate mixtures, potassium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 177.823 of this subchapter. For water shipments see Subchapter N—Dangerous Cargoes, 46 CFR Part 146, for the regulations prescribed by Commandant, U.S. Coast Guard. (See §§ 174.532 and 177.838 of this subchapter for loading requirements); or

(ii) Multiple-wall paper bag made of at least three plies of extensible kraft paper having a minimum total basis weight of 180 pounds. Authorized net weight not over 80 pounds. Each bag must have the innermost ply coated with polyethylene to provide a moisture barrier. Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and ammonium nitrate mixed fertilizer. (See §§ 174.532 and 177.838 of this subchapter for loading requirements.)

(6) Plastic bags constructed as follows:

(i) Specification 44P (§ 178.241 of this subchapter). All plastic bag. Authorized net weight not over 81 pounds. Authorized only for ammonium nitrate fertilizer and ammonium nitrate mixed fertilizer. (See §§ 174.532 and 177.838 of this subchapter for loading requirements); or

(ii) Polypropylene bag made of 9 denier polypropylene fibers spun continuously to form a sheet weighing at least 3½ ounces per square yard. Authorized net weight not over 100 pounds. Each bag must have an inner liner of polyethylene not less than 4 mils thick. Each bag filled to weight with product and closed for shipment must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Authorized only for ammonium nitrate (no organic coating) and ammonium nitrate fertilizer. (See §§ 174.532 and 177.838 of this subchapter for loading requirements); or

(iii) Polyethylene bag made of two plies of high-density polyethylene film laminated together so that the orientation of each ply of film is at right angles to the other. Authorized net weight not over 100 pounds. For a net weight not exceeding 50 pounds, the thickness of each bag must be at least 2.5 mils. For a net weight not exceeding 100 pounds, the thickness of each bag must be at least 4 mils. Each bag must be capable of withstanding the test requirements of § 178.241-4 and each bag must be in compliance with the requirements of § 178.241-3 of this subchapter for bag closures. Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and sodium nitrate. Sodium nitrate when so packed is exempt from labeling requirements. (See §§ 174.532 and 177.838 of this subchapter for loading requirements.)

(7) Specification 53¹ or 56 (§§ 178.251, 178.252 of this subchapter). Portable tank. Authorized only for sodium nitrate.

IV. In § 174.532, paragraph (k) would be amended to read as follows:

§ 174.532 Loading other hazardous materials.

(k) Nitrates listed in § 173.182(b) of this subchapter must be loaded in clean closed cars, which must be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of damaging bags when the nitrate is so packaged. Doors of cars must have tight closures. Ammonium nitrate (no organic coating), ammonium nitrate fertilizer, ammonium nitrate mixed fertilizer, or ammonium nitrate-phosphate, in bulk may be loaded in clean covered hopper cars. Journals and boxes must be in good condition. (See § 174.541(a) (1) and (2) of this subchapter.)

PROPOSAL B—DRY CHLORINE COMPOUNDS AND SECURING OF CERTAIN PORTABLE TANKS

The Hazardous Materials Regulations Board is considering an amendment to §§ 172.5, 173.217, and 174.534 of the Department's Hazardous Materials Regulations to delete dichloroisocyanuric acid, dry from these regulations, to add mono-(trichloro) tetra-(monopotassium dichloro)-penta isocyanurate, dry, to change the proper shipping names of some dry chlorine compounds, to provide for the shipment of certain dry chlorine compounds in DOT specifications 56 portable tanks, and to provide specific methods of securing certain portable tanks in rail transportation.

These proposed changes are based on petitions from a special permit holder.

The petitioner has proposed that dichloroisocyanuric acid be deleted from regulation because it is no longer an item of commerce. Included in this petition is a proposal that a dry chlorine compound, mono-(trichloro) tetra-(monopotassium dichloro)-penta isocyanurate, presently classified as an oxidizing material, not otherwise specified, be described by specific name in § 172.5 and packaged according to the provisions of § 173.217.

The petition to change the proper shipping names of some dry chlorine compounds is based on the Department of Agriculture's directive to use the most acceptable chemical name for materials. The Department of Agriculture, which regulates labels for certain chlorinated compositions under the Federal Insecticide, Fungicide, and Rodenticide Act has stated that the preferred description for these compounds is the triazinetrione

¹ Use of existing tanks authorized, but new construction not authorized.

¹ Applies only to materials tested in accordance with and meeting the definition in The Fertilizer Institute's publication "Definition and Test Procedures for Ammonium Nitrate Fertilizer" dated May 7, 1971.

nomenclature. The descriptions of potassium dichloroisocyanuric acid, sodium dichloroisocyanuric acid, and trichloroisocyanuric acid, which are all dry chlorine compounds, have been changed to the triazinetrione designation in §§ 172.5 and 173.217 of this proposal.

The proposal to provide for the shipment of certain chlorinated materials in a DOT specification 56 portable tank is based on the satisfactory shipping experience with this type packaging obtained under special permit and reported to the Board. Also, to assure safety in transportation, specific methods for securing this style of portable

tank on or in railcars have often been a required condition in special permits involving these packagings. Therefore, the Board has proposed to amend § 174.534 to require approval of the Federal Railroad Administrator when these tanks are transported on flat cars and contain hazardous materials. In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172, 173, and 174 as follows:

I. In § 172.5, the list of hazardous materials would be amended to read as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in a outside container by rail express (pounds)
(Add)				
Mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione (dry, containing more than 39 percent available chlorine).	Oxy. M.....	173.153, 173.217.....	Yellow.....	100
Potassium dichloro-s-triazinetrione (dry, containing more than 39 percent available chlorine).	Oxy. M.....	173.153, 173.217.....	Yellow.....	100
Sodium dichloro-s-triazinetrione (dry, containing more than 39 percent available chlorine).	Oxy. M.....	173.153, 173.217.....	do.....	100
Trichloro-s-triazinetrione (dry, containing more than 39 percent available chlorine).	Oxy. M.....	173.153, 173.217.....	do.....	100
(Cancel)				
Dichloroisocyanuric acid, dry, containing more than 39 percent available chlorine.	Oxy. M.....	173.153, 173.217.....	do.....	100
Potassium dichloroisocyanurate, dry, containing more than 39 percent available chlorine.	Oxy. M.....	173.153, 173.217.....	do.....	100
Sodium dichloroisocyanurate, dry, containing more than 39 percent available chlorine.	Oxy. M.....	173.153, 173.217.....	do.....	100
Trichloroisocyanuric acid, dry, containing more than 39 percent available chlorine.	Oxy. M.....	173.153, 173.217.....	do.....	100

II. (A) In Part 173 Table of Contents, § 173.217 would be amended to read as follows:

Sec. 173.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry, sodium dichloro-s-triazinetrione, dry, trichloro-s-triazinetrione, dry

(B) In § 173.217, the heading and the introductory text of paragraph (a) would be amended; paragraph (a) (6) would be added to read as follows:

§ 173.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry, sodium dichloro-s-triazinetrione, dry, trichloro-s-triazinetrione, dry.

(a) Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione,

dry, potassium dichloro-s-triazinetrione, dry, sodium dichloro-s-triazinetrione, dry, trichloro-s-triazinetrione, dry, each containing more than 39 percent available chlorine must be packed in specification packagings as follows:

(6) Specification 56 (§§ 178.251, 178.252 of this subchapter). Metal portable tank. Authorized only for mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry, and sodium dichloro-s-triazinetrione, dry. See § 174.534(b) of this subchapter, chapter.

III. In § 174.534, paragraph (b) would be added to read as follows:

§ 174.534 Portable containers or tanks.

(b) Specifications 52, 53, 56, and 57 portable tanks must not be transported on flat cars or on flat bed trailers on flat cars, except under conditions approved by the Federal Railroad Administrator. For cargo tanks see § 174.533 (c).

PROPOSAL C—TITANIUM SULFATE WITH NOT OVER 45 PERCENT SULFURIC ACID

The Hazardous Materials Regulations Board is considering an amendment to § 173.297(a) of the Hazardous Materials Regulations to authorize the shipment of titanium sulfate solution, containing not more than 45 percent sulfuric acid, in a specification 6D cylindrical steel overpack with an inside specification 2S polyethylene container.

A petition has been filed with the Board to amend the regulations as described above.

Shipments have been made for over 4 years under special permit in the specification 6D overpack with the specification 2S liner with no reported loss of product. These shipments were restricted to 30-gallon-capacity liners with an 18-gage specification 6D overpack.

On the basis of the petition and the satisfactory experience reported, the Board is proposing to incorporate the provisions of the special permit into the regulations.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.297, paragraph (a) (4) would be added to read as follows:

§ 173.297 Titanium sulfate solution containing not more than 45 percent sulfuric acid.

(a) * * *

(4) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S (§ 178.35 of this subchapter) polyethylene container not over 30-gallons capacity. Overpack of over 15 gallons must be constructed of at least 18-gage steel throughout.

PROPOSAL D—DICHLORODIFLUOROMETHANE-DIFLUOROETHANE MIXTURES IN DOT-4E240 CYLINDERS

The Hazardous Materials Regulations Board is considering an amendment to § 173.304(a)(2) of the Department's Hazardous Materials Regulations to authorize the shipment of dichlorodifluoromethane-difluoroethane mixtures in specification DOT-4E240 aluminum cylinders.

This proposal is based on a petition by the Compressed Gas Association, Inc. (CGA). The Association has stated that producers and shippers of these mixtures support the petition because it will provide an alternative method of packaging without affecting the safe transportation of this commodity. Also, the petition is supported by over five years of satisfactory shipping experience data reported to the Board by a special permit holder. The Board believes that the proposal has merit.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.304 paragraph (a) (2), the table would be amended as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(f) (see notes following table)
(Change) Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8).	Percent Not liquid full at 130° F.	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39.

PROPOSAL E—MOTOR VEHICLE PASSENGER RESTRAINT SYSTEMS

The Hazardous Materials Regulations Board is considering an amendment to § 173.306 to exempt compressed gas cylinders that are component parts of passenger restraint systems installed in motor vehicles from all of the requirements of the Department's Hazardous Materials Regulations except those requirements for cylinder construction, filling, and specification marking.

This proposal is based on a petition received from the holder of a special permit. Certain special permits authorize the use of compressed gas cylinders with explosive actuating cartridges. Most of the actuators described in these special permits are in compliance with the classification and approval procedures of § 173.86, and they fall within the provisions for exemption under § 173.114(c).

As a condition for exemption from all of the other requirements of the regulations, it is proposed to require that the cylinders be constructed and marked in accordance with the provisions of Part 178 and that they be in compliance with the filling limitations specified in Part 173.

This proposal does not affect the rule making proposed in Docket No. HM-74; Notice No. 71-16 (36 F.R. 11224, 37 F.R. 2588, 37 F.R. 12640) relating to cylinders manufactured outside the United States.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.306, paragraph (d) (3) would be added to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

(3) A cylinder which is a component part of a passenger restraint system installed in a motor vehicle, charged with nonliquefied, nonflammable compressed gas and having no more than two actuating cartridges per valve, is exempt from the requirements of Parts 170-189 of this subchapter except:

(i) Each cylinder must be in compliance with one of the cylinder specifications in Part 178 and authorized for use in § 173.302 for the gas it contains;

(ii) Each cylinder must be in compliance with the filling requirements of § 173.301; and

(iii) Each actuating cartridge must be approved in accordance with § 173.86 and meet the definition set forth in § 173.100(w).

PROPOSAL F—HYDRAULIC ACCUMULATORS

The Hazardous Materials Regulations Board is considering an amendment to §§ 172.5 and 173.306 of the Department's Hazardous Materials Regulations to change the requirements for the shipment of hydraulic accumulators.

The present regulations (§ 173.306(e) (2)) do not provide for the transportation of hydraulic accumulators installed in motor vehicles, construction equipment, and assembled machinery. Transportation of these articles containing one or more hydraulic accumulators may now be authorized only by special permit.

This proposal is based on several petitions from special permit holders. In their petitions they have reported satisfactory shipping experience, some for over a period of 12 years. The hydraulic accumulators covered by these special permits have been designed and fabricated with a burst pressure of not less than five times their charged pressure when shipped. In addition, most of these accumulators have satisfactorily withstood performance tests prior to shipment. These tests help assure that the design and fabrication of the hydraulic accumulators are adequate so they may be safely transported.

Also, the Board is proposing that hydraulic accumulators, exceeding the current maximum charging pressure, be exempt from specification packaging provided the accumulators are shipped under certain conditions. Such shipments are now authorized under the provisions of the same special permits mentioned above and the experience has been reported as equally satisfactory.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 172 and 173 as follows:

I. In § 172.5 paragraph (a), the List of hazardous materials would be amended to read as follows:

§ 172.5 List of hazardous materials.

(a) * * *

II. In § 173.306, the heading of paragraph (e) would be amended, paragraph (e) (2) would be canceled, and paragraph (f) would be added to read as follows:

§ 173.306 Exemptions from compliance with regulations for shipping compressed gas.

(e) *Refrigerating machines.* * * *

(2) [Canceled]

(f) *Hydraulic accumulators.* The following apply to hydraulic accumulators containing nonliquefied, nonflammable gas, and nonflammable liquids, fabricated from materials which will not fragment upon rupture:

(1) Hydraulic accumulators installed in motor vehicles, construction equipment, and assembled machinery and designed and fabricated with a burst pressure of not less than five times their charged pressure at 70° F., when shipped, are exempt from the requirements of Part 170-189 of this subchapter.

(2) Hydraulic accumulators charged to not more than 200 p.s.i. at 70° F. are exempt from specification packaging, marking, and labeling requirements when shipped under the following conditions, except that marking name of contents on outside packing is required for shipments via carriers by water; in addition to the above exemptions, shipments via highway carriers are exempt from Part 177 of this subchapter, except § 177.817:

(i) Each accumulator must be shipped as an inside packaging;

(ii) Each accumulator may not have a gas space exceeding 2,500 cubic inches under stored pressure, and

(iii) Each accumulator must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70° F., but not less than 120 p.s.i., before initial shipment and before each refilling and reshipment.

(3) Hydraulic accumulators with a charging pressure exceeding 200 p.s.i. at 70° F. are exempt from specification packaging requirements when shipped under the following conditions:

(i) Each accumulator must be in compliance with the requirements stated in subparagraphs (2) (i), (ii), and (iii) of this paragraph, and

(ii) Each accumulator must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 70° F. when shipped.

PROPOSAL G—DOT SPECIFICATION 2N METAL CANS

The Hazardous Materials Regulations Board is considering an amendment to § 178.32-2 of the Department's Hazardous Materials Regulations to authorize the use of DOT specification 2N, inside metal cans, made of 135-pound tin plate throughout and with the top head of each can attached to the body section by full double seams with a durable seaming compound.

This proposal is based on a petition to amend the regulations as described above. Adoption of the proposal would provide shippers with an alternate method of packaging. This proposed

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change) Hydraulic accumulators (pressurized with nonflammable, nonliquefied compressed gas).				173.306(f)

change to DOT specification 2N is supported by over 4 years of satisfactory shipping experience data reported to the Board by a special permit holder.

In addition, the Board is proposing to make editorial changes to section 178.32-2 to clarify the section and to eliminate descriptions that, at one time were used in the trade to identify the basis weight of tin plate.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 178 as follows:

In § 178.32-2, the text would be amended to read as follows:

§ 178.32 Specification 2N; inside containers, metal cans.

§ 178.32-2 Material.

Each can must be made of good quality tin plate with parts and dimensions in compliance with the requirements of the following table:

Maximum diameter of can	Minimum thickness of metal (Inch)	
	In body	In heads
(Inches)		
4½e.....	0.01134 (107-pound tin plate). ¹	0.01305 (128-pound tin plate). ¹
6½e.....	0.01134 (107-pound tin plate).	0.01485 (148-pound tin plate). ²
6¾e.....	0.01405 (135-pound tin plate).	0.01405 (135-pound tin plate). ³

¹ The minimum thickness of metal in each head may be 107-pound tin plate provided side seams are soldered and heads are attached to body sections by full double seams internally soldered.

² The minimum thickness of metal in each head may be 135-pound tin plate provided side seams are soldered and heads are attached to body sections by full double seams internally soldered.

³ Top heads must be attached to body sections by full double seams with durable seaming compound, and bottom heads must be attached to body sections by soldering.

PROPOSAL H—ASTM TEST METHOD REFERENCE CORRECTION IN PART 178, APPENDIX B

The Hazardous Materials Regulations Board is considering an amendment to Part 178, Appendix B of the Department's Hazardous Materials Regulations to provide the correct reference to an ASTM test method used in determining the density of plastics.

The ASTM test method which is presently shown in Part 178, Appendix B for determining the density of plastics is an

obvious error. The reference test method deals with determining the fines content of pelleted carbon black and is not used in determining the density of plastics. This notice of proposed rule making proposes to change the reference to reflect the correct ASTM test method.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 178 as follows:

Appendices to Part 178, Appendix B would be amended to read as follows:

TABLE 1

Property	Type I	Type II	Type III	ASTM method
***	***	***	***	***
(Change)				
Density, g./cc.....	0.910—<0.926.....	0.926—<0.941.....	0.941—<0.955.....	D1505-68.
***	***	***	***	***

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and the proposal and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before November 7, 1972, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board,

both before and after the closing date for comments.

These proposals are made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1472(h)).

Issued in Washington, D.C., on August 3, 1972.

WILLIAM K. BYRD,
Deputy Director,
Office of Hazardous Materials.

[FR Doc. 72-12374 Filed 8-9-72; 8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Allen, Burrell K., 1235 Landscape Drive, Billings, MT, convicted on September 3, 1971, in the U.S. District Court for the District of Montana, Billings Division.

Angiano, Harry, 422½ West Yakima Avenue, Yakima, WA, convicted on March 28, 1935, in the Richard County District Court, Montana.

Binkley, Richard H., Route 1, Chapmansboro, Tenn., convicted on April 9, 1965, in the U.S. District Court for the Middle District of Tennessee.

Bolden, LaMont N., 1003½ Oak Street, Tomah, WI, convicted on April 8, 1963, in the Monroe County Court, Sparta, Wis.

Bruhn, James J., 1925 Marquette Street, Davenport, IA, convicted on January 9, 1968, in the Scott County District Court, Iowa.

Burger, Adolph C., 44 Fox Meadows, St. Louis, MO, convicted on April 18, 1958, in the U.S. District Court for the eastern judicial district of Missouri.

Diss, Albert S., II, Post Office Box 203, Longview, WA, convicted on February 25, 1952, and on April 26, 1960, in the Cowlitz County Superior Court, Kelso, Wash.; and on October 2, 1953, in the circuit court for the county of Clatsop, Astoria, Ore.

Grant, Larry R., 1020 West Casino Drive, No. C312, Everett, WA, convicted on October 10, 1969, in the Superior Court for the State of Washington, in and for the county of King.

Hagarty, James Richard, 4409 Terrace Drive, Yakima, WA, convicted on August 3, 1959, in the Superior Court of the State of Washington for Yakima County.

Hagberg, Harold A., 1219 Court Street, Sioux City, IA, convicted on October 6, 1970, in the Sac County Court, Sac City, Iowa.

Harr, William R., Route 1, Box 139, Sardis, OH, convicted on January 16, 1961, in the Marion County, W. Va., Circuit Court.

Howell, William D., 525 South Eucalyptus Avenue, Waterford, CA, convicted on November 5, 1942, in the Superior Court for Merced County, Calif.; and on November 9, 1945, in the La Crosse County, Wis., Circuit Court.

Huffman, Arthur, Route 3, Cabool, Mo., convicted on November 13, 1950, in the Missouri Circuit Court, Texas County, Mo.

Keys, Roy C., 16220 Lawton, Detroit, MI, convicted on June 11, 1942, in the General Court-Martial at Fort Leonard Wood, Mo.

Klinger, Calvin E., 69D Edgewater Park, Bronx, NY, convicted on February 24, 1953, in the Kings County Court, Brooklyn, N.Y.

Langley, Walter N. P., 4992 35th Street, Detroit, MI, convicted on August 28, 1959, in the court of the quarter sessions of the peace for Allegheny County, Pa.

Leslie, Stanley, 1237 Avenue Z, Brooklyn, NY, convicted on August 14, 1946, in the Court of General Sessions, New York, N.Y.

Mickle, Norman, 907 Clover Lane, Grand Rapids, MN, convicted on August 21, 1967, in the District Court for the Ninth Judicial District of MN.

Odell, Arthur J., Rural Delivery No. 1, East Meredith, NY, convicted on October 19, 1962, in the court for the county of Ontario, New York; and on May 15, 1963, in the Delaware County, New York.

Owens, Egbert J., 5807 Westover Drive, Richmond, VA, convicted on May 28, 1962, in the circuit court of the county of Chesterfield, Va.

Pierre, James, 413-22d Avenue, Seattle, WA, convicted on February 8, 1966, in the Superior Court for the State of Washington for King County.

Randall, John E., 918 Golf Course Road, Grand Rapids, MN, convicted on October 5, 1970, in the Ninth Judicial District of Minnesota.

Reynolds, Richard Arlen, 1800 Watrous, Apartment 2-B, Des Moines, IA, convicted on January 23, 1954, in the Polk County District Court, Des Moines, Iowa.

Robar, Donald G., R.F.D. No. 2, Potsdam, NY, convicted on August 20, 1958, in the Pitt County Court, Greenville, NC.

Robinson, Joe C., Barneston, Nebr., convicted on August 4, 1933, in the Marshall County District Court, Marysville, Kans.

Shoman, Larry Martin, 1509 Gregory Avenue, Sunnyside, WA, convicted on October 28, 1959, in the Yakima County Superior Court of the State of Washington.

Signed at Washington, D.C., this 2d day of August 1972.

[SEAL] REX D. DAVIS,
*Acting Director, Bureau of
Alcohol, Tobacco and Firearms.*

[FR Doc.72-12565 Filed 8-9-72;8:52 am]

Bureau of Customs KANEKALON WIGS FROM HONG KONG

Amendment of Withholding of Appraisal Notice

The notice of withholding of appraisal published in the FEDERAL REGISTER of June 28, 1972 (37 F.R. 12765, F.R. Doc. 72-9912), concerned certain wigs imported from Hong Kong, the sales of which are being investigated under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The "Withholding of Appraisal Notice" referred to above is amended by deleting the words "produced by Kanegafuchi Chemical Co. of Japan and" wherever they appear in the notice.

This amendment has no effect on the scope of the original notice.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 2, 1972.

EUGENE T. ROSSIDES,
*Assistant Secretary
of the Treasury.*

[FR Doc.72-12600 Filed 8-9-72;8:54 am]

Fiscal Service

DEPUTY COMMISSIONER OF THE PUBLIC DEBT ET AL.

Order of Succession and Provisions for Continuous Performance of Functions in Event of Enemy Attack

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioner
2. Assistant Commissioner
3. Assistant Deputy Commissioner
4. Technical Assistant to the Commissioner
5. Chief Counsel
6. Director, Chicago Office
7. Director, Parkersburg Office
8. Director, Division of Securities Operations
9. Director, Division of Public Debt Accounts
10. Assistant Director, Division of Securities Operations
11. Assistant Director, Division of Public Debt Accounts

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioner, the Assistant Deputy Commissioner, and the Directors of the Chicago and Parkersburg Offices are hereby authorized to perform any function of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of The Department of the Treasury Order No. 129, Revision No. 2,

dated April 22, 1955. This order of succession supersedes the order of this Bureau dated March 8, 1967.

[SEAL] H. J. HINTGEN,
Commissioners of the Public Debt.

AUGUST 4, 1972.

[FR Doc.72-12566 Filed 8-9-72; 8:52 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-100]

SMALL BUSINESS EXEMPTION

Cost of Living Council Ruling

Facts. Prior to the publication of the small business exemption regulations (Economic Stabilization Regulations, 6 CFR 101.51 (1972)), an employer had at least 50 percent of his employees under a master contract covering more than 60 employees. At the present time, this employer has no employees covered by a master contract or similar employment contract covering more than 60 employees.

Issue. Can this employer qualify for the small business exemption?

Ruling. No. The provisions of § 101.51 (c) state that the small business exemption operates prospectively only from the effective date of the regulation. However, in determining the applicability of the exemption, § 101.51(a)(2)(iv) clearly specifies that the exemption is not applicable if the firm's pay adjustments immediately preceding the effective date of the regulation which applied to or affected 50 percent or more of its employees, were set by a master or similar employment contract covering more than 60 employees.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: August 7, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-12582 Filed 8-9-72; 8:54 am]

Office of the Secretary

FINISHED TUBELESS TIRE VALVES FROM WEST GERMANY

Determination of Sales at Not Less Than Fair Value

On May 12, 1972, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that finished tubeless tire valves from West Germany are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine, for reasons stated in the tentative determination, that finished tubeless tire valves from West Germany are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

AUGUST 3, 1972.

[FR Doc.72-12601 Filed 8-9-72; 8:54 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6883]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 6883, for withdrawal of lands from mineral location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for the development and expansion of campgrounds and picnic areas within the Kaibab National Forest, in aid of programs of the Department of Agriculture.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

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

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

GILA AND SALT RIVER MERIDIAN, ARIZ.

J. D. DAM CAMPGROUND

T. 20 N., R. 3 E.,
Sec. 36, S $\frac{1}{2}$ and S $\frac{1}{4}$ N $\frac{1}{2}$.
The area describe aggregates approximately 480.00 acres.

CATARACT LAKE CAMPGROUND

T. 22 N., R. 2 E.,
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and those parts of the following parcels west of the Atchison, Topeka & Santa Fe Railroad right-of-way: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas describe aggregate approximately 190.75 acres.

The total areas described above aggregate approximately 670.75 acres within the Kaibab National Forest.

This proposed withdrawal will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral or vegetative resources other than under the mining laws.

Dated: August 2, 1972.

JOE T. FALLINI,
State Director.

[FR Doc.72-12525 Filed 8-9-72; 8:48 am]

Office of the Secretary

[DES 72-77]

FISHERY REHABILITATION OF THE ROCK RIVER, CERTAIN COUNTIES, WIS.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a fishery rehabilitation of the Rock River, Wis., and invites written comments within 45 days of this notice.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2346, 18th and C Streets NW., Washington, DC 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant Secretary,
Program Policy.

AUGUST 2, 1972.

[FR Doc.72-12531 Filed 8-9-72; 8:49 am]

[DES 72-81]

POLLUTION ABATEMENT PROJECT FOR CARLSBAD CAVERNS NATIONAL PARK, N. MEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a pollution abatement project

for Carlsbad Caverns National Park located in Eddy County, N. Mex. Written comments on the statement are invited and will be accepted for thirty (30) days from the date of this notice except where time extensions are granted upon request in accordance with Council of Environmental Quality Guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Carlsbad Caverns National Park (address given below).

The project provides for extension of sewer lines and the construction of new treatment facilities consisting of oxidation ponds or sewage lagoons. The project will utilize 3,976 feet of existing sewage line and an additional 5,543 feet of new line to conduct sewage from the public use areas to a series of lagoons at the base of the escarpment.

Copies of this environmental statement are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

Carlsbad Caverns National Park, Post Office Box 1598, Carlsbad, NM 88220.

Dated: August 3, 1972.

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

[FR Doc.72-12352 Filed 8-9-72;8:49 am]

[INT FES 72-25]

PROPOSED CONCRETE LINING OF MAIN OUTLET DRAIN, SOUTH GILA VALLEY, COLORADO RIVER FRONT WORK AND LEVEE SYSTEM, ARIZONA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the authorized project.

The environmental statement concerns improvement of an existing drainage system for the removal of saline drainage waters from the Wellton-Mohawk Division of the Gila Project.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-9247.

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

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

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, Nev. 89005, Telephone (702) 293-8560. Yuma Projects Office, Bureau of Reclamation, Post Office Box 5569, Yuma, Ariz. 85364, Telephone (602) 726-2684.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the

Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: August 3, 1972.

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

[FR Doc.72-12530 Filed 8-9-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary
CONNECTICUT

Designation of Areas for Emergency Loans

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

Fairfield.	New Haven.
Hartford.	New London.
Litchfield.	Tolland.
Middlesex.	Windham.

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

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

Done at Washington, D.C., this 4th day of August 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-12534 Filed 8-9-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. H. P., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), A. H. P., Inc., Post Office

Box 1809, Gainesville, GA 30501, has withdrawn its petition (MF 3490), notice of which was published in the FEDERAL REGISTER of February 12, 1972 (37 F.R. 3196), proposing the safe use of gentian violet as a fungicidal mold inhibitor in animal and poultry feeds.

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12507 Filed 8-9-72;8:46 am]

[DESI 6470]

CALCIUM GLUCEPTATE INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice (DESI 6470) published in the FEDERAL REGISTER of March 12, 1969 (34 F.R. 5126), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Calcium Gluceptate Injection; Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-470). The announcement stated that this drug was regarded as effective and possibly effective for its various labeled indications. The possibly effective indications (i.e., its antispasmodic action in the treatment of intestinal, ureteral, and biliary colic, as well as for the abdominal pain, diarrhea, and tenesmus of intestinal tuberculosis; and its intravenous use in activating uterine contractions when the uterus is insensitive to oxytocic drugs post partum because of a relative calcium deficit.) have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness for those indications has been submitted pursuant to the notice of March 12, 1969.

Eli Lilly, the holder of the only new-drug application for calcium gluceptate for injection supplemented their application to delete the possibly effective indications from the drug's labeling and the supplement was approved Sept. 10, 1971.

Any such preparation on the market with labeling bearing indications for which substantial evidence of effectiveness is lacking may be subject to regulatory proceedings.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12505 Filed 8-9-72;8:46 am]

[DESI 1205]

CERTAIN OTC COLD REMEDIES**Drugs for Human Use; Drug Efficacy Study Implementation; Comments; Correction**

In F.R. Doc. 72-10445 appearing at page 13495 in July 8, 1972 issue of the FEDERAL REGISTER, in the "additional comments" sections of items 25 and 27, in the paragraph beginning, "There is no evidence * * *," the second sentence of both sections, "The dose of pseudoephedrine * * *," is corrected to read, "The dose of phenylephrine hydrochloride * * *."

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12504 Filed 8-9-72;8:46 am]

[Docket No. FDC-D-503; NDA 4-687, etc.]

CERTAIN PREPARATIONS CONTAINING POLYAMINE METHYLENE RESIN, ALUMINUM SODIUM SILICATE AND ALUMINUM MAGNESIUM SILICATE; SUCCINYL-SULFATHIAZOLE, KAOLIN AND PECTIN**Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications**

In a notice (DESI 4687) published in the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11712), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs, stating that the drugs are regarded as possibly effective and lacking substantial evidence of effectiveness for the labeled indications.

1. NDA 4-687; Cremosuxidine Suspension containing succinylsulfathiazole, colloidal kaolin and pectin; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.

2. NDA 7-381; Resion Suspension containing polyamine methylene resin, aluminum sodium silicate, and aluminum magnesium silicate; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Road, Cincinnati, OH 45215.

Six months were allowed for obtaining and submitting substantial evidence of effectiveness of the drugs for the indications for which they were regarded possibly effective. The drugs have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted.

Therefore, notice is given to the above listed firms, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of

the listed new drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use not the subject of an approved new drug application may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an

order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-12506 Filed 8-9-72;8:46 am]

**DEPARTMENT OF
TRANSPORTATION**

National Transportation Safety Board

[Docket No. SA-433]

**AIRCRAFT ACCIDENT NEAR
APPLETON, WIS.****Notice of Investigation Hearing**

In the matter of investigation of accident involving North Central Airlines, Inc., Convair CV-580 of U.S. Registry N90858 and Air Wisconsin, Inc., De Havilland DHC-6 of U.S. Registry N4043B, near Appleton, Wis., June 29, 1972, Docket No. SA-433.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 9:30 a.m. (local time), on September 19, 1972, in the Gold Room of the Ramada Inn, Neenah, Wis.

Dated this 3d day of August 1972.

[SEAL] JAMES W. KUEHL,
Hearing Officer.

[FR Doc.72-12547 Filed 8-9-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-270, 50-287]

DUKE POWER CO.**Notice of Consideration of Issuance of
Facility Operating Licenses and
Notice of Opportunity for Hearing**

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to the Duke Power Co. (the licensee) which would au-

authorize the licensee to possess, use, and operate the Oconee Nuclear Station, Units 2 and 3, pressurized water nuclear reactors (the facilities), located on the licensee's Oconee Nuclear Station site in eastern Oconee County approximately 8 miles northeast of Seneca, South Carolina, at steady-state power levels not to exceed 2,568 megawatts thermal for each unit in accordance with the provisions of the licenses and the Technical Specifications appended thereto, upon the receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the submission of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility licenses (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Ch. 1. Construction of the facilities was authorized by Provisional Construction Permits Nos. CPPR-34, and CPPR-35, issued by the Commission on November 6, 1967.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permits Nos. CPPR-34 and CPPR-35. In addition, the licenses will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed licenses, and has concluded that the issuance will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the licensee will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facilities are subject to the provisions of Section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D to 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permits in the captioned proceeding should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Duke Power Co. may file a request for a hearing and any person whose interest may be affected by this

proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of the facility operating licenses. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated May 29, 1969, as amended, and the licensee's Environmental Report dated July 10, 1970, the Supplemental Environmental Review dated October 18, 1971, Revision No. 1 thereto dated November 2, 1971, and the Commission's Final Environmental statement dated March 1972, for the Oconee Nuclear Station, Units 1, 2, and 3, pursuant to 10 CFR Part 50, Appendix D. A notice of availability of the Final Environmental Statement, was published in the FEDERAL REGISTER on April 1, 1972, 37 F.R. 6702. The above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, SC. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses for the Oconee Nuclear Station, Units 2 and 3, (2) the Safety Evaluation prepared by the Directorate of Licensing, (3) the proposed facility operating licenses, and (4) the Technical Specifications, which will be attached as Appendix A to the proposed facility operating licenses.

Copies of the Commission's Final Environmental Statement pursuant to 10 CFR Part 50, Appendix D, and items (1), (2), and (3) may be obtained by request 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 3d day of August 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor
Projects, Directorate of
Licensing.

[FR Doc.72-12494 Filed 8-9-72; 8:45 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50 "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Southern California Edison Co. and the San Diego Gas and Electric Co. (the applicants), for construction permits for two pressurized water nuclear reactors designated as the San Onofre Nuclear Generating Station, Units 2 and 3 (the facilities), each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts. The proposed facilities are to be located at the applicants' site at Camp Pendleton, San Diego County, Calif.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference and of the hearing will be set by the Board. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon receipt of a favorable report prepared by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will (1) without conducting a de novo review of the application, consider and determine the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permits proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied

with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permits, the applicants' Environmental Report and Supplemental Environmental Report, and, as they become available, the report of the Commission's Advisory Committee on Reactor Safeguards, the proposed construction permits, the applicants' summary of the application, the Safety Evaluation by the Commission's regulatory staff, the Commission's Draft and Final Environmental Statements, and the transcripts of the prehearing conference and of the hearing will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public.

Copies of those documents will also be made available at the San Clemente Public Library, 233 Granada Street, San Clemente, CA, for inspection by members and 9 p.m. on Monday through Thursday, and between the hours of 10 a.m. and 5 p.m. on Friday and Saturday. Copies of the applicants' Environmental Report and Supplemental Environmental Report (to the extent of supply), and, when available, the ACRS report, the regulatory staff's Safety Evaluation and the Draft and Final Environmental Statements may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing at the discretion of the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW.,

Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding and may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicants not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to an Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and will make the delegation pursuant to paragraph (a) (1) of that section. The Appeal Board will be composed of a chairman, an assistant chairman, Dr. John Buck, with a third member to be designated by the Commission. Notice of the Appeal Board's membership will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 2d day of August 1972.

UNITED STATES ATOMIC
ENERGY COMMISSION,
W. B. McCool,
Secretary of the Commission.

[FR Doc. 72-12493 Filed 8-9-72; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 72-8-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1972.

By Order 72-3-86, dated March 27, 1972, the Board reaffirmed in part an earlier order¹ approving the above agreements, subject to condition, through August 12, 1972, in order that the carrier members of IATA consider changes to the air waybill which would more readily inform the shippers of the carriers' limited liability, the shippers' right to increase such monetary limit of liability by a declaration of greater value, and the means by which he can exercise this right.

In a letter from IATA dated July 19, 1972, we are advised that amendments to the subject resolutions were agreed upon in the March meeting of the Cargo Traffic Procedures Committee which provides for changes on the face of the air waybill to clarify the carriers' liability. Although these revised resolutions have not as yet been filed with the Board for approval, we are informed that they have been approved by the IATA membership for effect on October 1, 1972. In view of the foregoing, IATA requests that the Board either remove the expiry date of August 12, or extend it for a further period of 2 months so as to permit the present resolutions to continue in effect in the interim period.

Although the amendments to the resolutions emanating from the fourth meeting of the Cargo Traffic Procedures Committee have not as yet been filed as an agreement with the Board, in view of the imminence of a revised agreement being submitted, we will extend our approval of the subject resolutions through October 31, 1972.

Accordingly, it is ordered, That:

Approval of Agreements CAB 22429, R-7 and R-8 and CAB 22460, R-69 and R-70, in air transportation as conditioned by Order 72-3-86 is extended through October 31, 1972.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 72-12597 Filed 8-9-72; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality July 24-28, 1972.

¹ Order 71-12-33.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-388-7803.

FOREST SERVICE

Draft, July 28

Nez Perce National Forest, Idaho. The statement refers to the 3-year road construction plan for the forest. The plan is intended to facilitate the harvesting of timber. Construction will include 184 miles of new road, 296 miles of reconstruction, and 450 miles of spur road construction. Approximately 3,400 acres will be stripped of vegetative cover, 40 percent of it permanently. Adverse effects will include soil disturbance, air and water pollution, esthetic impact, and the impairment of fish and wildlife habitat (including the permanent loss of 400 acres of big game habitat). Increased hunting and recreation pressures on the land will result. (31 pages) (ELR Order No. 04980) (NTIS Order No. EIS 72 4980D)

Draft, July 25

Bitterroot National Forest, Mont. County: Ravalli. The statement considers the implementation of a revised multiple use plan for the Moose Creek Planning Unit of the forest. The plan considers the construction of roads and the cutting (including clearcutting) of timber in selected sections of 20,000 acres of forest, and management for recreation in others. The plan will affect water and air quality (the latter due to the burning of log slash), natural landscapes, and wildlife habitat. (102 pages) (ELR Order No. 04940) (NTIS Order No. EIS 72 4940D)

Draft, July 7

Allegheny National Forest, Pa. County: Warren. The statement considers the use of 141 acres of forest land for a sanitary landfill by the Warren County Solid Waste Authority. It is possible that use of the land could result in ground water contamination. (43 pages) (ELR Order No. 04848) (NTIS Order No. EIS 72 4848D)

Draft, July 28

Jefferson National Forest, Va. County: Several. The statement refers to the management of the Upper Craig Creek Unit, Blacksburg and New Castle ranger districts of the forest. The program will provide for increased recreational use, timber management, wildlife enhancement, and water quality control. New roads and trails will be built (including a horse trail), and a new trail shelter will be constructed on the Appalachian Trail. (59 pages) (ELR Order No. 04986) (NTIS Order No. EIS 72 4986D)

Final, July 25

Mesquite program, Coronado National Forest, Ariz. The statement refers to a proposed herbicidal spray project on the mesquite of the forest. The project has been deleted from the fiscal year 1972 budget. A new draft statement will be issued when the program is reactivated. (2 pages) (ELR Order No. 04938) (NTIS Order No. EIS 72 4938F)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, July 26

Creston plant, Iowa, County: Union. The statement considers a request by the central Iowa Power Cooperative that it be granted a loan in order to install one

30 MW gas turbine and waste heat boiler at the plant. The operation of the turbine, combined with the closing of two existing coal-fired boilers, will result in an overall reduction of pollution levels. (69 pages) (ELR Order No. 04945) (NTIS Order No. EIS 72 4945D)

Final, July 28

Hilton Head Island, S.C., County: Beaufort. The statement refers to the installation of a 20 Mw gas turbine generating unit on the island. Also included would be a 250,000-gallon storage facility, truck unloading facilities, a step-up transformer, and 3,300 feet of 69 kilovolt transmission line. The plant will serve as an emergency, standby system. Potential emissions of sulfur and nitrogen oxides, and particulates are not considered significant in magnitude. (78 pages) Comments made by: USDA, EPA, FPC, HEW, DOI (ELR Order No. 04985) (NTIS Order No. EIS 72 4985F)

SOIL CONSERVATION SERVICE

Draft, July 26

Patterson Watershed, Calif., County: Stanislaus. The statement considers the land treatment measures; the construction of a subsurface drainage system (10.9 miles of open joint tile and 4.5 miles of closed joint tile); and the cleaning and deepening of 1.6 miles of existing open drainage ditches. The project will improve drainage, lowering the high water table on 4,190 acres, removing accumulated salts from the soil and eliminating health hazards. The salt content of water delivered from the area to the San Joaquin River will be increased. (17 pages) (ELR Order No. 04948) (NTIS Order No. EIS 72 4948D)

Little Creek Watershed, Ga., Counties: Wheeler and Laurens. The statement considers a soil erosion and flood control program which would involve land treatment measures and the construction of 13 reservoirs. Approximately 193 acres of woodland and agricultural land will be inundated, along with 3.7 miles of intermittent streams. (14 pages) (ELR Order No. 04947) (NTIS Order No. EIS 72 4947D)

Georgetown Creek Watershed, Idaho, County: Bear Lake. The statement considers land treatment measures, channel works on 8,500 feet of the creek, and the conversion of a 3,500-acre surface irrigation system to a pressurized system. The project may adversely affect the rainbow trout population of Georgetown Creek. (17 pages) (ELR Order No. 04949) (NTIS Order No. EIS 72 4949D)

Spring Brook Watershed, Wis., Counties: Langlade and Marathon. The statement considers the implementation of flood control measures on the watershed, including conservation land treatment. Structural features of the project would consist of one new flood control structure and one to replace the Antigo Lake outlet, and a 3-foot-high, 1,340-foot-long dike. Also included would be the clearing and snagging of 10,340 feet of Spring Brook. The project will require approximately 138 acres of agricultural land; an additional 448 acres will be occasionally flooded. (25 pages) (ELR Order No. 04946) (NTIS Order No. EIS 72 4946D)

Draft, July 28

Poplar River Watershed, Wis., Counties: Clark and Taylor. The statement refers to an erosion and flood control project which will involve conservation land treatment measures, and the construction of a floodwater retarding structure, a 5-foot-high, 1,400-foot-long dike, and

2.73 miles of channel improvement. A 1,376-acre public park and wildlife area will be established. The project will take 355 acres of agricultural and forest lands; 200 additional acres will be occasionally inundated; the natural beauty of Poplar River will be affected by the partial removal of a granite outcrop; the stream fishery of the river will be affected by the channel works. (26 pages) (ELR Order No. 04979) (NTIS Order No. EIS 72 4979D)

Final, July 25

East fork of Whitewater River, Ind. County: Ohio. The statement considers a watershed project which would involve land treatment measures on 91,000 acres; three multi-purpose structures for flood control and recreational facilities; two structures for flood control and municipal water supply; one single purpose floodwater retarding structure; and 29.9 miles of stream works. Approximately 3,364 acres of land will be removed from private agricultural use; 1,248 acres will be inundated. Fish and wildlife habitat will be adversely affected. (34 pages) Comments made by: COE, EPA, HEW, DOI (ELR Order No. 04937) (NTIS Order No. EIS 72 4937F)

Final, July 24

TorC Williamsburg Arroyos Watershed, N. Mex. County: Sierra. The statement refers to land treatment and the construction of four floodwater retarding structures, 1 mile of channel and pipeline, and 0.6 mile of floodway in the 19,048 acre watershed. Approximately 152 acres will be periodically inundated, with adverse effects upon agricultural use and wildlife habitat; one family will be displaced. (35 pages) Comments made by: EPA, COE, HEW, DOI (ELR Order No. 04931) (NTIS Order No. EIS 72 4931F)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202-973-7373.

Draft, July 25

Arkansas Nuclear One Unit 2, Ark. County: Pope. The statement considers the issuance of a construction permit to the Arkansas Power and Light Co. for Unit 2, a 2,760 MWt, 950 MWe pressurized water reactor, with anticipated future power levels of 2,900 MWt and 974 MWe. Water for the closed cycle cooling system (with a natural-draft tower) will be drawn from the Illinois Bayou of the Dardanelle Reservoir. Fish may be entrapped on the cooling system inlet. Radioactivity released from the unit will include 4,350 curies of gaseous effluents and 1,005 curies of liquid effluents (including 1,000 of tritium), annually. (214 pages) (ELR Order No. 04942) (NTIS Order No. EIS 72 4942D)

Draft, July 28

La Salle County Station, Ill. County: La Salle. The statement refers to an application by the Commonwealth Edison Co. for construction permits for the station. Two boiling water reactors, of 3,293 MWt and 1,100 MWe each, would be constructed. Cooling water would be drawn from a to-be-constructed artificial lake. Approximately 6,860 acres of

agricultural land will be required for the project; an additional 400 acres will be taken for appurtenant facilities (including transmission line); 30 families will be displaced. An unspecified amount of gaseous radioactive effluents will be released to the environs. (67 pages) (ELR Order No. 04984) (NTIS Order No. EIS 72 4984D)

Draft, July 25

William B. McGuire Nuclear Station, N.C. The statement considers the issuance of a construction permit to the Duke Power Co. for the two-unit station. Each of the pressurized water reactors will produce 3,400 MWt to provide 2,300 MWe, and be cooled by a once-through flow of water from Lake Norman; discharge will be at 16° F. above ambient. Small amounts of nonradioactive chemicals will be released to the water; an estimated dose of 78 manrem per year (within a 50 mile radius) will be released to the environs. (312 pages) (ELR Order No. 04941) (NTIS Order No. EIS 72 4941D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Colonel William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202-693-7168.

Draft, July 24

Greenville Harbor, Miss., County: Washington. The project consists of the widening of an existing channel from 250 feet to 500 feet; the construction of an inner harbor channel (500 feet wide); the extension of a 300-foot-wide channel into the La Grange Crevasse area; and related work. Dredged spoil will be utilized to provide 390 acres of raised landfill. Marine ecosystems will be adversely affected. (42 pages) (ELR Order No. 04927) (NTIS Order No. EIS 72 4927D)

Draft, July 27

Coke Works Electrical Generating Plant, Conn., County: New Haven. The statement considers the construction and operation of a 400 MW generating station with a 389-foot-tall stack, an oil unloading pier, and related facilities. Dredging for the pier will involve the disposal of 320,000 cubic yards of spoil. Approximately 280,000 gallons per minute of estuarine water will be utilized for condenser cooling. Marine life will be adversely affected; the potential for oil spillage will increase. (186 pages) (ELR Order No. 04977) (NTIS Order No. EIS 72 4977D)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202-386-6084.

Draft, July 24

Oneida Project No. 472, Idaho, County: Franklin. The statement considers the issuance of a license to the Utah Power and Light Co. for the constructed project. It consists of a dam on the Bear River, three 10,000-kilowatt generators and appurtenant facilities. Continued operation of the project is expected to have no adverse environmental effects. (31 pages) (ELR Order No. 04932) (NTIS Order No. EIS 72 4932D)

Draft, July 10

Mongaup Project No. 2578, N.Y., County: Sullivan. The statement considers an

application for a renewal license for the Mongaup River Project 2578 by the Orange and Rockland Utilities Co., Inc. The project consists of a dam across the river, a powerhouse with a total installed generating capacity of 4,000 kilowatts, and appurtenant facilities. Since the project has been in existence for over 45 years, no adverse environmental impact is expected. (55 pages) (ELR Order No. 04856) (NTIS Order No. EIS 72 4856D)

Rio Project No. 2592, N.Y., Counties: Orange and Sullivan. The statement considers an application by the Orange and Rockland Utilities Co., Inc., for a renewal license for their Rio Project No. 2592. The project, which is located on the Mongaup River, consists of a dam across the river, a powerhouse with total installed generating capacity of 10,000 kilowatts, and appurtenant facilities. Since the project has been in existence for 45 years, no additional adverse environmental impact is expected. (65 pages) (ELR Order No. 04857) (NTIS Order No. EIS 72 4857D)

DEPARTMENT OF HEW

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, 202-962-2241.

Final, July 26

Gallaudet College. The statement refers to the construction of permanent facilities for the Model Secondary School for the Deaf, and ancillary facilities, at Gallaudet College. The facilities will place increased loads on existing community systems, such as water, transportation, energy use, and waste disposal. (44 pages) Comments made by: USDA, DOC, DOD, EPA, HEW, HUD, DOI (ELR Order No. 04950) (NTIS Order No. EIS 72 4950F)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202-755-6186.

Draft, July 26

Shenandoah New Community, Ga. County: Coweta. The statement refers to a proposed HUD offer of commitment for loan guarantee assistance of up to \$30 million in financing land acquisition and development of a new community. A 7,200 acre site is involved, with a city of 70,000 planned. Environmental issues include the situation of the tract within the city of Newman's watershed; and the development of new water and sewage systems. (209 pages) (ELR Order No. 04951) (NTIS Order No. EIS 72 4951D)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final, July 27

Jim Bridger Thermal-Electric Complex, Wyoming, Idaho. The statement considers the construction of a 1,500 MW coal fired powerplant (northeast of Rock Springs, Wyo.), consisting of three 500 MW generators, cooling towers, a 7-mile railroad spur, a switchyard, a coal storage area, and three 345 kilovolt transmission lines to southeastern Idaho. Coal will be strip-mined nearby. A 42-mile 36" underground pipeline will also be in-

stalled to draw water from the Green River. Environmental impact will include the effects of stack emissions on air quality and on rangeland ecosystems, erosion, the disturbance of wildlife, and the visual impact of the transmission lines (approximately 500 pages). Comments made by: USDA, EPA, AEC, USCG, DOC, HUD, DOI, DOT (ELR Order No. 04960) (NTIS Order No. EIS 72 4960F).

BUREAU OF RECLAMATION

Draft, July 28

Pick-Sloan Missouri Basin, S. Dak., Counties: Codrington, Watertown, Brookings. The statement refers to the construction of 45 miles of 115 kilovolt transmission line, from Watertown to Brookings, as part of the Pick-Sloan Missouri Basin Program. The line will affect the landscape; 10 acres will be taken for its construction (18 pages). (ELR Order No. 04981) (NTIS Order No. EIS 72 4981D).

OFFICE OF SALINE WATER

Final, July 14

Imperial Valley, Calif. The statement considers the construction of a 96,000 gpd desalting test well in the East Mesa of the Valley. A 5,000' to 7,000' deep brine injection well would also be constructed. Approximately 20 acres of land would be cleared and used for the project. (100 pages) Comments made by: USDA, DOC, EPA, FPC, HEW, HUD (ELR Order No. 04895) (NTIS Order No. EIS 72 4895F).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202-962-8107.

Final, July 25

Space Shuttle. The statement refers to the development of a piloted, recoverable, and reusable space transportation system; intended payload is 65,000 pounds. The shuttle would replace most existing launch vehicles while expanding flexibility in space activities. Test flight is scheduled for 1978, with operation flight before 1980 anticipated. Adverse environmental impact will include the exhaust emission of hydrogen chloride; the sonic booms of launch and reentry; and the reentry of the spent booster and the orbiter propellant tank. (132 pages) Comments made by: USDA, AEC, DOC, DOD, EPA, HEW, HUD, DOI, DOT (ELR Order No. 04939) (NTIS Order No. EIS 72 4939F).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202-426-4355.

FEDERAL AVIATION AGENCY

Final, July 28

Gladwin Municipal Airport, Mich., County: Gladwin. The statement considers the construction of new facilities at an existing turf airfield. These would include a 3,300' x 75' east/west runway, an apron, a terminal, an access road, lighting, VASI-2, etc. No significant and adverse effects are mentioned in the statement. (44 pages). Comments made by: USDA, COE, EPA, DOC, DOI, DOT (ELR Order No. 04982) (NTIS Order No. EIS 72 4982F).

Waseca Municipal Airport, Minn., County: Waseca. The project involved is the construction of new airport facilities at an

existing grass runway, including the following: a 3,400' x 75' northwest/southeast runway; a 150' x 300' apron; a connecting taxiway and turnaround; MIBL, a beacon, wind cone, and VASI-2. Approximately 302 acres of agricultural land will be committed to the project. The statement discusses no significant and adverse environmental impact. (52 pages) Comments made by: USDA, COE, DOC, EPA, DOT (ELR Order No. 04976) (NTIS Order No. EIS 72 4976F).

FEDERAL HIGHWAY ADMINISTRATION

Draft, July 27

Mount Carmel connector, Conn. The statement considers the proposed construction of a 1.8 mile section of new highway (relocation of Route 10) from Whitney Avenue to State Street and Dixwell Avenue. A strip of land approximately 350 feet wide will be required for right-of-way; a bridge will be constructed across the Mill River. Seven businesses will be displaced. A 4(f) statement will be filed as a historic site would be affected. (62 pages) (ELR Order No. 04961) (NTIS Order No. EIS 72 4961D).

Draft, July 24.

S.R. 530A, Florida, County: Osceola. The statement considers the construction of a new four-lane limited access facility (S.R. 530 A) from the intersection of S.R. 530-S.R. 535 eastward 5.5 miles to the Florida Turnpike. Potential adverse impacts include derogation of existing highways and derogation of water quality in Shingle Creek and Mill Slough. Plant and animal communities and agricultural activities will be disrupted. (60 pages) (ELR Order No. 04936) (NTIS Order No. EIS 72 4936D).

Addison Avenue (U.S. 93), Idaho. The project involves the reconstruction and widening of 0.46 mile of Addison Avenue (U.S. Highway 93) in Twin Falls. Four families, one business, and seven garages will be displaced by the action. Right-of-way could encroach upon private property and 0.115 acres of playground would be lost to the action. (27 pages) (ELR Order No. 04928) (NTIS Order No. EIS 72 4928D).

S.R. 1, Iowa, County: Johnson. The statement considers the proposed widening of two-lane Iowa 1 to four lanes, construction of a median separation, channelization of the intersection with U.S. 6-U.S. 213, and an interchange with proposed Freeway 518. Project length is approximately 2.6 miles. Two businesses and 13 families will be displaced; an unspecified amount of land will be committed to the action. Wildlife cover will be lost and ground nesting areas disturbed. (24 pages) (ELR Order No. 04926) (NTIS Order No. EIS 72 4926D).

Trunk Highways 87 and 10, Minnesota, County: Becker. The project considers the construction of a 1.25 mile segment of Trunk Highway 87 between Frazee and Trunk Highway 10 in Becker County. An unspecified amount of land will be taken for right-of-way. (30 pages) (ELR Order No. 04935) (NTIS Order No. EIS 72 4935D).

Bismarck city streets, North Dakota, County: Burleigh. The statement considers the proposed reconstruction and implementation of one-way traffic on Seventh Street and Ninth Street. Construction on Seventh Street will include widening of seven blocks and constructing an "at grade crossing" across the Burlington Northern Railroad tracks. Some trees on existing right-of-way will

be removed; noise and fume pollution will increase during construction. (23 pages) (ELR Order No. 04929) (NTIS Order No. EIS 72 4929D).

S.R.'s 13 and 97, Ohio, County: Richland-Knox. The statement considers the proposed construction on new location of 12.22 miles of four-lane limited access highway, from S.R. 546 to the Village of Bellville. Approximately 315 acres of farmland and 45 acres of woodland will be committed to the action. The Clear Fork of the Mohican River will be crossed and approximately 1,000 feet channelized, with resultant loss to riparian habitat. Eight residences and their outbuildings will be displaced. (23 pages) (ELR Order No. 04933) (NTIS Order No. EIS 72 4933D).

S.R. 61, Ohio, County: Crawford. The statement considers the proposed widening and rerouting of S.R. 61 through the city of Crestline, and construction of a grade separation structure over 5 tracks of the Penn-Central Railroad. Project length is approximately 2.4 miles. Two residential buildings, one farm barn and approximately 11 acres will be taken by the action. (27 pages) (ELR Order No. 04934) (NTIS Order No. EIS 72 4934D).

Draft, July 26

East Cambridge Avenue, South Carolina, County: Greenwood. The statement consists of a proposed widening of approximately 1.1 miles of East Cambridge Avenue (S-29) from Katewood Street (S-99) to Seaboard Avenue (S-356). An unspecified amount of land will be taken for right-of-way and one residence will be committed to the action. Traffic disruptions, erosion, dust pollution and siltation will occur during construction. (9 pages) (ELR Order No. 04959) (NTIS Order No. EIS 72 4959D).

Final, July 26

Nenana Highway, Alaska. The statement considers the relocation of 3.2 miles of the Nenana Highway and the construction of 2.1 miles of spur road from University Avenue to the Fairbanks International Airport; a bridge across the Chena River is included. An unspecified amount of land will be required for right-of-way. (91 pages) Comments made by: COE, EPA, DOI, DOT, USCG (ELR Order No. 04953) (NTIS Order No. EIS 72 4953F).

Final, July 27

1405, California, County: Orange. The statement considers the reconstruction of the Seal Beach Boulevard Interchange on the San Diego Freeway (I-405). Adverse impacts discussed include air and noise pollution, and visual impact. (71 pages) Comments made by: DOI, HUD, DOT (ELR Order No. 04972) (NTIS Order No. EIS 72 4972F).

Final, July 26

U.S. 319 (S.R. 377), Florida, County: Wakulla. The statement considers the construction of a new bridge on U.S. 319 over the Sopchoppy River. The bridge will replace an existing wooden structure which is considered to be unsafe. (46 pages) Comments made by: COE, EPA, DOC, USDA, DOI, USCG (ELR Order No. 04954) (NTIS Order No. EIS 72 4954F).

Supplemental Freeway, Rock Island to St. Louis, Ill., Counties: Mercer, McDonough, and Warren. The statement considers the corridor for that section of the freeway which would extend from Reynolds to Macomb, a distance of 75

miles. Since the precise route has not been chosen, the number of displacements and the amount of land needed for right-of-way are not specified. Much of the land to be taken is prime agricultural land. (103 pages) Comments made by: USDA, DOC, EPA, DOI, DOT (ELR Order No. 04958) (NTIS Order No. EIS 72 4958F)

Final, July 27

Illinois Route 23, Illinois, County: Livingston. The statement considers the reconstruction of 12.10 miles of roadway. Two businesses, six farm units and 17 residences would be displaced; an unspecified amount of land will be taken for right-of-way. (52 pages) Comments made by: USDA, COE, HEW, DOI, AEC, EPA (ELR Order No. 04970) (NTIS Order No. EIS 72 4970F)

Final, July 26

S.R. 9 and S.R. 37, Indiana, County: Huntington. The statement considers the reconstruction, from 2 to 4 lanes, of 3.2 miles of highway. Four residences and one business will be displaced by the project. (24 pages) Comments made by: EPA, HEW, DOI (ELR Order No. 04952) (NTIS Order No. EIS 72 4952F)

U.S. 30, Iowa, Counties: Benton and Linn. The statement considers the reconstruction of 14.4 miles of highway, including dual bridges over Mud Creek. One family farm and one business will be displaced; 500 additional acres of right-of-way will be required. (45 pages) Comments made by: USDA, EPA, HUD, DOI, DOT (ELR Order No. 04956) (NTIS Order No. EIS 72 4956F)

Final, July 27

U.S. 56, Kansas, Counties: Morris and Lyon. The statement considers the construction of 6.9 miles of two-lane highway, including bridges, on new location. Two residences will be displaced and an unspecified amount of agricultural land will be taken for right-of-way. (42 pages) Comments made by: USDA, COE, EPA, HEW, DOI, USCG, DOC, OEO, DOT (ELR Order No. 04964) (NTIS Order No. EIS 72 4964F)

I-35, Kansas, Counties: Johnson and Miami. The statement considers the construction of 8.5 miles of four-lane roadway on new location. An unspecified amount of right-of-way will be required. Several family farms may be severed by the action. (91 pages) Comments made by: USDA, COE, DOC, EPA, HEW, DOI (ELR Order No. 04965) (NTIS Order No. EIS 72 4965F)

U.S. 54, Kansas, County: Butler. The statement considers approximately 1.3 miles of two-lane roadway, including a bridge and railroad tracks. A number of residences and businesses will be displaced as a result of the project; the precise figures depend upon the alternative route chosen. (61 pages) Comments made by: USDA, DOC, COE, EPA, HUD, DOI, USCG, DOT (ELR Order No. 04968) (NTIS Order No. EIS 72 4968F)

Davison Freeway, Michigan, County: Wayne. The statement considers the widening of the Davison Freeway, a depressed level urban freeway in the city of Highland Park, to two four-lane sections. An unspecified amount of residential and commercial land will be taken for right-of-way. (72 pages) Comments made by: USDA (ELR Order No. 04967) (NTIS Order No. EIS 72 4967F)

Trunk Highway 23, Minnesota, County: several. The proposed project is the relocation of approximately 32.8 miles of

Trunk Highway 23 in Lyon, Yellow Medicine, Renville, and Chippewa Counties. The project will require construction of 15 bridges; two over railroad crossings, eight over river and creek crossings and five over highway crossings. An unspecified amount of agricultural land will be committed to the action and some farmsteads will be severed. Approximately 4.4 acres of Sham Lake will be encroached upon. Four families, a town hall, and several miscellaneous buildings will be displaced. (96 pages) Comments made by: EPA, HUD, DOI, OEO, DOT (ELR Order No. 04974) (NTIS Order No. EIS 72 4974F)

I-80, Nevada, County: Humboldt. The project is the proposed construction of a 6.850-mile section of Interstate 80. Approximately 252 acres of land, much of it in a flood plain, will be committed to the action. Four businesses, and 24 residences will be displaced. An addendum to this statement considers the relocation of 1.4 miles of I-95 to a point northeast of Winnimucca, across the Humboldt flood plain, to a direct connection with I-80. (51 pages) Comments made by: DOI (ELR Order No. 04962) (NTIS Order No. EIS 72 4962F)

U.S. 93, Nevada, County: Lincoln. The statement considers the resurfacing of 62 miles of existing highway, from Caliente to Alamo. Little change in land use is expected. (35 pages) Comments made by: COE, DOI, EPA (ELR Order No. 04963) (NTIS Order No. EIS 72 4963F)

Final, July 25

State Route 1211, North Carolina, County: Graham. Proposed reconstruction of 8.9 miles of roadway from U.S. 1129 to N.C. 28. Three families will be displaced and approximately 75 acres will be required for right-of-way. Siltation and channelization of Sweetwater Creek will affect aquatic life. (36 pages) Comments made by: USDA, COE, OEO, TVA (ELR Order No. 04944) (NTIS Order No. EIS 72 4944F)

Final, July 26

Assembly Street, South Carolina, County: Richland. The statement considers the construction of 0.65 mile of four-lane roadway in the city of Columbia. The project will improve traffic flow between the central business district and residential sections north of the city. Thirty-five residences will be displaced by the action. (30 pages) Comments made by: COE, EPA, HEW, HUD, DOI, DOT (ELR Order No. 04955) (NTIS Order No. EIS 72 4955F)

Gatesville Bypass, Texas, County: Coryell. The statement considers the construction of 5.6 miles of roadway to bypass the city of Gatesville. One family will be displaced. (24 pages) Comments made by: USDA, EPA, DOT (ELR Order No. 04957) (NTIS Order No. EIS 72 4957F)

Final, July 27

State Highway 71, Texas, County: Fayette. The statement considers the reconstruction, from two to four lanes, of 6.9 miles of roadway; including two bridges. Nine residences and two businesses will be displaced; several properties will be severed. (47 pages) Comments made by: USDA, EPA, HEW, COE, DOI, DOT (ELR Order No. 04969) (NTIS Order No. EIS 72 4969F)

Final, July 25

1-45, Texas, County: Harris. The statement considers the proposed reconstruction of 1.25 miles of controlled access

freeway between Southern Street and Santa Elena Street in the city of Houston. An unspecified amount of land will be taken for right-of-way. Seven businesses and 17 residences will be displaced by the action. Soil erosion will occur and noise levels will increase for homes abutting the new right-of-way. (23 pages) Comments made by: COE, EPA, DOI, OEO, DOT (ELR Order No. 04943) (NTIS Order No. EIS 72 4943F)

Final, July 27

Cypress Creek Bridge, Virginia, County: Isle of Wight. The statement considers the proposed construction of a new bridge over Cypress Creek. Project length is 0.478 mile. The ecological balance of a wetland area will be disrupted; breeding, nesting, and feeding grounds will be lost. Several parking lots and access to four businesses will be severed. Comments made by: EPA, HEW, DOI, DOT (ELR Order No. 04971) (NTIS Order No. EIS 72 4971F)

I-80, Wyoming, County: Laramie. The statement considers the construction of 7.5 miles of four-lane interstate highway on new location near the city of Cheyenne. An unspecified amount of acreage will be required for right-of-way. The roadway will hasten existing trends toward industrialization. (39 pages) Comments made by: USDA, DOC, EPA, HUD, DOI, COE, DOT (ELR Order No. 04975) (NTIS Order No. EIS 72 4975F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, July 27

Baltimore Region Rapid Transit System, Maryland, County: Baltimore. The statement considers an application by the Maryland Department of Transportation for a grant of two-thirds of the cost of the final design, construction, and land acquisition of a rail rapid transit line for section A of phase I of the system. Total cost of phase I is \$404,513,000. The section discussed in the statement includes 8.5 miles of double-track line and 10 stations. Approximately 46 families and 32 businesses will be displaced by the project (86 pages) (ELR Order No. 04966) (NTIS Order No. EIS 72 4966D)

U.S. COAST GUARD

Contact: D. E. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591, 202-426-9573.

Draft, July 28

Little Lake Butte des Morts, Wis. County: Winnebago. The statement considers the approval of plans and location for a medium level, multi-span fixed highway bridge across Little Lake Butte des Morts. The project will connect two sections of the town of Menasha. Six residences will be displaced by the action. (17 pages) (ELR Order No. 04983) (NTIS Order No. EIS 72 4983D)

VETERANS ADMINISTRATION

Contact: Mr. William H. Bowen 001-A, Staff Assistant to the Deputy Administrator, 810 Vermont Avenue NW., Room 1127, Washington, DC 20420, 202-389-2830.

Draft, July 24

Veterans Administration Hospital, California, County: Los Angeles. The statement considers the construction of a 940-bed replacement hospital in Los Angeles. The hospital will be a major contribution to the medical education program of the UCLA Medical School. Construction will be disruptive to the area.

(13 pages) (ELR Order No. 04930) (NTIS Order No. EIS 72 4930D)

U.S. WATER RESOURCES COUNCIL

Final, July 14

Genesee River Basin. The statement considers the comprehensive basin report for the river. Intermediate- and long-range water related needs (water supply, quality control, irrigation, recreation, etc.) are considered. Structural features of the plan include 16 upland reservoirs, 10 reservoirs in the Ontario Lake Plains, the Canaserago multipurpose project, and the Stannard multipurpose reservoir. (29 pages) (ELR Order No. 04894) (NTIS Order No. EIS 72 4894F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-12442 Filed 8-9-72; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19564, 19565; FCC 72-710]

EASTMINSTER BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues and Notice of Apparent Liability

In regard applications of: Eastminster Broadcasting Corp., Nashua, N.H., Docket No. 19564, File No. BR-1645, for renewal of licenses for stations WOTW(AM) and WOTW-FM, Docket No. 19565, File No. BRH-166.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operations of stations WOTW(AM) and WOTW-FM, Nashua, N.H.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, it is ordered, That the applications are designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant knowingly engaged in fraudulent billing practices in the operation of Station WOTW(AM) in violation of § 73.1205 of the Commission's rules;

(b) To determine whether the applicant violated § 73.112(a)(2)(ii) of the Commission's rules by failing to show accurately the duration of commercial announcements in Station WOTW(AM) program logs;

(c) To determine whether any officer, shareholder, or director of the applicant utilized the licensed facilities of Station WOTW(AM) to gain a competi-

tive advantage with respect to any transaction or matter other than the operation of the licensed facility within the specified terms of the license;

(d) To determine whether the applicant violated § 1.611 of the Commission's rules by filing annual financial reports (Forms 324) for WOTW(AM) and WOTW-FM which did not accurately state the expenses, income, salaries, or payments to principals of the stations;

(e) To determine whether the applicant filed all network affiliation contracts and amendments thereto with the Commission, as required by § 1.613 of the Commission's rules;

(f) To determine whether the applicant filed timely and accurate Ownership Reports (FCC Form 323) with the Commission, as required by § 1.615 of the Commission's rules;

(g) To determine whether the licenses or the rights thereunder for Stations WOTW(AM) and WOTW-FM were transferred, assigned or disposed of, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended, and § 1.540 of the Commission's rules;

(h) To determine whether the applicant has substantially failed to implement representations made in Part V of its Application for Renewal of Broadcast Station License (BR-1645) for Station WOTW(AM) dated November 21, 1968, as to the maximum amount of commercial matter to be broadcast by WOTW(AM) in any 60-minute segment;

(i) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the grant of the captioned applications would serve the public interest, convenience, and necessity;

4. It is further ordered, That if it is determined that the hearing record does not warrant an order denying the captioned applications for renewal of licenses for station WOTW(AM) and WOTW-FM, it shall also be determined whether the applicant has repeatedly or willfully violated section 310(b) of the Communications Act, or §§ 73.1205, 73.112(a)(2)(ii), 1.613, 1.611, 1.540, and 1.615 of the Commission's rules, or the terms of the authorization for WOTW(AM) or WOTW-FM, and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. It is further ordered, That this document constitutes a notice of apparent liability for forfeiture for violations of those sections of the Act, of the Commission's rules set out in the preceding paragraph and of the terms of the stations' authorizations. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within

¹ See Bill of Particulars for specific dates and details of each alleged violation.

the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. It is further ordered, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this order, a Bill of Particulars with respect to issues (a) through (i), inclusive.

7. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (i), inclusive, and applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WOTW(AM) and WOTW-FM and that a grant of its applications would serve the public interest, convenience and necessity.

8. It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. It is further ordered, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

10. It is further ordered, That the Secretary of the Commission send a copy of this order by certified mail—Return receipt requested to Eastminster Broadcasting Corp.

Adopted: August 3, 1972.

Released: August 7, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12571 Filed 8-9-72; 8:52 am]

[Dockets Nos. 19559, 19560; FCC 72-667]

INDUSTRIAL BUSINESS CORP. AND OGALLALA BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Industrial Business Corp., Ogallala, Nebr., Docket

² Commissioners Robert E. Lee, Acting Chairman; H. Rex Lee and Wiley acting as a Board.

No. 19559, File No. BPH-7317, requests: 93.5 MHz, No. 228; 3 kw.(H); 3 kw.(V); 300 feet; Ogallala Broadcasting Co., Inc., Ogallala, Nebr., Docket No. 19560, File No. BPH-7364, requests: 93.5 MHz, No. 228; 3 kw.(H); 3 kw.(V); 300 feet, for construction permits.

1. The Commission has before it the above-captioned applications, a petition to deny the application of Industrial Business Corp. (Industrial), filed by Ogallala Broadcasting Co., Inc. (Ogallala Broadcasting), and related pleadings. The applications are mutually exclusive since the proposed operation of both applicants would result in mutually destructive interference.

2. On October 30, 1970, an application was filed under the name of Richard A. Roeser, for a construction permit for a new FM station on channel 228 at Ogallala. In response to a question in the application pertaining to station ownership and control, Mr. Roeser indicated that a corporation known as "Keith County Broadcasting Co.," would at some future date, and with Commission approval, become the "owner" of the proposed station. Exhibit 5 of the application listed the names of 15 individuals who had advanced \$500 each for the proposed station and who had agreed to furnish an additional \$1,000 each. In his letter of transmittal, Mr. Roeser further stated that all "investors" were U.S. citizens and residents of Keith County and that "it is the intention here to incorporate as Keith County Broadcasting Co. sometime in the future," but prior to the commencement of construction. He also stated that the investors would receive stock for their contributions and that employees would also be given an opportunity to purchase stock. As an example of the latter, he stated that he was verbally committed to purchase at least \$200 worth of stock in the corporation.

3. Inasmuch as this information indicated that the individuals who would become stockholders in Keith County Broadcasting Co. may already have had an interest in the application, additional information regarding ownership and control, as well as other matters, was requested by staff letter of June 1, 1971. In reply to this letter, the application was amended on August 2, 1971, to, among other things, change the name of the applicant from Richard A. Roeser to Industrial Business Corp. The 15 investors had acted as incorporators in forming this corporation on February 18, 1971. However, only thirteen of them eventually became officers, directors and/or shareholders. Mr. Roeser is neither a director, officer, nor stockholder, but will serve as the proposed station's "Program Director." The letter of transmittal accompanying the amendment indicated that it had been decided for convenience that it would be best to amend the application in the name of the corporation at this time. The amendment, in the form of a complete application, was signed by an officer of Industrial.

4. In its petition to deny, Ogallala Broadcasting contends that the amendment should not have been accepted for

filing and that the Roeser application should be dismissed. It argues that the amendment is, in fact, a new application by a new party, that it was not signed by Roeser, that no filing fee was submitted or publication requirements complied with, and, as such, is defective and should be dismissed pursuant to section 1.566 of the rules. It further claims that Roeser abandoned his intention to be an individual applicant or licensee as early as February 1971 and that his application should have been dismissed or withdrawn at that time. His failure to notify the Commission of his true intentions until August 2, 1971, constitutes a violation of § 1.65 of the rules, according to Ogallala Broadcasting. It asserts that Roeser "in concert with the incorporators and stockholders of Industrial Business Corp. schemed to * * * delay consideration of" Ogallala Broadcasting's application and deliberately misrepresented the true facts of the Commission.

5. We have carefully reviewed the allegations of both parties and conclude that the amendment filed by Industrial was properly accepted for filing, and, in any event, that Ogallala Broadcasting was not harmed by the treating of the filing of August 2, 1971, as an amendment rather than as a new application. Furthermore, Ogallala Broadcasting's allegations with respect to § 1.65 violations and the misrepresentation of material facts are based on conjecture, are not supported by the facts of the case and have been satisfactorily rebutted by persons with knowledge of the circumstances.

6. Unlike the situation with respect to the processing of applications for standard broadcast stations, and the cut-off rules pertaining thereto (§ 1.571 of the rules), it is immaterial, from a substantive standpoint, whether a submission for an FM facility is treated as an amendment to a pending application or as a new application requiring a new file number. The application by Richard A. Roeser was filed prior to Ogallala Broadcasting's application. Until such time as both applications are fully processed and designated for hearing, any qualified party can file a competing application. Both applicants were requested on June 1, 1971, to submit additional information relevant to the processing of their applications. Even if we had determined, in the proper exercise of our discretion, that the amendment of August 2, 1971, should have been treated as a new filing warranting the dismissal of the Roeser application, a new file number would have been assigned, the requisite filing fee requested, and Ogallala Broadcasting would have been in the same position; i.e., faced with a competing mutually exclusive application. It is unlikely that Industrial and Roeser were involved in a "scheme" to deliberately delay action on Ogallala Broadcasting's application, since it appears that they are as willing as Ogallala Broadcasting to acquire the permit and have diligently prosecuted the application. Furthermore, pro-

vided an applicant discloses all changes, the rules do not prohibit the transformation of an individual applicant into a corporate applicant prior to the time final action is taken on an application. The facts before us satisfactorily establish that Roeser never intended to be an individual licensee and intended to purchase stock in a corporate entity which would eventually be the permittee and licensee of the station; that a corporate entity was to be substituted for Roeser prior to commencement of construction of the proposed facility; that individuals other than Roeser would have a greater shareholder interest than he; that these facts were disclosed from the outset; that Industrial was formed on February 18, 1971; that the purpose of the corporation at that time was to engage in numerous business activities, among which was the ownership and operation of a radio station; that a final decision to use Industrial as the corporate entity for the FM facility, and to file an amendment in this regard, was not reached until after receipt of the staff letter of June 1, 1971; that Roeser decided not to purchase stock in this corporation at this time; and that a reasonable period of time was taken for the preparation of the necessary amendments to the application and for full disclosure of material facts. Clearly, no showing has been made of bad faith or misrepresentation on the part of Roeser or Industrial. In view of the foregoing, and since Ogallala Broadcasting has failed to set forth factual allegations which establish a prima facie case for denial, hearing issues with respect to § 1.65 violations, misrepresentation of facts and the character qualifications of Industrial are not warranted.

7. We find that Industrial will require funds of \$71,873 to construct and operate the proposed station for 1 year, as follows: Down payment on equipment, \$10,912; first-year payments on equipment, including interest, \$14,404; lease option on land, \$100; first-year operating expenses, \$45,000; and miscellaneous expenses, \$1,457. To meet this requirement, Industrial claims the availability of \$2,957 in existing capital, stock subscriptions totaling \$13,000, and a bank loan of \$60,000 from the First National Bank, Ogallala. Industrial has established the availability of the \$13,000 in stock subscriptions. The loan commitment from the bank, however, states that the bank will require the perfection of a security interest "in all physical assets and accounts receivable." Inasmuch as no accounts receivable will exist at the time the loan is to be made, and since most of the proposed station's physical assets will apparently be subject to a lien of the equipment manufacturer, a question arises as to validity of the \$60,000 bank loan. Thus, an issue has been specified.

8. With respect to the financial showing of Ogallala Broadcasting, we find that funds of \$39,568 will be required to construct and operate the proposed station for 1 year, as follows: equipment, \$20,608; interest on bank loan, \$2,400;

first-year operating expenses, \$13,210; and miscellaneous expenses, \$3,350. To meet this requirement, the applicant claims the availability of existing capital of \$26,500 and a bank loan of \$30,000 from the Keith County Bank and Trust Co., Ogallala. Since the balance sheet submitted by Ogallala Broadcasting showing the availability of \$26,500 in cash was dated October 31, 1970, the applicant was requested, by letter of May 4, 1972, to submit a current balance sheet. Such a balance sheet has not been submitted. This raises a question with respect to the amount of existing capital available for the proposed station. Furthermore, the bank's letter of credit states that the loan "shall be secured by corporate guarantees." Since the nature of such guarantees is not apparent, and since it can't be determined whether such guarantees will be forthcoming, a question also arises as to the availability of the bank loan. Accordingly, appropriate issues have been specified.

9. Ogallala Broadcasting proposes to duplicate the daytime programming of its companion AM station KOGA, while Industrial proposes independent programming. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue with respect to Ogallala Broadcasting. The showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be allowed—Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

10. Except as indicated by the issues set out below, both applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, we are unable to make the statutory finding that a grant of either application would serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

11. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Industrial Business Corp.:

(a) Whether a bank loan of \$60,000 will be available to the applicant from The First National Bank, Ogallala, Nebr.; and

(b) Whether, in light of the evidence adduced under the above issue, the applicant is financially qualified.

2. To determine with respect to the application of Ogallala Broadcasting Co., Inc.:

(a) Whether a bank loan of \$30,000 will be available to the applicant from the Keith County Bank and Trust Co., Ogallala, Nebr.;

(b) Whether the applicant, in the event the availability of the \$30,000 bank loan is established, has sufficient current and liquid assets in excess of current liabilities to meet the remaining funds

required, or whether the applicant has available other sources of funds to meet its requirements; and

(c) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced under the above issues, which, if either, of the applications for construction permits should be granted.

12. It is further ordered, That the petition to deny filed by Ogallala Broadcasting Co., Inc., is denied.

13. It is further ordered, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

14. It is further ordered, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: July 26, 1972.

Released: August 2, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-12572 Filed 8-9-72; 8:52 am]

[Docket No. 19434; FCC 72R-208]

SALEM BROADCASTING CO., INC.,
ET AL.

Memorandum Opinion and Order
Enlarging Issues

In regard applications of Salem Broadcasting Co., Inc., Salem, N.H., Docket No. 19434, File No. BP-18325; New Hampshire Broadcasting Corp., Salem, N.H., Docket No. 19435, File No. BP-18479; Spacetown Broadcasting Corp., West Derry, N.H., Docket No. 19436, File No. BP-18492; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Salem Broadcasting Co., Inc. (Salem), New Hampshire Broadcasting Corp. (New Hampshire), and Spacetown Broadcasting Corp. (Spacetown), for new standard broadcast stations, was designated for hearing by Commission Order, FCC 72-136, released February 15, 1972. Presently before the Review Board is a petition to enlarge issues, filed March 13, 1972, by New Hampshire² seeking the

¹ Chairman Burch absent; Commissioner Hooks not participating.

² Also before the Review Board are: (a) Errata to New Hampshire's petition, filed March 14, 1972; (b) opposition, filed March 28, 1972, by Spacetown; (c) opposition, filed March 28, 1972, by the Broadcast Bureau; and (d) reply, filed April 18, 1972, by New Hampshire; and (e) motion to accept late filed reply, filed April 18, 1972, by New Hampshire. Since the delay was only 2 days, the other parties to the proceeding do not object to the late-filed reply, and no prejudice would be caused by its acceptance, the Board will accept the pleading.

addition of six issues, including the following, against Spacetown:

(a) To determine whether the station location applied for by the applicant is a particular city, town, political subdivision, or community or an integral part of another city or town as contemplated by § 73.30(a) of the Commission's rules;

(b) To determine whether, if it is determined that the applicant realistically proposes to serve a community other than its specified community, it meets the technical requirements of the Commission's rules for such community including § 73.188.

The remaining issues requested relate to Spacetown's financial qualifications.

SPECIFIED STATION LOCATION

2. New Hampshire requests an issue concerning the specified station location of Spacetown because, New Hampshire alleges: (a) The applicant's principal community, West Derry, is not listed in the 1970 U.S. census; (b) West Derry has no meaningful existence independent of Derry Town; (c) all demographic information submitted by the applicant deals with the composition of Derry Town; and (d) Spacetown's survey of community needs is notable for the fact that, of the 32 community leaders consulted, only one indicated any official connection with West Derry, only three of the 61 members of the general public mentioned West Derry, and no one in either group indicated residence in West Derry.³ In opposition, Spacetown states that West Derry is a "distinct community and the urban center of the Town of Derry"; it is a "political subdivision, established separately as such for taxing purposes, which contains the established business area of the overall minor civil division." Although unincorporated it does have definite boundaries, according to Spacetown.⁴ Further, Spacetown states that West Derry did appear in the 1960 census, but is reported as Derry Compact in the 1970 census. Finally, Spacetown argues that New Hampshire's reliance on Seven Locks Broadcasting Co., FCC 62-140, 22 RR 967, 970 (1962), as requiring Spacetown to establish that West Derry has "an identifiable population grouping separate and distinct from all others" is misplaced since, upon reconsideration,⁵ the Commission indicated that such a burden on the applicant would be too strong and that a return to existing precedent was preferable. The Broadcast Bureau, in its opposition, urges that since Spacetown's principal

³ New Hampshire also urges that Spacetown's Suburban showing is deficient as to "West Derry" since it is Derry that is most often mentioned in responses. The Review Board agrees with the Broadcast Bureau that since a Suburban issue has been designated against Spacetown, the inquiry would also encompass this matter.

⁴ The only substantiation for the boundaries of West Derry and Derry Compact is a map (Attachment B page 4) submitted with Spacetown's opposition, which illustrates boundary lines for these areas obtained from the Census Bureau. As discussed, infra, these boundaries are based on population groupings only and may change with each census.

⁵ 37 FCC 82, 3 RR 2d 177 (1964).

community did appear in the 1970 census (as Derry Compact) it is a community for purposes of § 73.30(a) of the Commission's rules. In reply, New Hampshire reiterates its position and submits letters from Morton A. Myer, Chief, Geography Division, Bureau of the Census, and the town clerk of Derry, N.H., to support its motion. The letter from Mr. Myer indicates that the Census Bureau bases its determination of unincorporated areas such as West Derry and Derry Compact on population groupings only, without regard to their legal or administrative status, and that the boundaries of these areas change with the population from census to census. New Hampshire points out that Spacetown's Attachment E to its opposition shows that the place designated as "Derry Compact" in the 1970 census contains significantly more area than the place designated as "West Derry" in 1960. Further, petitioner notes, the letter from the town clerk of Derry states unequivocally:

That an area in the town of Derry which has been referred to as West Derry is an integral part of the town of Derry. It is not a separate political subdivision and is totally integrated with the town of Derry and is not treated separately for tax purposes.

Finally, New Hampshire alleges that Spacetown chose "West Derry" as its specified community because its proposal would not meet the technical requirements of § 73.188 of the Commission's rules if Derry were the specified community.⁶

3. The Commission has, in the past, adopted a liberal attitude regarding the definition of a community for § 73.30(a) purposes. See, e.g., Seven Locks Broadcasting, Inc., supra; Verne M. Miller, 3 FCC 2d 145, 7 RR 2d 455 (1966); and Mercer Broadcasting Co., 22 FCC 1009, 13 RR 891 (1957). However, this liberal interpretation would not permit an applicant to designate the business district of a separate and distinct community as its principal city, for the purposes of § 73.30. Contrary to Spacetown's assertions, West Derry does not appear to be a political subdivision for any purpose and has no defined boundaries. In addition, the responses of those surveyed appear to support New Hampshire's allegation that most residents of Derry are not even aware of something called "West Derry". Further, if the main business area of the town of Derry is separated out, as petitioner suggests Spacetown is attempting to do, there would be almost no chance for the remaining residents of Derry to obtain their own local service. In the Board's opinion, nothing in Seven Locks or other Commission precedent changes the caveat that although there is no rigid definition of a community, the area specified must not in fact be a part of another community. Marion Moore, 3 RR 2d 920 (1964); Cf. 1360 Broadcasting Co., Inc., 36 FCC 2d 1478, 2 RR 2d 824 (1964). Therefore, in order to determine if

⁶ Page 4 of Attachment B, submitted with Spacetown's opposition, indicates that its present proposal will not place a 5 mv/m signal over the entire town of Derry.

Spacetown is in fact attempting to designate the business district of a small town as its § 73.30 "community", the Board will add the requested issue.⁷

FINANCIAL ISSUES

4. New Hampshire also requests financial issues against Spacetown, based on the facts that Spacetown's estimate of its first-year operating expenses is significantly lower than those of Salem and New Hampshire, and that Spacetown's agreement with its equipment supplier provides for only 10 percent down payment and deferral of first-year principal payments for a period of 1 year.⁸ In opposition, both Spacetown and the Bureau argue that New Hampshire has failed to show that Spacetown's first year estimate is unreasonable. Spacetown also notes that its cost of operation would be lower than the other applicants since it is proposing a smaller staff and a 1-kw. operation in contrast to their 5-kw. proposals. In addition, Spacetown asserts that even if it had to add in the additional amount of its deferred first-year principal payments to its first-year costs, such costs would be increased to only \$66,929, which is well within the \$75,000 funds available to Spacetown.

5. The review Board will deny the addition of the requested financial issues. New Hampshire's general allegation that Spacetown's estimated cost of first-year operation is lower than those of its two competing applicants is insufficient to warrant the addition of an issue.⁹ New Hampshire has not detailed any specific items in Spacetown's application that it contends have been underestimated; therefore, its allegations lack the specificity required by Section 1.229 of the Commission's Rules for designation of the requested issue. See Long Island Video, Inc.; 12 FCC 2d 1016, 13 RR 2d 238 (1968). In addition, New Hampshire's allegation that Spacetown would not have sufficient funds to cover its first-year operating expenses without an agreement with its equipment supplier deferring first-year principal payments for a period of 1 year is, standing alone, insufficient to raise a substantial question to Spacetown's financial qualifica-

⁷ Petitioners request for a contingent issue inquiring into compliance with Rule 73.188 for some community other than Spacetown's specified station location will be denied. While a comparable issue might be appropriate if Suburban Community issues were being added, i.e., to determine whether an applicant proposes a realistic transmission service for some community other than its specified community, no such issues are being added herein, and therefore inquiring into compliance with the technical requirements for a community other than the specified community would not be appropriate.

⁸ New Hampshire also requested inquiry into Spacetown's reliance on the \$10,000, pledge of Thomas C. Pipilas, who died on September 18, 1971; but withdrew this request when informed of Spacetown's January 19, 1972, amendment indicating that the obligation had been assumed by a Mr. Van Anagnost.

⁹ Eastern Broadcasting Corp. 28 FCC 2d 28, 21 RR 2d 417 (1971).

tons. Moreover, any doubt in this regard has been satisfied by Spacetown's amendment of January 19, 1972, illustrating total funds available in the amount of \$75,000 (an increase of \$10,000) to cover first-year expenses.

6. Accordingly, it is ordered, That the motion to accept late filed reply, filed on April 18, 1972, by New Hampshire Broadcasting Corp. is granted, and the reply pleading is accepted, and that the petition to enlarge issues, filed March 13, 1972, by New Hampshire Corp., is granted to the extent indicated below, and is denied in all other respects; and

7. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the station location applied for by Spacetown Broadcasting Corp. is a particular city, town, political subdivision or community, as contemplated by § 73.30(a) of the Commission's Rules;

8. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the added issue shall be on Spacetown Broadcasting Corp.

Adopted: August 3, 1972.

Released: August 7, 1972.

FEDERAL COMMUNICATIONS

COMMISSION,¹⁰

[SEAL]

BEN F. WAPLE,

Secretary.

[FR Doc.72-12573 Filed 8-9-72;8:52 am]

FEDERAL MARITIME COMMISSION

[No. 72-25]

SEA-LAND SERVICE, INC., AND
SEATRAN LINES, INC.

Postponement of Filing Dates Regarding
Discriminatory Assessment of
Wharfage Charges at Port of
Baltimore

AUGUST 7, 1972.

All filing dates in this proceeding are hereby postponed until further order of the Commission pending disposition of motions to dismiss filed by respondents, replies to which shall be due August 14, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12606 Filed 8-9-72;8:54 am]

[Docket No. 72-40]

U.S. NORTH ATLANTIC/CONTINENTAL
EUROPEAN TRADE

Order To Show Cause Regarding
Publication of Discriminatory Rates

The conferences and carriers named in Appendix "A" attached to this order operate, inter alia, in the foreign commerce of the United States in the trade

¹⁰ Board Member Nelson absent.

between U.S. North Atlantic ports and Continental European ports in the Antwerp/Hamburg range and publish their rates in tariffs on file with the Federal Maritime Commission. A review of certain rates published in these tariffs shown in Appendix "B"¹ attached reveals that significant disparities exist between export and import rates. Despite the fact that the named carriers offer a transportation service in both directions of the subject trade, the lower rates are generally applicable to the commodities concerned only if they are carried in a westbound direction. Therefore these carriers charge significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

In December of 1970 and January of 1971, the Commission issued orders against five of the named carriers, i.e., Hapag Lloyd Aktiengesellschaft, Sealand Service, Inc., Atlantic Container Line, Ltd., Seatrain Lines, Inc., and American Export Isbrandtsen Lines, Inc., F.M.C. Dockets Nos. 70-48, 70-49, 70-52, 71-1, 71-3, to show cause why certain outbound-inbound rate disparities appearing in their tariffs should not be found unjustly discriminatory to U.S. shippers compared to their European counterparts in the opposite direction in violation of section 17 of the Shipping Act, 1916, and accordingly why the unjust discrimination should not be ordered eliminated. During the course of those proceedings most of the rate disparities were eliminated by the carriers' voluntary action. Disparities have remained unresolved, however, in the case of four items, i.e., calculating machines, cut tobacco, typewriters, and automobile parts.

The Commission is aware of no transportation circumstances or conditions which would justify the establishment or maintenance by the named carriers of discriminatory rates in the manner described especially since they may very likely require that American exporters compensate for any losses that may occur because of the decline in revenues accruing to the carriers.

Section 17 of the Shipping Act, 1916, provides in pertinent part that " * * * no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers * * * Whenever the Commission finds that any such rate, fare, or charge, is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination * * * and make an order that the carrier shall discontinue demanding, charging or collecting any such unjustly discriminatory * * * rate, fare, or charge." Therefore, in the Commission's opinion, unless the

carriers can offer valid reasons which would justify these rates, they are charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Section 15 of the Shipping Act, 1916, authorizes the Commission to disapprove, cancel, or modify any agreement that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, to operate to the detriment of the commerce of the United States, to be contrary to the public interest, or to be in violation of the Shipping Act. This law also provides that the Commission shall disapprove any such agreement because of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

The present procedures observed by the conferences named in Appendix "A" impose no obligation on the part of the conferences to eliminate or justify rate disparities in considering shippers' requests or even to inform shippers that a disparity may exist. Thus, the conferences are free to ignore disparities and to remain unaccountable to shippers when they exist.

The Commission is of the opinion that it is not in the public interest for the conferences to totally ignore the existence of disparities in their negotiations with shippers and to fail to advise shippers that they are entitled to request and obtain rate adjustments if the conferences are unable to justify the existence of a rate disparity.

The Commission is of the opinion, furthermore, that given the existence of a number of rate disparities published in the tariffs of the named conferences which if unjustified, would constitute unlawful discrimination, the conferences' request and complaint procedures which totally ignore such disparities and give no warning to shippers of their rights under the circumstances are not entirely fair or reasonable within the meaning of section 15 of the Shipping Act, 1916.

The Commission is also of the opinion that the conferences present procedures regarding reporting of shippers' requests and complaints pursuant to the Commission's General Order 14 do not sufficiently inform the Commission as to whether the particular complaint is based upon disparities, thus hindering the Commission in discharging its responsibilities to eliminate unjust discrimination based upon such disparities.

Now, therefore, it is ordered, That pursuant to sections 22 and 17 of the Shipping Act, 1916, the conferences and carriers named in Appendix "A" be named respondents in this proceeding and that they be ordered to show cause why the Commission should not order the unjust discrimination existing in their export/import rate structures as set forth in Appendix "B"¹ to be eliminated by increasing rates in their westbound services

to the level of the eastbound rates, or by reducing the comparable rates charged by respondents in their eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

It is further ordered, That pursuant to sections 22 and 15 of the Shipping Act, 1916, respondent conferences be ordered to show cause why their shipper request and complaint procedures should not be modified so as to require the conferences to advise shippers of their right to seek rate adjustments if shippers show the existence of a rate disparity and to obtain an adjustment if the conferences are unable to justify the disparity specifically by publishing in the conference rate application forms furnished to shippers the following or substantially similar language in clear type:

NOTICE TO SHIPPER—You are entitled to request a rate adjustment for your commodity if you can show that there is a lower rate applicable to the same or like commodity which moves or may move in the import (export) trade as published in the tariff of the Continental North Atlantic Westbound Freight Conference (North Atlantic Continental Freight Conference). Please indicate if you are basing your request on such a comparison. By order of the Federal Maritime Commission we are required to eliminate such a disparity unless we provide you with appropriate justification.

It is further ordered, That pursuant to sections 22, 21, and 15 of the Shipping Act, 1916, respondent conferences be ordered to show cause why their present procedures regarding reporting of shippers' requests and complaints pursuant to General Order 14 should not be modified to require that in those instances in which the basis of the shippers' request and complaint in whole or in part is a rate disparity, this fact be specified.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before September 1, 1972. Affidavits of Fact and Memoranda of Law shall be filed by respondents and served upon all parties no later than the close of business September 1, 1972. Reply Affidavits and Memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business September 18, 1972. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties

¹ Appendix "B" filed as part of the original document.

¹ Appendix "B" filed as part of the original document.

to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business August 18, 1972.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX "A"

NORTH ATLANTIC CONTINENTAL FREIGHT
CONFERENCE

- Charles J. Moran, Chairman, 17 Battery Place, New York, NY 10004.
American Export Isbrandtsen Line, Container Marine Lines, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.
Atlantic Container Line, Ltd., 80 Pine Street, New York, NY 10007.
Dart Containerline Co. Ltd., Reid-House, Reid Street, Hamilton, Bermuda.
Hapag Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.
Sea-Train Lines, Inc., Container Division, Port Seatrain, Weehawken, N.J. 07087.
United States Lines, United States Lines, Inc., 1 Broadway, New York, NY 10004.

CONTINENTAL NORTH ATLANTIC WESTBOUND
FREIGHT CONFERENCE

- M. Bourgeois, Secretary, Jozef de Bomstraat 79, B 2000 Antwerpen.
Atlantic Container Line Services Ltd., Overline House, Central Station, Southampton SO9 1 HA, Great Britain.
Container Marine Lines (Division of American Export Isbrandtsen Lines, Inc.), 26 Broadway, New York, NY 10004.
Dart Containerline Co. Ltd., Reid-House, Reid Street, Hamilton, Bermuda.
Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, 2000 Hamburg 1, Germany.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.
Sea-Train Lines, Inc., Seatrain International S.A. (as one party only) Port Seatrain, Weehawken, N.J. 07087.
United States Lines, Inc., 1 Broadway, New York, NY 10004.

INDEPENDENT CARRIERS

- Meyer Line, Audun Reksten, Manager, c/o Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, NY 10004.
Finnlines (OY Finnlines Ltd.), c/o Boise-Griffin Steamship Co., Inc., 90 Broad Street, New York, NY 10004.
Polish Ocean Lines, c/o Gdynia America Line, Inc., 115 Broadway, New York, NY 10006.

[FR Doc.72-12605 Filed 8-9-72; 8:55 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP72-150; RP72-155]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, etc.

JULY 31, 1972.

El Paso Natural Gas Co. (El Paso), on June 30, 1972, tendered for filing in

Docket No. RP72-150 Revised Tariff Sheets proposing changes in its FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2-A, to become effective on August 1, 1972.¹ The Revised Tariff Sheets provide for an increase in the rates for El Paso's Southern Division System of 0.45 cents per Mcf (except for rate schedule X-1 and the special FS rate schedules keyed thereto covering sales of gas in production areas, where the increased proposed is 1.42 cents per Mcf), or \$5,895,052 annually, based upon claimed increases in costs other than purchased gas costs.

El Paso states that the principal reasons for the proposed rate increase are increases in virtually all items of cost, such as capital, labor, materials and supplies, and taxes. El Paso claims the need for a 9 percent overall rate of return.

El Paso, on June 30, 1972, also tendered for filing in Docket No. RP72-155 proposed changes in its FPC Gas Tariff, Original Volume No. 1,² to become effective on August 1, 1972, which would incorporate in El Paso's tariff a Purchased Gas Adjustment (PGA) clause, applicable to its Southern Division System, pursuant to § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act. Concurrently therewith El Paso filed a motion for modification of the Commission's order issued July 30, 1971, in Docket No. RP71-13, in which it requests: (1) an extension of its tracking authority on the Southern Division System until the issuance of a Commission order authorizing its proposed PGA clause to become operative, if such an order is not issued prior to or on August 13, 1972,³ and (2) permission to utilize Account 186, Miscellaneous Deferred Debits, or a successor account, of the Commission's Uniform System of Accounts, in conjunction with its tracking authority in Docket No. RP71-13 so as to obviate successive tracking increases which would otherwise be necessary until a PGA clause becomes operative on El Paso's Southern Division System.

El Paso included in its filing in Docket No. RP72-150 Alternative Revised Tariff Sheets, with an August 1, 1972, effective date, which it proposes be accepted by the Commission if its purchased gas adjustment clause, is not permitted to become effective in the manner proposed. The Alternative Revised Tariff Sheets reflect an increase of \$6,300,749 over and

¹ The proposed Revised Tariff Sheets are as follows: Eighth Revised Sheet No. 3-B, of Original Volume No. 1, Third Revised Sheet Nos. 285-A, 346-A and 364-A, 16th Revised Sheet Nos. 416-A and 429-A and Fourth Revised Sheet No. 556-A of Original Volume No. 2-A. Certain rate schedules in Original Volume No. 2 are also effected by the proposed rate changes.

² The proposed Revised Tariff Sheets are as follows: Substitute Eighth Revised Sheet No. 3-B, Second Revised Sheet No. 67 and Original Sheet Nos. 67-A, 67-B, 67-C, and 67-D.

³ Order No. 452-A, issued June 13, 1972, in Docket No. R-406, provides for termination of tracking authority for all companies not later than 60 days from the date of issuance of the order.

above the \$5,895,052 increase and represents increases in El Paso's cost of purchased gas for its Southern Division System which El Paso says will become effective on or before November 30, 1972, the end of the test period utilized by El Paso in its filing.

On July 17, 1972, El Paso filed a letter in which it requests that the effectiveness of its proposed PGA clause be deferred until August 13, 1972, rather than be permitted to become effective on August 1, 1972. In support of its request El Paso states that on July 12, 1972, it filed a tracking increase for the Southern Division to become effective on August 12, 1972, that a number of Southern Division customers indicated to El Paso that they would be able to receive permission from their respective State regulatory commissions to pass through this increase to their own customers, and that the Southern Division customers do not oppose the August 12, 1972, effective date of the aforesaid tracking increase and the effective date of August 13, 1972, of the proposed PGA clause. El Paso states that if its PGA clause is permitted to become effective on August 13, 1972, the above mentioned motion filed on June 30, 1972, and the Alternative Revised Tariff Sheets tendered in Docket No. RP72-150 shall be deemed withdrawn. To implement its request for an August 13, 1972, effective date El Paso tendered with its July 17, 1972, letter a Substitute Eighth Revised Sheet No. 3-B to Original Volume No. 1 of its tariff, to become effective August 13, 1972, to replace the like numbered sheet tendered on June 30, 1972, providing a Base Tariff Rate applicable to each rate schedule reflecting the tracking increase of 0.1 cent per Mcf proposed to become effective August 12, 1972. El Paso, also on July 17, 1972, tendered for filing proposed Revised Tariff Sheets identical to those tendered in Docket No. RP72-150, but reflecting the tracking increase to become effective August 12, 1972. El Paso requests that these tariff sheets be substituted for those filed on June 30, 1972, in Docket No. RP72-150.

Our review of El Paso's proposed PGA clause indicates that El Paso proposes to file rate changes resulting from changes in the rates of pipeline suppliers every 6 months whereas § 154.38(d)(4)(vi) provides that rates reflecting pipeline supplier rate changes shall be computed and filed to coincide with the effective date of those changes. We do not believe that this departure from the provisions of this subsection is grounds for rejection of El Paso's PGA clause for the reason that the proposal is within the intent of the Commission's Order No. 452, as modified, to reduce the frequency of the filings of rate changes to reflect changes in purchased gas cost. In all other respects the proposed PGA clause is in compliance with § 154.38(d)(4), so as to justify acceptance of El Paso's proposed Revised Tariff Sheets. We note, that El Paso has failed to mention an express intent to comply with subsection (vi) of § 154.38(d)(4) of the Commission's regulations, which requires, upon the expiration of 36 months after the effective date of the PGA clause, the filing of rates restated to establish a new Base Tariff

Rate together with a cost study as described therein. El Paso is, of course, subject to the provisions of this subsection as is each pipeline company which has a PGA clause on file with the Commission as part of its tariff.

The Commission today accepted El Paso's tracking increase filed July 12, 1972, to become effective on August 12, 1972. Based on the statements contained in El Paso's letter of July 17, 1972, we therefore believe it is reasonable and proper to permit El Paso's proposed PGA clause to become effective on August 13, 1972, and we will accept the aforementioned Substitute Eighth Revised Sheet No. 3-B, effective on that date. And since the Revised Tariff Sheets tendered by El Paso on July 17, 1972, in Docket No. RP72-150 reflect the August 12, 1972, .01 cent per Mcf tracking increase we will accept for filing and, for reasons stated below, will suspend those sheets, subject to El Paso's conforming Eighth Revised Sheet No. 3-B to § 154.38(d) (4), when it moves to place that sheet into effect after suspension.

Review of El Paso's rate increase filing herein indicates that certain issues are raised which require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Our acceptance of El Paso's PGA clause in Docket No. RP72-155 does not constitute final approval of that clause. In view of the fact that El Paso does not have on file in any other docket a cost of service study having a test period ending less than 12 months prior to June 30, 1972, the date of submission of its PGA clause, final approval of the PGA clause is dependent upon our review of the cost of service study submitted by El Paso with its filing in Docket No. RP72-150. Accordingly, it is reasonable and appropriate to consolidate Docket No. RP72-155 with the proceeding in Docket No. RP72-150 for the sole purpose of determining whether El Paso's cost of service study submitted therein justifies final approval of its proposed PGA clause. Pending such approval El Paso will be able to recover increases in its purchased gas costs in accordance with the provisions of the PGA clause permitted to become effective by this order.

Southern Union Gas Co. (Southern Union), in its petition to intervene in Docket No. RP72-155, states that if it is permitted to intervene in this proceeding it will oppose the proposed tariff changes which apply to its purchases of gas from El Paso "except insofar as they may be shown, after due hearing, to be just, reasonable and non-discriminatory." Since the principle as to whether a PGA is necessary and appropriate was decided affirmatively in the Commission's Order No. 452, issued April 14, 1972, in Docket No. R-406 this question will not be considered in Docket No. RP72-155. The only issue in these consolidated proceedings

with respect to El Paso's proposed PGA clause is whether its cost of service justifies the Commission's final approval thereof.

In view of the fact that El Paso's base tariff rate is subject to refund in the pending rate proceeding in Docket No. RP71-13 El Paso will be required to adjust its base tariff rate to conform to the rate levels determined by the Commission in that docket.

The Commission finds:

(1) The proposed Revised Tariff Sheets containing the purchased gas adjustment clause tendered by El Paso on June 30, 1972 (with Substitute Eighth Revised Sheet No. 3-B, tendered on July 17, 1972, replacing that numbered sheet tendered on June 30, 1972) should be accepted for filing, subject to final approval by the Commission in these proceedings, as consolidated herein.

(2) Good cause exists for waiver of the notice requirements of the Commission's regulations under the Natural Gas Act in order to permit El Paso's proposed purchased gas adjustment clause to become effective as of August 13, 1972, as hereinafter ordered.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, as proposed to be amended herein, and that the proposed Revised Tariff Sheets tendered on July 17, 1972, in Docket No. RP72-150 be suspended and the use thereof be deferred as herein provided.

(4) In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increase to become effective, subject to refund, at the expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) For the reasons stated herein, El Paso's proposed Revised Tariff Sheets described in paragraph (1) above are accepted for filing, and the notice requirements of the Commission's regulations under the Natural Gas Act are waived in order to permit such tariff sheets to become effective on August 13, 1972, subject to the Commission's final approval of the PGA clause in the proceedings, as consolidated herein.

(B) El Paso shall conform to the base tariff rates contained in the PGA clause permitted to become effective herein to the rate levels determined by the Commission in Docket No. RP71-13.

(C) El Paso's motion, filed on June 30, 1972, in Docket No. RP71-13 and the alternative Revised Tariff Sheets tendered in Docket No. RP72-150 are deemed withdrawn and El Paso's tracking authority

on its Southern Division System is terminated as of August 12, 1972.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing be held commencing with a prehearing conference on December 12, 1972, at 10 a.m., E.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in El Paso's FPC Gas Tariff, as proposed to be amended herein.

(E) Pending such hearing and decision thereon, El Paso's proposed Revised Tariff Sheets tendered on July 17, 1972, in Docket No. RP72-150 are hereby suspended and the use thereof deferred until January 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act, subject to the provisions of Paragraph (J) below.

(F) At the hearing on December 12, 1972, El Paso's prepared testimony (Statement P), together with its entire rate filing as submitted and served on June 30, 1972, and the evidence of the Commission staff shall be admitted to the record.

(G) Following admission of the evidence of El Paso and the staff the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure.

(H) On or before December 1, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before December 15, 1972. Any rebuttal evidence by El Paso shall be served on or before January 5, 1973. Cross-examination of the evidence shall commence on January 16, 1973.

(I) A Presiding Examiner to be designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(J) El Paso's Eighth Revised Sheet No. 3-B of Original Volume No. 1 of its FPC Gas Tariff, tendered on July 17, 1972, is accepted and suspended subject to El Paso's conforming that sheet to the requirements of § 154.38(d) (4) of the Commission's regulations under the Natural Gas Act at the time it places that sheet into effect after suspension.

(K) Dockets Nos. RP72-150 and RP72-155 are consolidated for the purpose stated herein.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12549 Filed 8-9-72;8:50 am]

[Docket No. CP73-14]

**FLORIDA GAS TRANSMISSION CO.
AND SOUTHERN NATURAL GAS CO.**

Notice of Application

AUGUST 3, 1972.

Take notice that on July 17, 1972, Florida Gas Transmission Co. (Florida Gas), Post Office Box 44, Winter Park, FL 32789, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, hereinafter referred to jointly as Applicants, filed in Docket No. CP73-14 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas by means of existing facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants seek authorization to exchange up to 50,000 Mcf of natural gas per day pursuant to an Exchange Agreement dated June 28, 1972. Applicants propose to exchange said gas at an existing point of delivery where Southern's East Leg near M.P. 124.9 intersects with the main transmission line of Florida Gas in Washington Parish, La. Southern is presently authorized to sell and deliver up to 50,000 Mcf of natural gas per day to Florida Gas at said point of interconnection, under Southern's FPC Gas Rate Schedule OCDL-1. Applicants state that the proposed exchange will enable Southern to deliver gas directly to Florida Gas during periods when Florida Gas has the greatest need therefor, while deliveries by Florida Gas, made by reductions in normal deliveries by Southern to Florida Gas, would be made when the demands on Southern's system are the greatest, thereby avoiding the costs involved in injection, storage and withdrawal of quantities so delivered.

Applicants indicate that deliveries by Southern under the Exchange Agreement will be limited generally but not exclusively to the 7-month, April through October, period of the year and that deliveries by Florida Gas will be limited generally but not exclusively to the 5-month, November through March, period of the year, with the times and quantities of requested deliveries to be satisfied at the sole discretion of the delivering party. Applicants indicate that all exchanges are on a gas-for-gas basis, with requests for redelivery to be satisfied as soon as practicable. Applicants state that deliveries will be made during periods when either party has an emergency or temporary shortage of gas on its pipeline system and when service obligations to others would not be unduly impaired or limited by making such deliveries. The differences in requirements of the two systems, the Applicants state, will enable them to complement each other through exchanges and will supplement utilization of line pack or storage.

Applicants state that no additional facilities are required to carry out the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12550 Filed 8-9-72; 8:50 am]

[Docket No. CP73-12]

**GRANITE STATE GAS TRANSMISSION,
INC.**

Notice of Application

AUGUST 3, 1972.

Take notice that on July 14, 1972, Granite State Gas Transmission, Inc. (Applicant), 66 Market Street, Portsmouth, NH 03801, filed in Docket No. CP73-12 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, the abandonment of certain other facilities and an increase in jurisdictional sales to Northern Utilities, Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to construct and operate approximately 6,300 feet of 10-inch pipeline looping in the towns of Exeter and Stratham, N.H. in order to increase the capacity of its system to meet estimated peak day require-

ments in the forthcoming 1972-73 winter heating season. Applicant also proposes to abandon, by sale to its parent, Northern Utilities, Inc., 7,700 feet of 8-inch and 4-inch lateral line extending from its mainline in the vicinity of Portsmouth, N.H. to Portsmouth. Applicant alleges that the area surrounding this lateral has experienced a substantial change in character from the time it was laid in 1957 and Northern Utilities, Inc., can better integrate this lateral with its existing distribution facilities to serve the Portsmouth area. In connection with the abandonment and transfer, Applicant proposes to install a new meter station at the point where its mainline connects with the lateral line. Applicant also requests authority to increase its maximum daily deliveries to Northern Utilities, Inc., its only wholesale customer, from 16,498 Mcf to 18,226 Mcf at 14.73 p.s.i.a. to meet increased peak requirements expected in the 1972-73 heating season.

Applicant states that the estimated cost of the proposed new facilities is \$88,989, which will be financed with funds advanced by Applicant's parent.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12551 Filed 8-9-72; 8:50 am]

[Docket No. R-432]

NATIONAL COAL ASSOCIATION**Order Denying Application for Rehearing**

AUGUST 3, 1972.

In the matter of monthly report of cost and quality of fuels for steam-electric plant.

On July 7, 1972, the National Coal Association (NCA) filed a petition for rehearing of the Commission's Order No. 453 issued June 7, 1972. Order No. 453 adopted a new § 141.61 to the Commission's regulations prescribing the collection of monthly fuel cost and quality determinants of fuel for electric utilities.

Briefly, NCA applies for rehearing for the following reasons: (1) The reasoning in the Commission's order is based on unsupported conclusions which do not adequately substantiate the findings in the order; (2) the Commission has failed to adequately address itself to several fundamental issues raised in the proceeding, specifically NCA's stated objections to the adoption of the proposed new FPC form and the amendment of the Commission's regulations which are as follows: (a) the requested information and data are of a proprietary and commercial nature which are essential to the business operations of an unregulated industry and disclosure of such information could have a serious disruptive effect on the competitive structure of the energy market; (b) the requested information is in essence duplicative of much of the voluminous data presently required and being submitted to the Commission; (c) the requested information will not provide the basis for a proper analysis of the fuel supply situation as well as national environmental improvement programs; and (d) the Commission has failed to adequately demonstrate with any degree of specificity a need for the requested information.

The NCA petition for rehearing raises no issues which were not considered by the Commission prior to the adoption of Order No. 453. Moreover, having reconsidered the issues raised in the NCA petitions, the Commission is of the opinion that its Order No. 453 is correct.

The Commission finds:

No issues have been raised in the NCA petition for rehearing which have not previously been considered by this Commission or, which having now been considered would require modification of Order No. 453.

The Commission orders:

The petition for rehearing is therefore denied.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12553 Filed 8-9-72; 8:50 am]

[Docket Nos. R-406; RP70-7, et al.]

SOUTH GEORGIA NATURAL GAS CO.**Order Denying Application for Rehearing**

AUGUST 4, 1972.

In the matter of a purchased gas cost adjustment provision in natural gas pipeline companies' FPC gas tariffs.

On July 12, 1972, South Georgia Natural Gas Co. (South Georgia) filed an application for rehearing of Order No. 452-A. South Georgia requests relief from ordering paragraph (H), which terminates South Georgia's purchased gas cost tracking authority by August 12, 1972. South Georgia also seeks rehearing of our June 30, 1972, order in Docket No. RP70-7, et al., which approved a tracking increase by South Georgia but gave notice to South Georgia again that its tracking authority would terminate August 12, 1972.

South Georgia was granted purchased gas cost tracking authority by Commission order issued June 7, 1971, approving settlement of the proceedings in Docket Nos. RP70-7, et al. That settlement was approved "without prejudice to any findings or orders which may hereafter be made by the Commission." In Order No. 452-A issued on June 13, 1972, in Docket No. R-406, the Commission stated that "the PGA clause is intended to be a complete replacement for the concept of purchased gas cost tracking authority heretofore utilized" (mimeo p. 4). Should South Georgia file a PGA clause in lieu of its tracking authority, it would still recover purchased gas cost increases and would be in no worse position than it is in with tracking authority. Furthermore, the purchased gas cost tracking authority of South Georgia as well as all others is terminated not later than August 12, 1972, by Order No. 452-A. Good cause has not been shown why South Georgia should be exempted from the provisions of that order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 10, and 16 (52 Stat. 822, 826, and 830; 76 Stat. 72; 15 U.S.C. § 717c, 717i, and 717o) orders:

South Georgia's application for rehearing of Order No. 452-A in Docket No. R-406 and of the "Order Accepting Tracking Increase for Filing Allowance Revised Tariff Sheets to Become Effective" issued June 30, 1972, in Docket Nos. RP70-7, et al. and request for modification of that order are denied.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12554 Filed 8-9-72; 8:51 am]

[Docket No. RP72-145]

UNITED GAS PIPE LINE CO.**Order Accepting and Suspending Revised Tariff Sheets and Providing for Hearing**

JULY 31, 1972.

On June 15, 1972, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC gas tariff, first revised volume No. 1, to become effective on August 1, 1972. The proposed rate changes would increase charges for jurisdictional sales and services by about \$8,376,557 based on sales for the 12 months ended February 29, 1972, as adjusted.

United states that the principal reasons for the proposed increase are: (1) Increased cost of gas supply, (2) increased cost of materials, supplies, labor, and services in operating and maintaining the pipeline system, (3) increased taxes, and (4) increased cost of financing.

Review of the rate filing indicates that the issues raised therein require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in enforcement of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the rates and charges contained in United's FPC gas tariff, as proposed to be amended herein, and that the proposed tariff sheets tendered herein, be suspended, and the use thereof deferred until January 1, 1973.

(2) In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increase to become effective, subject to refund, at the expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing commencing with a prehearing conference shall be held on January 3, 1973, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 concerning the lawfulness of the rates, charges, classifications, and services contained in United's FPC gas tariff, as proposed to be revised herein.

Following the admission of all filed evidence, parties shall proceed to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure.

(B) On or before November 17, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before December 8, 1972. Any rebuttal evidence by United shall be served on or before December 22, 1972. Cross-examination of the evidence shall commence on January 8, 1973.

(C) The Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(D) Pending hearing and decision thereon, United's proposed revised tariff sheets are hereby suspended and the use thereof is deferred until January 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12552 Filed 8-9-72; 8:50 am]

[Docket No. CP72-291]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 8, 1972.

Take notice that on June 19, 1972, Northern Natural Gas Co., operating as Peoples Natural Gas Division (Applicant), filed in Docket No. CP72-291 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Colorado), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to exchange natural gas with Colorado on a volumetric basis for a term of 3 years from the date of initial delivery. Pursuant to the exchange agreement, Applicant will deliver up to 450,000 Mcf of natural gas annually from the Kendal Area of the Hugoton Field, Kearny County, Kans., to Colorado at a point in Kearny County, Colorado will redeliver gas to Applicant during the period April 1 through October 15 at its existing delivery points in Baca and Bent Counties, Colo. Applicant states that the proposed exchange will enable it to make up a current underage of its production takes from the Kendal Area which it cannot make up utilizing present facilities.

In order to effect delivery to Colorado of the volumes to be exchanged, Applicant requests authority to install one measuring station interconnecting with

the existing facilities of Colorado in Kearny County. Applicant estimates the cost of the proposed facility at \$4,042, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12658 Filed 8-9-72; 8:55 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Acquisition of Bank

Affiliated Bank Corp., Madison, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Cambridge, Cambridge, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12512 Filed 8-9-72; 8:47 am]

ALLIED BANCSHARES, INC.

Formation of Bank Holding Company

Allied Bancshares, Inc., Houston, Tex., 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)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successors to the assets and liabilities of Conroe Bank, Conroe, Tex.; of Continental Bank, Houston, Tex.; and of Merchants Bank, Port Arthur, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12511 Filed 8-9-72; 8:47 am]

AMERICAN BANCORPORATION

Order Approving Acquisition of Bank

American Bancorporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the Farmers State Bank of McClure, Ohio, McClure, Ohio (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 none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with deposits of \$18.7 million, representing 0.08 percent of aggregate deposits of commercial banks in Ohio. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved through May 31, 1972.) The acquisition of Bank with deposits of \$6.3 million would not appreciably increase the concentration of banking resources in any relevant area, and Applicant would retain its rank as the smallest bank holding company in the State.

Bank serves Henry County in the northwestern part of Ohio. There are six banks headquartered in the county with deposits ranging from \$4.5 million to \$22.4 million. Bank controls 11.6 percent of county deposits and is the third largest of these banks. Consummation of the proposal should have no adverse effects on any of the competing banks.

The closest offices of Applicant and Bank are 78 miles apart, and no significant present competition exists between any of these offices. In addition, there does not appear to be any potential for the development of future competition between the two institutions, due to the distances separating their offices, the location of numerous intervening banks, and the restrictions placed on branching by State laws.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are considered to be generally satisfactory, and prospects for the group appear favorable. Therefore, considerations relating to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve the present services offered by Bank to include specialized consumer and business loan programs. Although the major banking needs of the area are being served at the present time, Applicant's assistance to Bank in loan participation with other affiliates, and in training and management planning would better serve the convenience and needs of the communities. Considerations under this factor are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition 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 reason summarized above. The transaction shall not be consummated (a) before the 13th 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 Cleveland pursuant to delegated authority.

By order of the Board of Governors,¹
effective August 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.72-12513 Filed 8-9-72;8:47 am]

[Reg. Y]

BANK HOLDING COMPANIES

Notice With Respect to Nonbanking Activities

The Board of Governors of the Federal Reserve System announced August 3, 1972, that it has decided not to include at the present time operation of savings

¹ Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

and loan associations on its list of activities in which bank holding companies may engage.

The Board had previously indicated that operation of a savings and loan association was not within the scope of activities heretofore authorized to be conducted by a bank holding company under section 4(c)(8) of the Bank Holding Company Act, and that it was then considering whether to expand its list of activities to include such activity.

The Board noted that Congress has created a statutory framework for savings and loan associations that is separate from the statutes governing commercial banks. Under these statutes, different rules have been established for the two kinds of institutions on such matters as branching, taxation, and ceilings on rates paid to attract savings. A statute has also been enacted governing savings and loan holding companies, separate and distinct from the Bank Holding Company Act. This statutory pattern suggests past intent on the part of Congress to maintain savings and loan associations as specialized lenders to finance housing, with specialized rules appropriate to that role. Acquisition of savings and loan associations by bank holding companies could tend to blur this congressionally established structure.

Proposals for affiliation of banks and savings and loan associations in a holding company system involve broad questions of public policy which, in the Board's opinion, should not be decided until Congress has had an opportunity to consider the matter. Suggestions for changes in rules governing specialized thrift institutions have been made by the President's Commission on Financial Structure and Regulation (the "Hunt Commission"), as well as others. It is expected that the next Congress will have occasion to thoroughly consider bank and savings and loan association relationships.

The action does not affect previous Board decisions permitting affiliations of thrift institutions and commercial banks in Rhode Island. (Applications of Newport Savings & Loan Association, FEDERAL REGISTER of February 25, 1972 (37 F.R. 4035) and Old Colony Co-operative Bank, FEDERAL REGISTER of March 16, 1972 (37 F.R. 5536).)

Board of Governors of the Federal Reserve System, August 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.72-12509 Filed 8-9-72;8:46 am]

CITIBANC GROUP, INC.

Formation of Bank Holding Company

Citibanc Group, Inc., Alexander City, Ala., 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)) to become a bank holding company through acquisition of the voting shares of five banks in Alabama as follows:

1. Sixty-four percent of the outstanding voting shares of Covington County Bank, Andalusia;
2. Ninety percent of the outstanding voting shares of City Bank of Goodwater, Goodwater;
3. Seventy-four percent of the outstanding voting shares of City Bank of Tuskegee, Tuskegee;
4. Eighty percent of the outstanding voting shares of City Bank of Lineville, Lineville; and
5. Ninety percent of the outstanding voting shares of City Bank of Roanoke, Roanoke.

The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12514 Filed 8-9-72;8:47 am]

EXCHANGE INTERNATIONAL CORP. Formation of Bank Holding Company

Exchange International Corp., Chicago, Ill., 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)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Exchange National Bank of Chicago, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.72-12515 Filed 8-9-72;8:47 am]

FIRST AT ORLANDO CORP.

Acquisition of Bank

First at Orlando Corp., Orlando, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Community National Bank and Trust Company, Bal Harbour, Fla.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12516 Filed 8-9-72;8:47 am]

FLORIDA BANCORP, INC.

Acquisition of Bank

Florida Bancorp., Inc., Pompano Beach, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98.60 percent of the voting shares of Northwestern Bank of Broward County, Margate, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12517 Filed 8-9-72;8:47 am]

MICHIGAN NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Michigan National Corp., Lansing, Mich., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 3(a)(1)), of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following five Michigan banks: Michigan National Bank, Lansing; Michigan Bank, N.A., Detroit; Livonia National Bank, Livonia; Troy National Bank, Troy; and Oakland National Bank, Southfield. As a result of its acquisition of Michigan National Bank, Applicant would also acquire indirect control of less than 25 percent but more than 5 percent of the outstanding voting shares of each of seven Michigan banks as follows: Central Bank, Grand Rapids (24.1 percent); Valley National Bank of Saginaw, Saginaw (24.9 percent); Se-

curity National Bank of Manistee, Manistee (23.4 percent); First National Bank of East Lansing, East Lansing (13.8 percent); First National Bank of Wyoming, Wyoming (23.3 percent); Central National Bank of Alma, Alma (18.8 percent); and St. Clair Shores National Bank, St. Clair Shores (10 percent).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is approved for the reasons set forth in the Board's statement² of this date. 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,¹ effective August 3, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12518 Filed 8-9-72;8:47 am]

NORTHERN FINANCIAL CORP.

Formation of One-Bank Holding Company

Northern Financial Corp., Independence, Wis., 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)) to become a bank holding company through acquisition of 86.6 percent or more of the voting shares of State Bank of Independence, Independence, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than August 30, 1972.

¹ Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Bucher.

² Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago. Dissenting statement of Governors Robertson and Brimmer filed as part of the original document and available upon request.

Board of Governors of the Federal Reserve System, August 3, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12519 Filed 8-9-72;8:47 am]

UNITED CAROLINA BANCSHARES CORP.

Acquisition of Bank

United Carolina Bancshares Corp., Whiteville, N.C., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 49 percent of the voting shares of Capitol National Bank, Raleigh, N.C., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 28, 1972.

Board of Governors of the Federal Reserve System, August 4, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12520 Filed 8-9-72;8:48 am]

[Reg. Z]

WYOMING

Application for Exemption

Pursuant to 12 CFR 226.12 (Supplement II to Regulation Z) the State of Wyoming has applied to the Board of Governors for an exemption from the Truth in Lending Act (title I of the Consumer Credit Protection Act, 15 U.S.C. 1601 et seq.) on the grounds that under the laws of the State of Wyoming credit transactions within that State are subject to requirements substantially similar to those imposed under Chapter 2 of the Truth in Lending Act and that there is adequate provision for enforcement of such requirements.

The application is available for inspection at the Federal Reserve Building in Washington and at the Federal Reserve Bank of Kansas City.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 15, 1972. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be available for inspection and copying unless the person submitting the ma-

terial requests that it be considered confidential.

By order of the Board of Governors,
August 2, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-12510 Filed 8-9-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. H-78]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to the Secretary of Housing and Urban Development to dispose of Installation No. 1478, which is located at the Joy Communication Facility Annex, Selfridge Air Force Base, Clinton Township, Macomb County, Mich. (GSA Control No. D-Mich-603A).

2. *Effective date.* This regulation is effective May 23, 1972.

3. *Expiration date.* This regulation expires July 31, 1972.

4. *Revocation.* By letter dated May 23, 1972, the Acting Administrator of General Services released the Secretary of Housing and Urban Development from the authority and duties delegated to him under FPMR Temporary Regulation H-10 pertaining to the disposition of Installation No. 1478. Accordingly, that part of FPMR Temporary Regulation H-10 which relates to Installation No. 1478 is hereby revoked.

ARTHUR F. SAMPSON,
Acting Administrator
of General Services.

AUGUST 2, 1972.

[FR Doc.72-12575 Filed 8-9-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3186]

AMERICAN GENERAL CONVERTIBLE SECURITIES, INC., AND AMERICAN GENERAL INSURANCE CO., INC.

Notice of Filing of Application for Order

AUGUST 3, 1972.

Notice is hereby given that American General Insurance Co., Inc. (Insurance) and American General Convertible Securities, Inc. (Fund and referred to with Insurance as Applicants), 2727 Allen Parkway, Houston, Tex. 77019, a closed-end diversified investment company registered under the Investment Company Act of 1940 (Act), have filed an applica-

tion for an order pursuant to section 17 (d) of the Act and Rule 17d-1 thereunder to permit an arrangement whereby Fund has the right to participate equally with Insurance in any private placements. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

American General Management Corp., a wholly-owned subsidiary of Insurance acts as investment adviser for the Fund. According to its prospectus, Fund has the right, subject to Commission approval, to participate equally with Insurance in the purchase of private placements of up to 10 percent of Fund's total assets. The investment objectives of Fund are to provide current income and the potential for capital appreciation through investing in a diversified portfolio of securities which are convertible into common stock or have other equity features.

The Fund will attempt to achieve its objective by investing in convertible debt securities, convertible preferred stocks, debt securities with warrants attached, and debt securities and warrants entitling the Fund to purchase common stock when the principal amount of the debt securities can be used at face value to exercise the warrants.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * *, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Insurance presently has consolidated assets totaling approximately \$2,200 million and holds diversified interests primarily in insurance and financial service companies in the United States and Canada. The investment department of Insurance manages insurance portfolio aggregating approximately \$1,300 million as of December 31, 1971, including approximately \$100 million of convertible securities.

If Applicants request for an order is approved, such joint purchases and sales of securities, exercise of warrants and/or conversion privileges and other rights at

the same time and in the same amount will be made subject to the following conditions:

(1) Each investment will be made by Insurance and the Fund at the same unit price in securities of the same class (except that Insurance's investment may include nonvoting securities which are, except for voting rights, identical with those purchased by Fund).

(2) Unless otherwise permitted by order of the Commission, Insurance will invest an amount equal to the amount invested in the issue by the Fund, and Insurance and the Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount.

(3) Insurance will offer to Fund, to share equally, all securities which Insurance is prepared to purchase at direct placement. When such securities would be consistent with Fund's investment policies, Fund at its option may purchase them equally with Insurance unless:

(a) In the judgment of the Board of Directors of the Fund, concurred in by a majority of those directors who are not "interested persons" (as defined in the Act) of the adviser nor affiliated persons of Insurance, (i) 10 percent or more of the value of Fund's assets are invested in accordance with Fund's investment policies, in long term obligations or preferred stocks purchased directly from the issuers or as a result of the exercise of rights or other opinions so acquired, (ii) there is insufficient cash to make the investment, and (iii) the sale or portfolio securities of the Fund to provide such cash is inadvisable.

(b) The purchase by the Fund would be inconsistent with the provisions of any Commission order granted on this Application or otherwise and then in effect, or

(c) The Commission by order otherwise permits.

(4) Neither Insurance nor the Fund, unless otherwise permitted by order of the Commission, will have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated persons other than interests in all respects identical.

(5) Neither Insurance nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer, or in any affiliated person of the issuer or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(6) Neither Insurance nor the Fund will, unless otherwise permitted by order of the Commission, sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount (each in the same proportion to the amount it holds if the amounts held by each are different).

(7) The expenses, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by Insurance and the Fund at the same

time will be shared by Insurance and the Fund in proportion to the amount each is selling.

Applicants represent that the granting of this application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act, that the terms of the proposed transactions will be reasonable and fair and will not involve overreaching on the part of any party concerned, and that the proposed transactions will be consistent with the policy of Applicants.

Notice is further given that any interested person may not later than August 30, 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 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] RONALD F. HUNT,
Secretary.
[FR Doc.72-12546 Filed 8-9-72; 8:50 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

AUGUST 3, 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 August 4, 1972, through August 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-12539 Filed 8-9-72; 8:49 am]

[File No. 500-1]

COGAR CORP.

Order Suspending Trading

AUGUST 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.60 par value, of Cogar Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1972 through 10 a.m. e.d.t. on August 7, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-12540 Filed 8-9-72; 8:49 am]

[File No. 500-1]

DUESENBERG CORP.

Order Suspending Trading

AUGUST 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, of Duesenberg 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 August 5, 1972, through August 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-12541 Filed 8-9-72; 8:49 am]

[File No. 500-1]

COMPUTER MICRODATA CORP.

Order Suspending Trading

AUGUST 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, of Computer Microdata 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 12:30 e.d.t., August 3, 1972, through August 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-12584 Filed 8-9-72; 8:53 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 2, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents 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 August 3, 1972, through August 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-12585 Filed 8-9-72; 8:53 am]

[70-5176]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Post-Effective Amendment Regarding Proposed Intra-System Financing

AUGUST 4, 1972.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807, Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Ohio, Inc., the Ohio Valley Gas Co., the Preston Oil Co., Columbia Gas of Pennsylvania, Inc., Columbia Gas Transmission Corp., Co-

Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Hydrocarbon Corp., Columbia LNG Corp., Columbia Coal Gasification Corp., Columbia Development of Canada, Ltd. (70-5716).

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), a registered holding company, and its above-named wholly owned subsidiary companies have filed with this Commission a post-effective amendment to the application-declaration in this matter pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), 12(c), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions as amended. All interested persons are referred to the application-declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By Order dated May 1, 1972 in this proceeding (Holding Company Act Release No. 17558), the Commission authorized a series of intra-system financing transactions among Columbia and the said subsidiary companies. Among the transactions authorized were the proposed issue and sale for cash by Columbia Gas Development Corp. (Columbia Development), and the acquisition by Columbia, of \$29 million par amount of the \$15 par value common stock and \$21,500,000 principal amount of long-term installment promissory notes of Columbia Development.

It is now proposed that the capital structure of Columbia Development be changed from a combination of installment promissory notes and common stock (all held by Columbia) to solely common stock. To that end, in lieu of the above-mentioned notes and common stock, Columbia Development proposes to issue and sell to Columbia, and Columbia proposes to acquire for cash from Columbia Development, a sufficient number of shares of the common stock of Columbia Development at the par value of \$15 per share to aggregate a total of \$50,500,000. It is further proposed that Columbia Development issue and sell to Columbia additional shares of its common stock at \$15 per share (1) in the aggregate par amount of \$10,747,995, the proceeds to be used to acquire offshore additional leaseholds in Louisiana, and (2) in the aggregate par amount of \$49,152,000 for the surrender and cancellation of an equal principal amount of Columbia Development's installment promissory notes and short-term loans held by Columbia as of April 30, 1972. As a result of the foregoing proposed transactions and certain other adjustments, Columbia Development's capital structure will consist solely of \$141,519,000 aggregate amount of common stock equity as of April 30, 1972, pro forma.

The post-effective amendment states that the proposed change in the capital structure of Columbia Development to all common stock equity is desirable for a gas exploration and development company; that in view of the Columbia System's increasing need for additional supplies of natural gas, it is anticipated

that Columbia Development will continue to require substantial capital outlays for "southwest" gas exploration and development in future years; that with activities of this nature substantial time may elapse between the occurrence of capital expenditures and the time when production will begin and income will be realized; and, consequently, that Columbia Development's capital structure should not include debt securities which would impose a requirement of annual interest and installment payments upon that company. It is further stated that the proposed transactions will have no net effect on the consolidated operations of Columbia and its Subsidiaries, except for the Delaware franchise tax on the issuance of new common stock, the State in which Columbia Development is organized.

The expenses to be incurred in connection with the proposed transactions which are the subject of the post-effective amendment are estimated to be \$2,000, including \$1,600 for services at cost by Columbia Gas System Service Corporation, a wholly owned subsidiary of Columbia.

It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the transactions proposed in the post-effective amendment.

Notice is further given that any interested person may, not later than August 25, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-12586 Filed 8-9-72; 8:53 am]

[812-3210]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES ET AL.

Notice of Application for an Exemption

AUGUST 3, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account A, Separate Account C, and Separate Account D of the Equitable Life Assurance Society of the United States (the Accounts) (herein collectively called Applicants), 1285 Avenue of the Americas, New York, N.Y. 10019, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order declaring that Malcolm Smith shall not be deemed an interested person of Applicants as that term is defined under section 2(a)(19) of the Act solely by reason of his status as a limited partner of Gibbons, Green and Rice (Gibbons) which is registered as a broker-dealer under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Smith is a member of the Committee of each of the accounts. The application states that Gibbons is engaged primarily in the business of arranging the purchase and sale of businesses and does not do any business, directly or indirectly, with Applicants. Equitable acts as investment adviser of, and may be deemed to be a principal underwriter for, each of the accounts.

Section 2(a)(19) of the Act includes in the definition of "interested person" of an investment company, its investment adviser or principal underwriter, any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer. Section 2(a)(3) of the Act provides in part that an "affiliated person" of another person includes any partner of such other person. It therefore appears that Mr. Smith by virtue of being an "affiliated person" of Gibbons, a registered broker-dealer, is an "interested person" of Applicants.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provisions of the Act if and to the extent that such 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.

Applicants assert that Mr. Smith should not be deemed an "interested person" of Applicants solely because of his affiliation with Gibbons which does not hold itself out to the public as engaging, and it does not engage, in the brokerage business, the business of a dealer in securities or in the underwriting business. Gibbons does not hold cash, securities, or other property for customers'

accounts and does not do, and will not do, any business, directly or indirectly, with Applicants. Applicants further state that Mr. Smith's affiliation with Gibbons does not and will not impair his independence in acting on behalf of the accounts and persons having interest therein, and that the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than August 28, 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 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 Applicants 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] RONALD F. HUNT,
Secretary.

[FR Doc.72-12545 Filed 8-9-72;8:50 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

AUGUST 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.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 August 4, 1972, through August 13, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12542 Filed 8-9-72;8:49 am]

[File No. 500-1]

NORTH AMERICAN PLANNING CORP.

Order Suspending Trading

AUGUST 2, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class B non-voting common stock, \$.01 par value and all other securities of North American Planning 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 August 3, 1972, through August 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12543 Filed 8-9-72;8:50 am]

[70-4774]

POTOMAC EDISON CO.

Notice of Proposed Increase in Short-Term Borrowing, Proposed Amendment of Charter and Order Authorizing Solicitation of Proxies in Connection Therewith

AUGUST 4, 1972.

Notice is hereby given that the Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc. (Allegheny), also a registered holding company, has filed a declaration and a fourth posteffective amendment to its application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration and application, as amended, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to amend its charter to provide that it may issue short-term unsecured debt not to exceed 20 percent of Potomac's total capitalization, for the period commencing on the first day of the month after the proposal has been consented to and ending on June 1, 1976. The proposed charter amendment also

provides that no short-term, unsecured debt in excess of 10 percent of the total capitalization of Potomac shall mature more than 4 years from the first day of the month after the proposal has been consented to. Potomac's present charter permits it to have not more than 10 percent of its total capitalization in the form of short-term unsecured debt.

The proposed amendment to the charter requires the consent of the majority of the holders of Potomac's Cumulative Preferred Stock and is to be submitted to such stockholders at a special meeting to be held on September 22, 1972. Potomac intends to solicit proxies from its Cumulative Preferred stockholders to obtain the requisite approval of the proposed amendment. The common stock of Potomac, all of which is held by Allegheny, has no right to vote on the amendment. Potomac has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as permitted under Rule 62.

The declaration states that the solicitation of proxies will be by mail, except for some personal solicitation of holders of Cumulative Preferred Stock by employees of Potomac and its affiliated companies and by the firm of D. F. King & Co., Inc., whose fee is estimated to be \$6,500. Potomac will bear the cost of solicitation, together with the expenses of banks and brokers, who, at Potomac's request, may forward proxies to beneficial owners of record of the shares of the Cumulative Preferred Stock held by such banks and brokers.

By orders dated August 19, 1969, and June 18, 1971 (Holding Company Act Releases Nos. 16449 and 17164), the Commission authorized Potomac to issue and sell, from time to time prior to July 31, 1973, short term notes in an aggregate face amount to be outstanding at any one time of \$27,800,000, which was the maximum amount allowable under Potomac's charter without preferred stockholder consent. In conjunction with its proposed charter amendment, Potomac has now filed its fourth posteffective amendment to its application proposing to increase the maximum amount of the notes to be outstanding at any one time to \$61,900,000, less any amount of unsecured debt with a maturity in excess of 10 years which may then be outstanding. As of May 31, 1972, Potomac had \$5,500,000 of unsecured short-term debt outstanding and no unsecured debt with maturities in excess of 10 years outstanding. In all other respects, the issuance and sale of the notes as heretofore authorized remain the same. The proceeds from the sale of these notes will be used primarily for financing Potomac's construction program, subject to requisite regulatory approvals.

The application states that legal fees and other fees and expenses relating to the proposed transactions, except the expenses listed above for solicitation of proxies, are estimated not to exceed

\$5,000. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than August 25, 1972, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration and posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration and the application, as amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered. That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12587 Filed 8-9-72; 8:53 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

AUGUST 3, 1972.

The common stock, \$1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities

on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 7, 1972, through August 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12544 Filed 8-9-72; 8:50 am]

TARIFF COMMISSION

[TEA-I-25]

MAGNAVOX CO. ET AL.

Investigation and Hearing Regarding Brass Wind Musical Instruments and Parts Thereof

Investigation instituted. Following receipt of an amended petition filed by the Selmer Division of the Magnavox Co., Chicago Musical Instrument Co., E. K. Blessing Co., Inc., the Benge Trumpet Corp., and United Auto Workers Union Local 364, the U.S. Tariff Commission, on August 7, 1972, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether—

Brass wind musical instruments and parts thereof of the types provided for in items 725.22 and 726.65 of the Tariff Schedules of the United States

are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., November 14, 1972, in the hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with section 201.13 of the Tariff Commission's Rules of Practice and Procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in room 437 of the Customhouse.

Issued: August 7, 1972.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.72-12602 Filed 8-9-72; 8:54 am]

[332-71]

CONDITIONS OF COMPETITION BETWEEN DOMESTIC AND FOREIGN PRODUCED ASPARAGUS

Notice of Investigation

In response to a resolution dated July 25, 1972, of the Committee on Ways and Means, the U.S. Tariff Commission instituted an investigation, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), of the conditions of competition in the United States between asparagus being produced in the United States and asparagus produced in foreign countries and imported under items 137.85, 138.00, and 141.81 of the Tariff Schedules of the United States.

The Committee directed the Commission to report the results of such investigation to the Committee at the earliest practicable date, and to include in the report factual information on domestic production, foreign production, imports, consumption, channels and methods of distribution, prices, including pricing practices, U.S. exports, and other factors of competition.

A public hearing will be held at a time and a place to be announced by a further public notice at a later date.

Issued: August 7, 1972.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.72-12604 Filed 8-9-72; 8:54 am]

[332-70]

CONVERSION OF TARIFF SCHEDULES OF THE UNITED STATES INTO FORMAT OF BRUSSELS TARIFF NOMENCLATURE

Notice of Study

In response to a request dated July 6, 1972, by the President of the United States, the U.S. Tariff Commission has instituted a study, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose, among other things, of converting the Tariff Schedules of the United States (TSUS) into the basic format of the Brussels Tariff Nomenclature (BTN). The full text of the request is as follows:

DEAR MADAM CHAIRMAN: In my Message to the Congress accompanying the proposed Trade Act of 1969, I drew attention to matters in the international trade field that were outside the scope of the proposed legislation but in need of examination and study for the conduct of our future trade policy. I indicated that we had arrived at a point at which a careful review should be made of our tariff structure, its reliance upon specific duties, and the relationship among tariff rates on various products.

The Commission on International Trade and Investment Policy in its report of last July made specific recommendations on some of these matters. One of its recommendations was that the United States should move as rapidly as possible toward adoption of the Brussels Tariff Nomenclature (BTN).

Most trading nations of the world have now adopted the BTN. The question of

whether the United States should do so has been the subject of many discussions by businessmen and government officials here and abroad. In this respect, the Commission on International Trade and Investment Policy pointed to the unnecessary burdens on traders and difficulties for others arising from the use by the United States of a classification system that is unrelated to the BTN.

Accordingly, I request the Tariff Commission to prepare a revision of the Tariff Schedules of the United States (TSUS) which would conform with the BTN. The new schedules should avoid, to the extent practicable and consonant with sound nomenclature principles, changes in rates of duty on individual products. Also the U.S. tariff structure should be simplified to the extent that can be accomplished without rate changes significant for U.S. industry or trade. In preparing the proposed revision of the TSUS, the Commission should, where feasible, convert existing specific and compound rates of duty into equivalent, or approximately equivalent, ad valorem rates of duty.

With these schedules the Commission should submit a report on the probable effects of their adoption on U.S. industries and trade. All changes in rates of duty contained in the schedules should be indicated together with a statement on their economic significance for any U.S. industry and for U.S. imports. At an appropriate time during its deliberations, I expect the Commission will hold public hearings to obtain the views of interested parties.

Since the Commission's work will deal with matters of interest to numerous agencies in the Executive Branch, I have instructed the Special Representative for Trade Negotiations to organize a task force to consist of the agencies concerned in these matters. This task force will act in an advisory capacity to the Commission so that the views of all Government agencies may be taken into account as the Commission proceeds with its work.

I anticipate that the Commission in undertaking this task may want to avail itself of the expertise and services of agencies in the Executive Branch, particularly the Bureau of Customs. I am therefore requesting all agencies to cooperate fully with the Commission in expediting completion of its work.

I have also instructed the Special Representative for Trade Negotiations to appoint a task force to examine and make recommendations on the problems involved in adherence to the Convention on Nomenclature by the United States. This task force shall be chaired by the Treasury Department and shall make recommendations to the Special Trade Representative.

The Commission's report, including the draft U.S. schedules, should be submitted as soon as possible but no later than September 30, 1973.

Sincerely,

RICHARD NIXON.

The Commission invites interested parties to submit any suggestions they may have to offer which, in their opinion, will accomplish the purposes of the President's request.

In due course public hearings will be scheduled in connection with the study. Appropriate public notice will be issued with respect to such hearings.

Issued: August 7, 1972.

By order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc. 72-12603 Filed 8-9-72; 8:54 am]

INTERSTATE COMMERCE COMMISSION

[Notice 50]

ASSIGNMENT OF HEARINGS

AUGUST 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 13250 Sub 116, J. H. Rose Truck Line, Inc., MC 83539 Sub 341, C & H Transportation Co., Inc., MC 106497 Sub 61, Park-Hill Truck Co., now being assigned October 24, 1972 (4 days), MC 32882 Sub 50, Mitchell Bros. Truck Lines, MC 83539 Sub 282, C & H Transportation Co., Inc., now being assigned October 30, 1972 (1 week), at San Francisco, Calif., in a hearing room to be later designated.

MC 32882 Sub 50, Mitchell Bros. Truck Lines, MC 83539 Sub 282, C & H Transportation Co., Inc., now being assigned November 13, 1972, at Portland, Oreg., in a hearing room to be later designated.

MC-F-11498, Commercial Carriers, Inc.—Control and Merger—Hughes Truck-Away, Inc., now being assigned hearing November 6, 1972 (1 week), at San Francisco, Calif., in a hearing room to be later designated.

MC 43038 Sub 450, Commercial Carriers, Inc., now being assigned hearing November 6, 1972 (1 week), at San Francisco, Calif., in a hearing room to be later designated.

MC-99149 Sub 10, Midway Motor Freight Lines, Inc., now being assigned hearing October 2, 1972 (1 week), at Little Rock, Ark., in a hearing room later to be designated.

MC-135904 Sub 2, Alltrans Express, Ltd., now being assigned hearing October 16, 1972 (1 week), at Olympia, Wash., in a hearing room later to be designated.

MC-135509 Sub 2, William R. Wade Common Carrier Application, now being assigned October 16, 1972 (1 week), at Jefferson City, Mo., in a hearing room to be later designated.

MC 111812 Sub 436, Midwest Coast Transport, Inc., now being assigned October 2, 1972 (2 days), MC 134788 Sub 2, North Penn Bus Lines, Inc., now being assigned October 4, 1972 (3 days), at Philadelphia, Pa., in hearing rooms to be later designated.

MC-134079, Buccaneer Transport, Inc., now assigned August 21, 1972, will be held in Courtroom No. 3, U.S. Post Office and Courthouse, Newark, N.J.

MC 20356 Sub 12, Badger Freightways, Inc., now being assigned October 2, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-7363, Cardinal Air Service Corp.—Revocation of Certificates—now being assigned hearing October 12, 1972 (1 day), at Buffalo, N.Y., in a hearing room to be later designated.

MC 108313 Sub 12, Caledonia Lines, Inc., now being assigned hearing October 13,

1972 (1 day), at Buffalo, N.Y., in a hearing room to be later designated.

MC 53534 Sub 6, Grand Island Transit Corp., now being assigned hearing October 16, 1972 (1 week), at Buffalo, N.Y., in a hearing room to be later designated.

MC-117799 Sub 17, Best Way Frozen Express, Inc., now being assigned hearing October 16, 1972 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-12588 Filed 8-9-72; 8:53 am]

[Notice 108]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 4, 1972.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28478 (Sub-No. 38 TA), filed July 24, 1972. Applicant: GREAT LAKES EXPRESS CO., 172 Davenport Street, Saginaw, MI 48602. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Calcium chloride (except in bulk), from the plantsites and warehouse facilities of Dow Chemical U.S.A. located at Ludington, and Midland, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, and Wisconsin, those points in Minnesota on and east of Interstate Highway 35, those points in Iowa on and east of U.S. Highways 65 and 69, those points in Missouri on and east of U.S. Highway 65, and the Kansas City commercial zone, those points in Pennsylvania on and west of the following highways: U.S. High-

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.

way 220 from the Maryland border north of its junction with U.S. Highway 15, thence north on U.S. Highway 15 to its junction with Pennsylvania State Highway 14, thence north over Highway 14 to the New York border, those points in New York on and west of U.S. Highway 11, and on and south of New York Highway 13 from Lake Ontario to its junction with U.S. Highway 11 at Pulaski, N.Y., for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Dow Chemical U.S.A., Midland, Mich. 48640. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 52669 (Sub-No. 10 TA), filed July 24, 1972. Applicant: CARGOCARE TRANSPORTATION CO., INC., 522 Nance Street, Post Office Box 4433, Rocky Mount, NC 27801. Applicant's representative: Milton P. Fields (Drawer 4538), Rocky Mount, N.C. 27801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the processing, packing, storing, handling and marketing of unmanufactured tobacco, between points in North Carolina, Georgia, Florida, South Carolina, Virginia, Tennessee, Kentucky, and Maryland for 180 days. Supporting shippers: Phillip Morris, Post Office Box 26603, Richmond, VA 23261; Universal Leaf Tobacco Co., Inc., Post Office Box 1755, Richmond, VA 23261; K. R. Edwards Leaf Tobacco Co., Inc., Smithfield, N.C. 27577. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 69833 (Sub-No. 103 TA), filed July 24, 1972. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, MI 49502. Applicant's representative: Harry Pohlad (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk), from the plantsites and warehouse facilities of Dow Chemical U.S.A. located at Ludington, and Midland, Mich., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia and those points in Pennsylvania on and west of the following highways: U.S. Highway 220 from the Pennsylvania-Maryland border north of its junction with U.S. Highway 15 thence north on U.S. Highway 15 to its junction with Pennsylvania State Highway 14 thence north on Highway 14 to the Pennsylvania-New York border, for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Dow Chemical U.S.A., Midland, Mich. 48640. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 74195 (Sub-No. 6 TA), filed July 18, 1972. Applicant: YOUNG AND HAY TRANSPORTATION COMPANY,

Route No. 3, Post Office Box 58, Worthington, MN 56187. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities*, except those requiring special equipment and classes A and B explosives, (1) between Genoa and Omaha, Nebr., and points in Nebraska in its commercial zone, serving the intermediate points of Fremont, Columbus, Monroe, Schuyler, and Valley, Nebr., from Genoa, Nebr., over Nebraska Highway 22 to Columbus, Nebr., thence over U.S. Highway 30 to Fremont, Nebr., thence over Nebraska Highway 8 to U.S. Highway 275 to Omaha, Nebr., and return over the same route, and (2) between Tarnov and Omaha, Nebr., and points in Nebraska in its commercial zone, serving the intermediate points on Platte Center, Columbus, Richland, Schuyler, Rogers, North Bend, Ames, and Fremont, Nebr., and the off-route point of Octavia, from Tarnov, Nebr., over U.S. Highway 81 to Columbus, Nebr., thence over U.S. Highway 30 to Fremont, Nebr., thence over U.S. Highway 275 or Nebraska Highway 8 to Omaha, Nebr., and return over the same route. Irregular routes: *General commodities*, except those requiring special equipment and classes A and B explosives, (1) between points within a 15-mile radius of Genoa, Nebr.; (2) between points within a 15-mile radius of Genoa, Nebr., on the one hand, and, on the other, points in Nebraska; (3) between points in Colfax and Butler Counties, Nebr.; and (4) between points in Colfax and Butler Counties, Nebr., on the one hand, and, on the other, points in Nebraska, for 150 days. Supporting shippers: West End Service, Genoa, Nebr.; Monroe Grain Alfalfa Co., Monroe, Nebr.; Gambles Store, Genoa, Nebr.; Smith Hardware, St. Edward, Nebr.; Interstate Glass Co., Columbus, Nebr.; Duncan Grain Co., Duncan, Nebr.; Eller Heating and Air Conditioning, Columbus, Nebr.; Farmers Co-op Grain Co., of Silver Creek, Nebr. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 107002 (Sub-No. 419 TA), filed July 25, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Mobile, Ala., to points in Michigan, for 180 days. Supporting shipper: Standard Oil Co., Post Office Box 1446, Louisville, Ky. 40201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 112063 (Sub-No. 15 TA) (Amendment), filed June 8, 1972, published in the FEDERAL REGISTER issue of July 1, 1972, amended and republished as amended this issue. Applicant: PI & I MOTOR EXPRESS, INC., 2727 Freedland Road, Post Office Box 685, Sharon, PA 16146. Applicant's representative: Milan Tatalovich, 123 West Liberty Street, Girard, OH 44420. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, conduit and fittings and accessories therefore*, which are unloaded by carrier's trailer mounted mechanical unloading devices, from plantsite of Wheatland Tube Co., 4345 Southwestern Boulevard, Chicago, IL, to points in Indiana and Ohio, and the Lower Peninsula of Michigan and points on or west of U.S. Route 15, including commercial zone of Rochester, N.Y., and points in Pennsylvania on or west of U.S. Route 219 starting at its intersection with the New York border above Bradford, Pa., and continuing southward to its intersection with the State of West Virginia border, for 180 days. Supporting shipper: Wheatland Tube Co., 4345 Southwestern Boulevard, Chicago, IL. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222. NOTE: The purpose of this republication is to broaden the territorial scope.

No. MC 135750 (Sub-No. 3 TA), filed July 20, 1972. Applicant: COALE TRUCK TRANSPORT, INC., Post Office Box 120 Darlington Road (U.S. Route 161), Darlington, MD 21034. Applicant's representative: Robert J. Carson, 17th Floor, 1 Charles Center, Baltimore, MD 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from the plant of Cloverland Dairy, Inc., Flushing, Ohio, to points in Maryland and Pennsylvania and to Buffalo and New York City, N.Y.; to Port Newark, N.J., and to North Wilbraham, Mass., including the commercial zones thereof, for 180 days. Supporting shipper: Joseph Anthony Hyst, Cloverland Dairy, Post Office Box 167, Flushing, OH 43977. Send protests to: William L. Huges, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 133922 (Sub-No. 7 TA), filed July 20, 1972. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Post Office Box 98, Wolcott, IN 47995. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Chicago, Ill., to Tulsa and Oklahoma City, Okla., Charlotte, Greensboro, and Raleigh, N.C.; Richmond, Va.; New Orleans, La.; Miami and Tampa, Fla.; and Atlanta,

Ga.; restricted to a contract or continuing contracts with Babbitt Products, Inc., for 180 days. Supporting shipper: Babbitt Products, Inc., 6233 West 65th Street, Chicago, IL 60638. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 47802.

No. MC 136915 TA, filed July 20, 1972. Applicant: SIMON-GOODMAN TRANSPORTATION, INC., 4255 South Second West Street, Salt Lake City, UT 84107. Applicant's representative: Irene Warr, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals and products* used in the compounding and manufacturing of chemicals (not in bulk) and *empty containers*, between points in California, Nevada, Utah, and Wyoming, under a continuing contract with Chemopharm Co., for 180 days. Supporting shipper: Chemopharm Co., 503 North Third West, Salt Lake City, Utah (Alfred Lieber—Owner/Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.72-12589 Filed 8-9-72;8:54 am]

[Notice 101]

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-73351. By order of July 21, 1972, the Motor Carrier Board approved the transfer to William S. Carroll, Brookline, Mass., of the operating rights in Certificate No. MC-113770 issued March 4, 1970, to Bernard Bus Lines, Inc., Brookline, Mass., authorizing the trans-

portation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over specified routes, between Hopedale, Mass., and Worcester, Mass., serving all intermediate points; between Northboro, Mass., and Hopkinton, Mass., serving all intermediate points; and between Westboro, Mass., and North Grafton, Mass., serving all intermediate points; and passengers, in special round-trip operations, beginning and ending at Framingham, Mass., and extending to Hudson and Nashua, N.H., and beginning and ending at Worcester, Mass., and extending to Central Falls, R.I. Restricted to the transportation of passengers who, at the time, are traveling for the purpose of participating in beano or bingo games. Frank Daniels, 15 Court Square, Boston, MA 02108, attorney for applicants.

No. MC-FC-73751. By order of July 20, 1972, the Motor Carrier Board approved the transfer to Bowen Trucking, Inc., Holley, N.Y., of a portion of the operating rights in Certificate No. MC-7532 issued November 30, 1972 to B. G. Costich & Sons, Inc., Rochester, N.Y., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Rochester, N.Y., to points within 15 miles of Rochester. Raymond A. Richards, 23 West Main Street, Webster, NY 14580, representative for applicants.

No. MC-FC-73767. By order entered July 19, 1972, the Motor Carrier Board approved the transfer to Hill's Truck Line, Inc., Adrian, Mo., of the operating rights set forth in Certificates Nos. MC-52824 and MC-52824 (Sub-No. 3), issued August 18, 1949, and December 21, 1964, respectively, to Gaylord Hill, doing business as Hill's Truck Line, Adrian, Mo., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Kansas City, Kans., and Lamar, Mo., serving specified intermediate points; between Nevada, Mo., and El Dorado Springs, Mo., over specified routes, serving no intermediate points; and livestock, between Adrian, Mo., and Kansas City, Kans., over specified routes, serving the intermediate point of Kansas City, Mo. Elvin S. Douglas, Jr., Professional Building, Box 280, Harrisonville, Mo. 64701, attorney for applicants.

No. MC-FC-73786. By order of July 24, 1972, the Motor Carrier Board approved the transfer to Ranchero Leasing, Inc., doing business as Ranchero Transport and Leasing Co., Newark, N.J., of the operating rights in Certificate No. 2644 issued May 15, 1969, to Surf Air Trucking, Inc., Newark, N.J., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, Jersey, Arlington, Bayonne, Belleville, Bloomfield, Clifton, East Paterson, East Orange, East Rutherford, Elizabeth, Garfield, Hacken-

sack, Harrison, Hillside, Hoboken, North Bergen, Nutley, Orange, Passaic, Paterson, Port Newark, Rutherford, South Orange, Union City, and West New York, N.J. Robert B. Pepper, 174 Brower Avenue, Edison, N.J. 08817, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.72-12589 Filed 8-9-72;8:53 am]

[Notice 64]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 4, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247¹ of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joined, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 22), filed July 19, 1972. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631 (Fulton Drive), Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk and articles which because of size or weight require special equipment): (A) (1) Between Birmingham, Ala., and Hattiesburg, Miss., serving Meridian and all intermediate points between Meridian and Hattiesburg, Miss., as follows: From Birmingham, Ala., to Hattiesburg, Miss., over U.S. Highway 11 and/or Interstate Highways 20 and 59, and return over the same route; (2) between Birmingham and Red Bay, Ala., as follows: From Birmingham to Tupelo, Miss., over U.S. Highway 78; thence over U.S. Highway 45 to Corinth, Miss.; thence over U.S. Highway 72 to Iuka, Miss.; thence over Mississippi Highway 25 to Belmont, Miss., thence over Mississippi Highway 366 to the Alabama/Mississippi State Line; thence over Alabama Highway 19 to Red Bay, Ala., and return over the same routes, serving all intermediate points in Mississippi. (B) Alternate routes for operating convenience only: (1) Between Belmont and Fulton, Miss., as follows:

From Fulton, Miss., over Mississippi Highway 25 to Belmont, Miss., and return over the same route; (2) between Tremont, Miss., and Red Bay, Ala., as follows: From Tremont, Miss., over Mississippi Highway 23 to the Alabama/Mississippi State line; thence over Alabama Highway 24 to Red Bay, Ala., and return over the same route; (3) between Winfield and Red Bay, Ala., as follows: From Winfield, Ala., over Alabama Highway 57 to the intersection of Alabama Highway 57 and Alabama Highway 44;

thence over Alabama Highway 44 to its intersection with Alabama Highway 45, approximately 4 miles north of Brilliant, Ala.; thence over Alabama Highway 45 to its intersection with Alabama Highway 49; thence over Alabama Highway 49 to Hackleburg, Ala.; thence over Alabama Highway 172 to its intersection with Alabama Highway 19 at or near Vina, Ala.; thence over Alabama Highway 19 to Red Bay, Ala., and return over the same route; (4) between Hamilton and Red Bay, Ala., as follows: From Hamilton, Ala., to Hackleburg, Ala., over U.S. Highway 43; thence to Red Bay, Ala., as described immediately above, and return over the same route; and (5) between Birmingham, Ala., and Iuka, Miss., as follows: From Birmingham, Ala., over U.S. Highway 31 and Interstate 65 to their junction with Alabama State Highway 165; thence over Alabama State Highway 157 to its intersection with U.S. Highway 72 and/or Alternate 72; thence over U.S. Highway 72 and/or Alternate 72 to Iuka, Miss., and return over the same route. Restriction: Restricted against tacking or joining the authority sought herein with any other authority now held by Dean Truck Line, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 2202 (Sub-No. 413), filed July 20, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving the facilities of the Goodyear Tire & Rubber Co., located at or near Silsbee, Tex., as an off-route point in connection with applicant's regular route authority between Birmingham, Ala., and Houston, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio, or Washington, D.C.

No. MC 2253 (Sub-No. 52), filed July 24, 1972. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Virginia, West Virginia, and Ohio, restricted to traffic originating at named origins and destined to points in named territory. NOTE: Applicant states that the requested authority can be

tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 115), filed July 14, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers, cartons, fillers and partitions*, from Parkersburg, W. Va., to points in Pennsylvania, Kentucky, Illinois, Indiana, Ohio, Virginia, North Carolina, South Carolina, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Georgia, Missouri, Michigan, Tennessee, West Virginia, Delaware, and the District of Columbia, and (2) *corrugated boxes*, from Wooster and Grafton, Ohio and Baltimore, Md., to Parkersburg, W. Va. NOTE: Applicant states that under (1) of the authority sought herein, tacking is feasible at certain Pennsylvania points to serve the additional State of Vermont. Under (2) of the application, tacking is feasible at Baltimore, Md., from New England and Middle Atlantic territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 116), filed July 14, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Robert W. Gerson, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution and installation of the above commodities (except commodities in bulk), between points in Ellis County, Tex., on the one hand, and, on the other, points in Arizona, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, Utah, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 2860 (Sub-No. 117), filed July 13, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th

Street, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, accessories, material, equipment and supplies* used in connection with the manufacture, sale, and distribution of containers (except commodities in bulk), from Baltimore, Md.; Masspeth, N.Y.; and Hillside, Paterson and Pennsauken, N.J., to the plantsite of Anheuser-Busch and its warehouse at or near Williamsburg, Va. NOTE: Applicant states that the requested authority can be tacked at Baltimore, Md., from New England and Middle Atlantic territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2998 (Sub-No. 26), filed July 18, 1972. Applicant: WOLVERINE EXPRESS, INCORPORATED, 701 Erie Street, Muskegon, MI 49441. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk) from the plantsites and warehouse facilities of Dow Chemical U.S.A. located at or near Ludington and Midland, Mich., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 15869 (Sub-No. 112), filed June 26, 1972. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feeds, farm implements and machinery, hardware, twine, roofing materials, wire, steel fencing and posts, and reinforcing steel*, from Chicago, Sterling, Forest Park, Canton, Rockford, Rock Falls, Streator, Rock Island, Moline, and East Moline, Ill., to Omaha, Nebr., and (2) *malt beverages*, from Milwaukee, Wis., and St. Louis, Mo., to Omaha, Nebr. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant presently provides all of the above services by tacking, and the sole purpose of this application is to eliminate the gateway of "Churdan, Iowa, and points within 25 miles thereof." If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 18121 (Sub-No. 14) (Correction), filed May 30, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished in part as corrected, this issue. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First Street, Milwaukee, WI 53207. Applicant's representative: John D. Varda and Phillip H. Porter, 121 South

Pinckney Street, Madison, WI 53703. NOTE: The purpose of this partial republication is to show the correct origin as between points in Racine and Kenosha Counties, Wis., on and west (in lieu of east) of U.S. Highway 41 (I-94).

No. MC 25869 (Sub-No. 113), filed July 11, 1972. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chicago, and Deerfield, Ill., to points in Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 29886 (Sub-No. 284), filed July 12, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, and truck chassis*, in initial movements, in driveway and truck-away service and bodies, cabs, and parts of, and accessories for such vehicles, from Chillicothe, Ohio, to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 29910 (Sub-No. 120), filed July 17, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building—Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass seed*, in bags or boxes; *fertilizer and seed distributors; grass catchers; weed killing compounds* in bags or boxes; *agricultural insecticides and fungicides* in bags or boxes; *mowers and mower parts; agricultural implements weighing less than 50 pounds, turf aerators; rubber or plastic products; lawn sprinklers; electric metal signs and advertising displays and matter*, from Marysville, Ohio, to points in Arkansas, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, and Shelby County, Tenn. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are

cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Columbus, Ohio.

No. MC 30837 (Sub-No. 452), filed July 14, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck, truck-tractors, and truck chassis*, in initial movements, in driveway and truckaway service and *bodies, cabs, parts, and accessories* thereof, from Chillicothe, Ohio, to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41406 (Sub-No. 30), filed July 14, 1972. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, from Indian Oaks, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 43038 (Sub-No. 453), filed July 17, 1972. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representative: E. P. Malone, 3800 Fredrica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, complete or not complete, set up or not set up, and *parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service. Restriction: Restricted to traffic manufactured, assembled, imported or distributed by General Motors Corp. NOTE: Applicant states that the requested authority can be tacked with its Sub 440 at all common points to serve Wyoming, New Mexico, and Colorado. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 44605 (Sub-No. 40), filed May 22, 1972. Applicant: MILNE TRUCK LINES, INC., 20200 South Third West, Salt Lake City, UT 84115. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, serving Luke Air Force Base, Ariz., as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 46280 (Sub-No. 71), filed July 18, 1972. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, MI 49507. Applicant's representative: Rex Eames and Ronald J. Mastej, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk) from the plantsites and warehouse facilities of Dow Chemical U.S.A. at Ludington and Midland, Mich., to points in Indiana, south of U.S. Highway 40; points in Kentucky; points in Illinois south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; points in Missouri on and east of U.S. Highway 65 and Kansas City, Mo. and points in its commercial zone; points in Minnesota on, east, and north of a line beginning at Duluth, Minn., and extending along U.S. Highway 61 to junction Interstate Highway 35, thence south along Interstate Highway 35 to Minneapolis, Minn., and from Minneapolis along U.S. Highway 12 to the Minneapolis-Wisconsin State line; points in Wisconsin north of line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., thence along U.S. Highway 141 to Lake Michigan at Manitowoc, Wis. *Provided, however*, that the authority granted in this paragraph shall not extend to traffic moving to Evansville or Vincennes, Ind.; St. Louis, Mo.; Louisville, Ky.; or Minneapolis or St. Paul, Minn., or points in their commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 57239 (Sub-No. 17), filed July 12, 1972. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46206. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of the General Tire & Rubber Co. at or near Mayfield, Ky., and Cadiz, Ky., as follows: from the plantsite of the General Tire & Rubber Co. at or near Mayfield, Ky., over U.S. Highway 45 to its junction with Kentucky Highway 80 at Mayfield, thence over Kentucky Highway 80 to Cadiz, and return over the same route, serving no intermediate points and serving Cadiz for purposes of joinder only. NOTE: Applicant states it proposes to tack the above requested authority with its existing authority at Cadiz, Ky., to serve points in Tennessee, Indiana, and Michigan authorized under MC 57239 and sub numbers thereunder. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 59054 (Sub-No. 3), filed July 17, 1972. Applicant: TRI-STATE CARRIER, INC., 212 Washington Avenue, Carlstadt, NJ 07072. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, solvents, cements, paste, bleaches, varnish, lacquers, inks, compounds, dyes, materials, and supplies* used in the manufacture and sale of the above-named commodities (except commodities in bulk), from the facilities of Inmont Corp., at Hainesport, N.J., to points in New York, N.Y., commercial zone as defined by the Commission; Orange, Rockland, Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield County, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59680 (Sub-No. 201), filed July 20, 1972. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment) serving the warehouse facilities of Goodyear Tire & Rubber Co. at or near Silsbee, Tex., as an off-route point in connection with carrier's present operation to or from Beaumont, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at either (1) Dallas, Tex., (2) Cleveland, Ohio, or (3) Washington, D.C.

No. MC 61440 (Sub-No. 132), filed July 17, 1972. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to op-

erate 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, commodities requiring special equipment, and those injurious or contaminating to other lading) serving the plantsite and storage facilities of Chicago Bridge & Iron Co. at or near Indian Oaks, Ill., as an off-route point in connection with applicant's regular route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61440 (Sub-No. 133), filed July 17, 1972. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the facilities of Goodyear Tire & Rubber Co., located at or near Silsbee, Tex., as an off-route point in connection with carriers otherwise authorized regular route operations to and from Beaumont, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio, or Washington, D.C.

No. MC 61592 (Sub-No. 275), filed July 20, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 82063 (Sub-No. 37), filed June 22, 1972. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, MO 63141. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (except Houston, Tex., and 50-mile radius thereof). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a

hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 84692 (Sub-No. 3), filed July 12, 1972. Applicant: BEKINS VAN & STORAGE COMPANY, a corporation, 420 Bluff Street (Post Office Box 777), Sioux City, IA 51101. Applicant's representative: Lowry Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles dealt in by retail furniture stores*, between Sioux City, Iowa, on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 95920 (Sub-No. 26), filed July 20, 1972. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, malt beverage containers, cartons, bottles, and can openers, advertising matter and brewery products materials and supplies machinery* moving incidentally to the movement of malt beverages, from Olympia, Wash., to points in Minnesota; and (2) *empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter and other materials, ingredients or supplies and machinery and equipment* used in the manufacture of malt beverages, on return, under contract with Olympia Brewing Co., Olympia, Wash. NOTE: Applicant holds common carrier authority under MC 123265, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 98964 (Sub-No. 10) (Amendment), filed October 14, 1970, published in the FEDERAL REGISTER issue of November 5, 1970, and republished in part, as amended this issue. Applicant: PALMER BROTHERS, INCORPORATED, 1434 South Third West, Salt Lake City, UT 84115. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. The purpose of this partial republication is to reflect that applicant desires to amend the above application by adding subparagraph No. 11 which shall read as follows: (11) Between Kanab, Utah, and Page, Ariz., serving Page, Ariz., and a 25-mile radius of Page, Ariz., from Kanab, Utah, over U.S. Highway 89 to Page, and return over the same route, serving all intermediate points and points within 25 miles of Page, Ariz. The rest of the application remains as previously published.

No. MC 101474 (Sub-No. 21), filed July 13, 1972. Applicant: RED TOP TRUCK-

ING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt-mix storage tanks and parts thereof*, from the plantsites and warehouse facilities of Havens Steel Co., and Standard Havens Systems, Inc., in Kansas City, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102567 (Sub-No. 153), filed July 17, 1972. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo. E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphate black liquor skimmings and crude tall oil*, in bulk, in tank vehicles, from Ashdown, Ark., and the plantsite of the International Paper Co. at or near Texarkana, Tex., to Springhill, La., and (2) *pulp mill liquid*, in bulk, in tank vehicles, from Ashdown, Ark., and the plantsite of the International Paper Co. at or near Texarkana, Tex., to Panama City, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 106398 (Sub-No. 618), filed July 20, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Marshall County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 106398 (Sub-No. 619), filed July 20, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal doors, with parts and accessories thereof*, from Toledo, Ohio to points in Georgia, Illinois, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked

with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 106920 (Sub-No. 43) (Correction), filed June 19, 1972, published in the FEDERAL REGISTER issue of July 13, 1972, and republished in part, as corrected this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. NOTE: The sole purpose of this partial republication is to show the applicant correct name as *Riggs Food Express, Inc.*, in lieu of *Riggs Road Express, Inc.* The rest of the application remains the same.

No. MC 107129 (Sub-No. 8), filed July 17, 1972. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, IL 60435. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials and machinery, equipment, materials and supplies*, used in connection with the manufacture, production, and shipping of roofing and building materials, between Posey and Vanderburgh Counties, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, under contract with G. A. F. Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107441 (Sub-No. 1), filed July 17, 1972. Applicant: CHARLES H. KITTELMANN and HOPE KITTELMANN, doing business as BIG SKY EXPRESS, 2619 Leighton Boulevard, Miles City, MT 59301. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except: (1) Transportation of bulk in tank trucks is prohibited; (2) the transportation of general commodities of unusual values, livestock, household goods as defined by the Commission, and commodities requiring special equipment, and (3) any one shipment for any one consignee, is limited to 10,000 pounds), between Miles City and Baker, Mont., over U.S. Highway 12, serving all intermediate points and off-route point of Ismay, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miles City, Mont.

No. MC 107993 (Sub-No. 23), filed July 13, 1972. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, 306 East Second Street, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Winslow, Ariz., to points in Oklahoma and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Dallas, Tex.

No. MC 107993 (Sub-No. 24), filed July 18, 1972. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fittings and pipe accessories*, in straight or mixed truckloads, from Lone Star, Tex., and points within 5 miles thereof, to points in Arkansas, Arizona, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Utah, and Wyoming. NOTE: Applicant states that it intends to tack the requested authority with its existing authority to transport size and weight commodities and earth drilling pipe, under MC 107993 Subs Nos. 10, 11, and 12, at Lone Star, Tex., where feasible to perform a through service. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 109098 (Sub-No. 2), filed May 5, 1972. Applicant: FOGG'S DAILY SERVICE, a corporation, 145 Roadstown Road, Bridgeton, NJ 08302. Applicant's representative: William P. Doherty, Jr., 75 North Pearl Street, Bridgeton, NJ 08302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia International Airport and Northeast Airport in Philadelphia, Pa., on the one hand, and, on the other, points in Cape May County, N.J. restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cape May Court, Cape May, N.J., or Atlantic City, N.J.

No. MC 109689 (Sub-No. 238), filed July 3, 1972. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, UT 84087. 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: (1) *Perlite*, from Salt Lake City, Utah, to points in Sweetwater County, Wyo.; (2) *petroleum and petroleum products*, in bulk, from points in Coconino County, Ariz., to points in Arizona, Colorado, Nevada, New Mexico, and Utah; and (3) *petroleum asphalt, road oil, and cutback asphalt*, in bulk, from points in Coconino

County, Ariz., to points in Arizona, Nevada, and Utah. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110525 (Sub-No. 1040), filed July 17, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Wilmington, Mass., Norwich, N.Y., and Marinette, Wis. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1041), filed July 17, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuser oil*, in bulk, in tank vehicles, from Carrollton, Ky., to Greensboro, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Cincinnati, Ohio.

No. MC 111045 (Sub-No. 94) filed July 17, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. F. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and petroleum by-products*, in bulk, in tank vehicles, (1) from Albany and Bainbridge, Ga., to points in Florida, (2) from Mobile, Ala., to points in Florida, Georgia, and Mis-

issippi, and (3) from Birmingham, Ala., to points in Georgia and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Jacksonville, Fla.

No. MC 111170 (Sub-No. 191), filed July 5, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 34, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oil*, in bulk, from Norphlet, Ark., to Norfolk, Va.; (2) *brominated vegetable oil*, in bulk, from El Dorado, Ark. to points in California, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, Ohio, Pennsylvania, Texas, and Wisconsin; (3) *fertilizer and fertilizer ingredients*, in bags, from the plant and storage facilities of Arka Chemical Corp. in Phillips County, Ark., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (4) *liquid aluminum*, in bulk, from Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Memphis, Tenn.

No. MC 111672 (Sub-No. 7), filed July 17, 1972. Applicant: R & M TRUCK LINE, INC., Post Office Box 198, Oskaloosa, IA 52577. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Oskaloosa, Iowa, to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 111729 (Sub-No. 355), filed July 19, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *External and implantable cardiac pacemakers and related accessories; and business papers, records, and audit and accounting media, of all kinds and advertising material moving therewith*, (a) between Beachwood, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; (b) between Pittsburgh, Pa., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, Tennessee, and West

Virginia; (c) between Buffalo, N.Y., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, Tennessee, and West Virginia; (2) replacement and repair parts for tractors, farm machinery, and industrial and material handling equipment, restricted to articles or packages weighing in the aggregate less than 100 pounds, from one consignor to one consignee, on any one day, and business papers, records, and audit and accounting media, of all kinds, and advertising material moving therewith, between Muskegon, Mich., on the one hand, and, on the other, points in Indiana and Ohio; (3) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith, and cameras, projectors, electronic flash units, light meters, and other electronic components, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois and Indiana; and (4) automotive parts and supplies restricted against the transportation of packages weighing in the aggregate more than 95 pounds from one consignor to one consignee on any one day, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 112750 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 111729 (Sub-No. 356), filed July 25, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith, (a) between Bloomington, Ill., and Fort Wayne, Ind., (b) between Charleston, Ill., on the one hand, and, on the other, Hammond, Ind., and Cincinnati, Ohio; and (c) between Lynchburg, Va., on the one hand, and, on the other, Anniston, Ala., Lafayette, LaFollette and Piney Flats, Tenn.; (2) thread, cloth, and cloth samples, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Lynchburg, Va., on the one hand, and, on the other, Anniston, Ala., Lafayette, LaFollette and Piney Flats, Tenn.; and (3) exposed and processed film and

prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Rockville, Md., on the one hand, and, on the other, points in Virginia (except points in Augusta, Bedford, Campbell, Culpeper, Dinwiddie, Frederick, Henry, James City, Loudoun, Montgomery, Nottoway, Orange, Pittsylvania, Pulaski, Roanoke, Rockbridge, Southampton, Spotsylvania, and Warren Counties, Va.). NOTE: Applicant states that a portion of the requested authority can be tacked with certain existing authorities. However, applicant does not, at present, have any intentions to tack. Applicant holds contract carrier authority under MC 112750 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 112304 (Sub-No. 56) (correction), filed June 19, 1972, published in the FEDERAL REGISTER issue of July 13, 1972, and republished, in part, as corrected this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Blast, open hearth, or electric furnace machinery, equipment and parts; foundry machinery, equipment, and parts; valves; and machinery parts. NOTE: The purpose of this partial republication is to correct the part of the commodity description in (1) above which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 113475 (Sub-No. 16), filed July 20, 1972. Applicant: RAWLINGS TRUCK LINE, INC., Emporia, Va. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, box shooks, and pallets, from Lawrenceville, Smoky Ordinary, and LaCrosse, Va., and Gaston, N.C., to points in Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Indiana, Michigan, Illinois, Ohio, Pennsylvania, West Virginia, Delaware, Maryland, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Virginia, New Jersey, Florida, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant does not seek any duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 114004 (Sub-No. 116), filed June 20, 1972. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: Winston G.

Chandler, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles in initial movements, and portable buildings mounted on wheeled undercarriages from origins which are points of manufacture, from points in Rockingham County, N.C., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114211 (Sub-No. 172), filed July 21, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60606. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pipe and tubing, iron or steel, including oil country tubular goods and line pipe, such as are included in the first findings of the Interstate Commerce Commission in T. E. Mercer and G. E. Mercer Extension Oil Field Commodities, 74 M.C.C. 459, 543, from the plant site of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 114211 (Sub-No. 173), filed July 21, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60606. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe and plastic tubing with or without plastic fittings for same, from the plant site of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant does not seek any duplicating authority for the purpose of sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Fort Worth, Tex.

No. MC 114211 (Sub-No. 174), filed July 21, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60606. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pipe and tubing, iron or steel, pipe and tubing, structural, iron or steel, other than commodities such as are included in the first findings of the Interstate Commerce

Commission in T. E. Mercer and G. E. Mercer extension—Oil Field Commodities, 74 M.C.C. 459, 453, from the plant-site of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 114273 (Sub-No. 125), filed July 13, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 276 (except oil field commodities as defined by the Commission), 74 M.C.C. 459, from Indian Oaks, Ill., to points in Michigan, Ohio, Pennsylvania, Iowa, Missouri, Minnesota, Nebraska, and Colorado, restricted to traffic originating at the plant-site of Chicago Bridge and Iron Co. in Indian Oaks, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114486 (Sub-No. 26), filed July 24, 1972. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, TX 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Weeks, La., and points within 10 miles thereof to points in Texas west of a line extending from the Texas-Oklahoma State line along U.S. Highway 81 through Duncan and Bowie, Tex., to Hillsboro, Tex., and thence along U.S. Highway 77 through Waco and Victoria, Tex., to the United States-Mexico boundary line at Brownsville, Tex., under a continuing contract with Morton Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 115322 (Sub-No. 90), filed July 18, 1972. Applicant: REDWING REFRIGERATED, INC., 2939 Orlando Drive, Post Office Box 1698, 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: *Frozen, fried and unfried potato products*, from Caribou, Maine, to points in Pennsylvania, New York, Maryland, Virginia, West Virginia, Tennessee, North Carolina, South Caro-

lina, Mississippi, Florida, Georgia, Delaware, New Jersey, Kentucky, Louisiana, Alabama, and Washington, D.C. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 115840 (Sub-No. 77), filed June 20, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and parts* used in the construction, assembly, servicing, and operation of boats, ships, and submarines, the transportation of which, because of size or weight require the use of special equipment; and (2) *machinery, equipment, parts, and supplies* which do not require the use of special equipment, when moving in connection with (1) above (except in bulk), between the plantsites of Litton Industries, Inc., at Pascagoula, Miss., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland, Ohio, West Virginia, Virginia, Indiana, Illinois, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Iowa, Louisiana, Texas, Arkansas, Oklahoma, Michigan, Minnesota, Missouri, Wisconsin, Kansas, and New Mexico. Restrictions: (1) The above authority is restricted against the transportation of commodities in bulk; and (2) restricted to traffic originating at and destined to the points indicated, (3) *iron and steel articles*; (4) *heat exchangers and equalizers* for air, gas, and liquids; and (5) *equipment, materials, and supplies* for heating, cooling, conditioning, humidifying, and dehumidifying of air, gas, and liquids (except in bulk), between points in Harrison, Hancock, and Jackson Counties, Miss., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland, Ohio, West Virginia, Virginia, Indiana, Illinois, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, Iowa, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Michigan, Minnesota, Missouri, Wisconsin, Kansas, and New Mexico. Restrictions: (1) Against the transportation of commodities in bulk; and (2) restricted to traffic originating at and destined to the points indicated. NOTE: Applicant states it does not seek duplicate authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Gulfport, Miss., Mobile, Ala. or Jackson, Miss.

No. MC 115841 (Sub-No. 437), filed July 11, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION,

INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products, cheese and cheese products, bakery goods, snack foods, and advertising promotional, and display materials* when moving in mixed loads with the above commodities, singly or in combinations, from Philadelphia, Pa., to points in Georgia, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 116538 (Sub-No. 9) filed July 19, 1972. Applicant: DEFOREST L. REED, 102 Champion Street, Carthage, NY 13619. Applicant's representative: Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from Oswego, Holland, Cortland, and Averill Park, N.Y., to Dover, Englewood, Hoboken, Jersey City, Kenilworth, Newark, Paterson, Washington, Old Bridge, and Bayonne, N.J.; Gardner, Templeton, Boston, and Lawrence, Mass.; Branford, Ivoryton, and Stamford, Conn.; Hellam, Herndon, Kreamer, Lancaster, Union City, Lewisburg, Montrose, Philadelphia, Scranton, Simpson, Wilkes Barre, Endeavor, Troy Youngsville, Millinburg, and Port Allegany, Pa.; Hagerstown and Baltimore, Md.; and ports of entry on the international boundary line between the United States-Canada in New York; (b) from Smyrna, Waterloo, Hannibal, Deer River, Wolcott, Heuvelton, Croghan, Apalachin, Boonville, Bleecker, North Creek, Little Falls, Central Square, Cato, Cassadaga, Delhi, East Branch, Ellington, Herkimer, Hartwick, Lyons, Locke, Marion, Margaretville, Medina, Poland, Stratford, Stamford, Wellesville, West Leyden, Warrensburg, Cohocton, Pine Plains, Kingston, Oswego, Holland, Cortland, and Averill Park, N.Y., to New York City commercial zone, as defined by the Commission; (c) between points in New York and points in Pennsylvania; and (2) *wood veneers and window glass* from port facilities in New York and New Jersey within New York, N.Y. harbor area, as defined by the Commission in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto* and Philadelphia, Pa., to Lacona, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 116938 (Sub-No. 8), filed July 17, 1972. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. 37355. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder block, concrete block, tile, and related construction products and brick, block, and tile raw materials*, (1) between Cohutta, Ga., on the one hand, and, on the other, points in Tennessee, Alabama, and North Carolina; (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, and North Carolina within 65 miles of Chattanooga, Tenn.; (3) between Elizabethton, Johnson City, Kingsport, and Knoxville, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, and Virginia; (4) between Glasgow, Groseclose, Richlands, and Richmond, Va., on the one hand, and, on the other, points in Kentucky, Maryland, North Carolina, Tennessee, and West Virginia; and (5) between Cordova, Tenn., on the one hand, and, on the other, points in Arkansas, Kentucky, Mississippi, and Missouri, under contract with General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn. or Washington, D.C.

No. MC 117344 (Sub-No. 221), filed July 12, 1972. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Applicant's representative: James R. Stiver, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin to the facilities of the Polymers and Chemicals Division of the W. R. Grace & Co., at Owensboro, Ky., restricted to traffic originating at points in the above-named States and destined to the above-named facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 117592 (Sub-No. 6), filed July 12, 1972. Applicant: GERALD L. KRAMER, Rural Delivery 4, Quakertown, Pa. 18951. Applicant's representative: Robert S. Einhorn, 1540 PSFS Building, 12 South 12th Street, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, in bulk, in dump vehicles, having a prior out-of-State movement by rail, from Green Lane, Pa., to East Greenville, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117799 (Sub-No. 37), filed July 14, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank

Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*; (2) *Pet foods and pet supplies*; (3) *Household buffing and polishing compounds* and (4) *Commodities*, the transportation of which are within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, from the plantsite and/or warehouse facilities of the R. T. French Co., at or near Springfield, Mo., to points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Tennessee, Alabama, Mississippi, Louisiana, New Mexico, Texas, Arkansas, Oklahoma, and Missouri. Restriction: Restricted to traffic originating at the plantsite and/or warehouse facilities of the R. T. French Co., at or near Springfield, Mo., and destined to the named States. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or St. Louis, Mo.

No. MC 117883 (Sub-No. 171), filed July 11, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Grand Rapids, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and facilities of Mid-America Potato Co. located at Grand Rapids, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117999 (Sub-No. 4), filed July 17, 1972. Applicant: TOM GALLO, 306 Lake George Avenue, Ticonderoga, NY 12883. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, NY 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in New York and Massachusetts and Burlington, Vt. NOTE: Applicant states that the requested authority can be tacked at Albany, N.Y., with its authority held in MC 117999 (Sub-No. 1) serving the involved destination points. No duplicating authority involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 118989 (Sub-No. 76), filed July 10, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, IL 60603.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers (cans) and parts related thereto*, from Indianapolis, Ind., to Gibson City, and Hoopston, Ill., Beaver Dam, and Columbus, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 294), filed July 17, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or prepared* (except commodities in bulk, in tank vehicles), from Gardner, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, and Wisconsin, and those points in Missouri located on and east of U.S. Highway 65, and those in Ohio located on and east of a line beginning at Sandusky and extending along Ohio Highway 4 to the junction of U.S. Highway 23 near Marion, thence along U.S. Highway 23 to Portsmouth. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 118) filed July 10, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and plastic articles* from Ashland, Ohio, to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Dallas, Tex.

No. MC 119864 (Sub-No. 49), filed July 3, 1972. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and materials, supplies, and equipment* used or useful in the production thereof, between Clare and Cadillac, Mich., on the one hand, and, on the other, points in Illinois, restricted to traffic originating at and destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120364 (Sub-No. 3), filed July 21, 1972. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road,

Rockford, IL 61109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except A and B explosives, dangerous articles, articles of unusual value, commodities in bulk, commodities which because of size or weight require the use of special equipment), between points in Boone, Bureau, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Lake, La Salle, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at any place convenient to the Commission.

No. MC 120978 (Sub-No. 5), filed July 14, 1972. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (1) from Milwaukee, Wis., to points in North Dakota, South Dakota, and Minnesota, and (2) from Minneapolis, Pine Bend, and Savage, Minn., to points in North Dakota. NOTE: Applicant also holds contract carrier authority under MC 128217 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or St. Paul, Minn.

No. MC 121600 (Sub-No. 1) (Clarification), filed April 6, 1972, published in the FEDERAL REGISTER issue of May 11, 1972, and republished in part as clarified this issue. Applicant: AVERITT EXPRESS, INC., Post Office Box 273, Livingston, TN 38570. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 38201. The purpose of this partial republication is to clarify the routes in Part (1) and reflect the additional route of Part (3) as follows: Regular route: (1) Between Nashville, Tenn., and Brydstown, Tenn., from Nashville over U.S. Highway 70-N to junction Tennessee Highway 53, thence over Tennessee Highway 53 to junction Tennessee Highway 85, thence over Tennessee Highway 85 to junction Tennessee Highway 42, thence over Tennessee Highway 42 to Byrdstown, Tenn., and return over the same route, serving all intermediate points in Jackson, Overton, and Pickett Counties, Tenn., and serving all other points in Jackson, Overton, and Pickett Counties, Tenn., as off-route points; Part (3) between the junction of U.S. Highway 70 and Tennessee Highway 53, and Cookeville, Tenn., from said junction over U.S. Highway 70 to Cookeville, Tenn., and return over the same route, as an alternate route, for operating convenience only, serving no points not otherwise authorized. The rest of the application remains as previously published.

No. MC 123048 (Sub-No. 224), filed July 10, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, trailers, wagons, portable feeding equipment*; (2) *attachments* for commodities described in (1) above; (3) *parts* for commodities described in (1) and (2) above; and (4) *materials, equipment, and supplies* (except commodities in bulk) used or useful in the manufacture, sale and/or distribution of the commodities described in (1), (2) and (3) above, between points in McCook and Davison Counties, S. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 123050 (Sub-No. 3), filed July 20, 1972. Applicant: MICHEL TRANSPORT, INC., 4 Union Street, Arthabaska, PQ, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles and snowmobile parts*, from ports of entry on the international boundary line between the United States and Canada to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Colorado, Ohio, Illinois, Kansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *returned shipments of snowmobiles and snowmobile parts* from the above-described destination points to the above-described origin points; and (3) *lumber*, from ports of entry on the international boundary line between the United States and Canada to points in Maine, New Hampshire, Vermont, and New York. Restriction: The authority requested herein is restricted to traffic originating at or destined to points in Arthabaska County, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 123407 (Sub-No. 105), filed July 14, 1972. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation, roof slabs, roof sections, roof trusses, building sections, siding, bathroom assembled units, building and roofing materials, and products of assembled building materials*, between Valparaiso, Ind. and plants and warehouses of Suburban Homes, Inc. within 8 miles of Valparaiso, Ind., on the one hand, and, on the other, points in the United States in and East of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but applicant has no intention of doing so at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 106), filed July 18, 1972. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe and building products, steel tubing*, from the plant and warehouse sites of Leavitt Tube Co., Inc., located at Chicago, Ill., to points in Wisconsin, upper Michigan, Minnesota, North Dakota, South Dakota, Iowa, Illinois, Tennessee, Mississippi, Alabama, Louisiana, and Arkansas. NOTE: Applicant states tacking is possible but applicant has no intention of doing so at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 107), filed July 18, 1972. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement curing compounds, paving joints, joint compounds, asphalt siding, and roofing cement*, from Elgin and Hampshire, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, and (2) *materials and supplies* used in manufacturing and distribution of the above-named commodities (except commodities in bulk in tank vehicles), from the above described destination territory to Elgin and Hampshire, Ill. NOTE: Applicant states tacking is possible, but applicant has no intention of doing so at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 123476 (Sub-No. 15) (Correction), filed July 10, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished as corrected this issue. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, MO 63010. Applicant's representative: O. E. MUELLER (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and plastic products*, from Hanging Rock and Findlay, Ohio, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; (2) *ceramic foam*, from Hanging Rock, Ohio, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; (3) *expanded plastic products*, from Magnolia, Ark., and Midland, Mich., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 124254 (Sub-No. 5), filed July 21, 1972. Applicant: NORTHERN MAINE TRANSPORT, INC., 108 Hildreth Street, Post Office Box 1404, Bangor, ME 04401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Malt beverages and advertising material* when moving in connection therewith, from Philadelphia, Norristown, and Pittsburgh, Pa., and Utica, N.Y., to Bangor, Maine; (b) *carbonated beverages and flavoring sirup* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from New Bedford, Needham, Worcester, and Springfield, Mass., and Plaistow, N.H., to Bangor, Maine; and (c) *wines* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from

New York, N.Y., Port Newark, N.J., and Boston and Woburn, Mass., Hartford, Conn., and Lawrenceburg, Ind., to Bangor, Maine. Restriction: The operations requested above under (1) (a), (b), and (c) are to be limited to a transportation service to be performed under a continuing contract, or contracts, with Bangor Beverage Distributors, Bangor, Maine; and (2) (a) *malt beverages and advertising materials* when moving in connection therewith, from Trenton, N.J., and Allentown, Pa., to Bangor, Maine; (b) *carbonated beverages and flavoring sirup* (except in bulk, in tank vehicles), and *advertising materials*, when moving in connection therewith, from New Bedford and Boston, Mass., and Hartford, Conn., to Bangor, Maine; and (c) *wines* (except in bulk, in tank vehicles), and *advertising materials* when moving in connection therewith, from New York, Hammondspoint, Westfield, Long Island City, and Farmingdale, N.Y., Boston, Mass., Jersey City, N.J., Hartford, Conn., and Lawrenceburg, Ind., to Bangor, Maine. Restriction: The operations requested above under (2) (a), (b), and (c) are to be limited to a transportation service to be performed under a continuing contract, or contracts, with Briggs, Inc., Bangor, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bangor, Maine or Boston, Mass.

No. MC 124796 (Sub-No. 96), filed May 22, 1972. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetening compounds*, except in bulk, from Morris Plains, N.J., to Sparks, Nev.; Chicago, Ill.; and Atlanta, Ga., under continuing contract or contracts with Alberto-Culver Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 125474 (Sub-No. 34), filed July 20, 1972. Applicant: BULK HAULERS, INC., Post Office Box 3601, Wilmington, NC 28401. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in New Hanover, Brunswick, Onslow, Columbus, and Pender Counties, N.C. Restriction: Service is limited to transportation of shipments having an immediately prior or subsequent movement by rail. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington or Raleigh, N.C.

No. MC 125674 (Sub-No. 9), filed July 21, 1972. Applicant: SENTINEL STAR EXPRESS COMPANY, a corporation, 64 East Concord Street, Orlando, FL 32802. Applicant's representative: Gregory A. Presnell, 17th Floor, CNA Building, Post Office Box 231, Orlando, FL 32802. 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, commodities in bulk and commodities requiring special equipment) moving in consolidation, segregation and distribution service, between points in Florida on, south, and east of a line beginning at Yankeetown and extending along Florida Highway 40 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Florida Highway 24, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to the Florida-Georgia State line, thence along the Florida-Georgia State line to the Atlantic Ocean, except points in Monroe County. Restriction: Carrier shall not transport any shipment weighing in the aggregate more than 1,000 pounds from one consignor to one consignee on any one day consisting of items weighing not more than 125 pounds per item. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Orlando, Tampa, Jacksonville, or Miami, Fla.

No. MC 126372 (Sub-No. 12), filed July 17, 1972. Applicant: SUREFINE TRANSPORTATION COMPANY, a corporation, 1925 East Vernon Avenue, Los Angeles, CA 90058. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, and *new commercial and institutional fixtures*, uncrated, from points in New Mexico to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Wyoming, Texas, Oklahoma, Arkansas, Utah, and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 126899 (Sub-No. 56), filed July 10, 1972. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related ad-*

vertising material, and empty malt beverage containers on return, from Memphis, Tenn., to Bowling Green, Owensboro, and Newport, Ky., and Centralia, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cincinnati, Ohio.

No. MC 127215 (Sub-No. 58), filed July 17, 1972. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, from Vincennes, Ind., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127812 (Sub-No. 15), filed July 17, 1972. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo, N. Dak., to Minneapolis-St. Paul, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128007 (Sub-No. 44), filed July 12, 1972. Applicant: HOFER, INC., Post Office Box 583, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Dry feed and feed ingredients, from Liberal, Kans., to points in Illinois, Mississippi, Louisiana, and Alabama; (2) meat scraps, dried blood, and bonemeal, in bulk, from Concordia and Springfield, Mo., to points in Arkansas, Alabama, Louisiana, Texas, Oklahoma, Kansas, and Illinois; (3) plastic products, from points in Crawford County, Kans., to points in Utah, Montana, Wyoming, New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Illinois, Wis-

consin, and Michigan; (4) steel tanks, parts and materials used in the construction and erection of steel tanks, iron and steel articles, from the plants and warehouse facilities of Tec Tank at Parsons, Kans., to points in Utah, Montana, Wyoming, New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, and Michigan; and (5) fabricated concrete reinforcing materials and joints, from points in Labette County, Kans., to points in Utah, Montana, Wyoming, New Mexico, Alabama, Mississippi, Tennessee, Kentucky, Indiana, Wisconsin, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128205 (Sub-No. 20), filed July 11, 1972. Applicant: BULK MATIC TRANSPORT COMPANY, a corporation, 12000 South Doty, Chicago, IL 60628. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, in bulk, in pneumatic tank vehicles, from Fort Wayne, Ind. to Chicago, Ill., and Louisville, Ky. NOTE: Applicant states tacking is possible at Chicago, Ill., but applicant does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128215 (Sub-No. 13) filed July 19, 1972. Applicant: MARTIN TRAILER TOTERS, INC., Post Office Box 36, Bogalusa, LA 70427. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger vehicles, in initial movements, from points in Madison Parish, La., to points in Mississippi, Texas, Arkansas, Alabama, Oklahoma, Tennessee, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128932 (Sub-No. 4), filed June 19, 1972. Applicant: ROBERT L. TORRANS COMMERCIAL STORAGE & DISTRIBUTION CO., Post Office Box 1374, Texarkana, TX 75501. Applicant's representative: Forrest W. Felling, Post Office Box 5698, Texarkana, TX 75501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers containing various commodities having had prior or subsequent transportation by rail as piggyback shipments, between Texarkana, Ark.-Tex., on the one hand, and, on the other, points in Clark, Columbia, Hempstead, Howard, Lafayette, Little River, Montgomery, Nevada, Ouachita,

Pike, Polk, Sevier, and Union Counties, Ark.; Bossier, Caddo, Claiborne, and Webster Counties, La.; McCurtain, Pushmataha, and Choctaw Counties, Okla.; Bowie, Cass, Camp, Franklin, Lamar, Marion, Morris, Red River, and Titus Counties, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either (1) Texarkana, Ark.-Tex.; (2) Shreveport, La.; (3) Little Rock, Ark.; or (4) Fort Worth, Tex.

No. MC 128944 (Sub-10) (Clarification), filed May 19, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished in part as clarified this issue. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, TN 37210. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. The purpose of this partial republication is to reflect in Part (2) of the above application that applicant desires to serve all intermediate points. The rest of the application remains as previously published.

No. MC 129184 (Sub-No. 10), filed July 19, 1972. Applicant: KENNETH L. KELLAR, Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquor, alcoholic, from Blaine, Wash., San Francisco, Calif., New Orleans, La., and West Palm Beach, Fla., to Hidalgo, Laredo, Brownsville, Houston, San Antonio, El Paso, Eagle Pass, Galveston, Roma, Corpus Christi, and Presidio, Tex., and Nogales, Ariz., under contract with Exports, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129747 (Sub-No. 3), filed July 17, 1972. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, NJ 07023. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, in containers and empty containers, between the facilities of the Reading Railroad, located in Woodbridge Township, Middlesex County, N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, N.J., restricted to shipments having prior or subsequent movement by railroad. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129747 (Sub-No. 3), filed July 17, 1972. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, NJ 07023. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *General commodities*, in containers and empty containers, between the facilities of the Reading Railroad, located in Woodbridge Township, Middlesex County, N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, N.J., restricted to shipments having prior or subsequent movement by railroad. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 133031 (Sub-No. 1), filed July 17, 1972. Applicant: CONDEL TRUCKING CO., INC., Post Office Box 2265, 50 Spruce Street, Paterson, NJ 07509. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Christmas decorations*, from Mayfield, Ky., to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Alabama, Arkansas, Louisiana, Illinois, Michigan, Ohio, Kentucky, Oklahoma, Iowa, Nebraska, Texas, Mississippi, Missouri, Tennessee, Indiana, Kansas, Colorado, and Minnesota, under contract with Consolidated Novelty Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 133315 (Sub-No. 2), filed July 11, 1972. Applicant: ASBURY SYSTEM, a corporation, 2222 East 38th Street, Los Angeles, CA 90058. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuel oils* in bulk, in tank truck vehicles, from points in Los Angeles and Kern Counties, Calif., to electric-generating facilities located in Maricopa, Pima, Pinal and Yuma Counties, Ariz. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 133419 (Sub-No. 5), filed July 3, 1972. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, NY 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Building, Buffalo, N.Y. 14202.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Niagara Falls, N.Y., to Port of Buffalo, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 133591 (Sub-No. 5), filed July 19, 1972. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL

TRUCK, Post Office Box 303, Mount Vernon, MT 65712. Applicant's representative: Harry Ross, 716 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from St. Louis, Mo., and its commercial zone to points in Utah and Colorado, under contract with Sunline, Inc. **NOTE:** Applicant holds common carrier authority under MC 133591 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 134460 (Sub-No. 7), filed July 17, 1972. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94061. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, between San Francisco and Oakland, Calif., and points in California, including San Francisco and Oakland, restricted to traffic having a prior or subsequent movement by water. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134531 (Sub-No. 3), filed July 7, 1972. Applicant: AGGREGATE HAULERS, INC., 2115 State Street, Post Office Box 386, Cayce, SC 29033. Applicant's representative: Edward J. Morrison, Post Office Box 67, Lexington, SC 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates, sand* (not processed), *gravel, crushed stone*, in dump vehicles, from points in North Carolina (except crushed stone in bulk, from points in Mecklenburg County, N.C., to points in York and Chester Counties, S.C.) and from points in Georgia to points in South Carolina (except crushed stone, sand, sand-clay, in bulk from points in Columbia and Richmond Counties, Ga., to points in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Colleton, Dorchester, Hampton, Jasper and Orangeburg Counties, S.C.); (2) *plant mix asphalt*, (a) from points in South Carolina, to points in Georgia and North Carolina; and (b) from points in Georgia and North Carolina, to points in South Carolina; (3) *sand, dry processed, and ornamental aggregates*, from points in North Carolina and Georgia to points in South Carolina; (4) *dry fertilizer and fertilizer material*, from points in Chatham and Richmond Counties, Ga., to points in South Carolina; and (5) *prestress and precast concrete products* (except concrete pipe from points in Richland County, S.C.), from points in Lexington, Richland, Sumter, and Florence Counties, S.C., to points in Georgia and North Carolina. **NOTE:** Applicant states that the requested authority cannot

be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C. or Charlotte, N.C.

No. MC 134599 (Sub-No. 43) (Correction), filed June 8, 1972, published in the FEDERAL REGISTER issue of July 20, 1972, and republished in part, as corrected this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representatives: Richard A. Peterson, Post Office Box 60608, Lincoln, NE 68501, and Gordon L. Roberts, 520 Kearns Building, Salt Lake City, Utah 84101. **NOTE:** The purpose of this partial republication is to show that applicant is seeking *contract carrier* authority in lieu of *common carrier* authority. The rest of the application remains the same.

No. MC 134599 (Sub-No. 49), filed July 6, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose*, belting, and packing (cellular or foam), from the plantsite of Uniroyal, Inc., at Passaic, N.J., to points in California, Utah, Colorado, Nevada, Arizona, Texas, Missouri, and Kansas, under contract with Uniroyal, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 135185 (Sub-No. 12), filed July 21, 1972. Applicant: COLUMBINE CARRIERS, INC., 2149 South Clermont, Denver, CO 80222. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* utilized by hospitals, nursing homes, health care centers, and laboratories, from points located in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., to points in the United States (except Alaska, Hawaii, Washington, Oregon, and California), returned, refused, or rejected shipments, on return, restricted to shipments either originating or terminating at the plantsites and distribution facilities of American Hospital Supply Corp., under contract with American Hospital Supply Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135201 (Sub-No. 5), filed June 26, 1972. Applicant: B & F TURGEON, INC., 15 North Edgelawn, Aurora, IL 60506. Applicant's representative: E. Jay Lease (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts, accessories, and merchandise* normally distributed by retail and wholesale automotive outlets, from Chicago, Ill., to Elkhart, Knox, La Porte, and South Bend,

Ind., and Delavan, Wis., and (2) damaged, defective or returned shipments of parts, accessories, and merchandise normally distributed by retail and wholesale automotive outlets, on return, under contract with Standard Unit Parts Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 135243 (Sub-No. 3), filed July 20, 1972. Applicant: WISPAK TRANSPORT INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Weisfeldt, 161 West Wisconsin Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts* (except hides and commodities in bulk) as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Milwaukee and Butler, Wis., to points in Connecticut, West Virginia, and Missouri; (2) *meat and meat products*; new and used barrels and other packing company supplies, (a) from Chicago, Ill., to Milwaukee and Butler, Wis.; (b) from Milwaukee and Butler, Wis., to points in Connecticut, Missouri, and West Virginia; and (c) from Chicago, Ill., to Butler and Milwaukee, Wis., on return, under contract with Wisconsin Packing Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 135833 (Sub-No. 8), filed July 21, 1972. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46204. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel*, from Muncie, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136507 (Sub-No. 2), filed July 17, 1972. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, MD 21224. Applicant's representative: H. Nell Garson, Court Square West Building, 1400 North Uhle Street, Arlington, VA 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Maple sugar*, in bulk, (1) from ports of entry on the international boundary line between the United States and Canada at or near

Highgate Springs, and Derby, Vt., to Baltimore, Md., Brundidge, Ala., Terre Haute, Ind., and Chicago, Ill., and (2) from Baltimore, Md., to Brundidge, Ala., Terre Haute, Ind., and Chicago, Ill., under contract with Doxsee Food Corp. **NOTE:** Applicant holds common carrier authority under MC 128642 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 25869 (Sub-No. 113) filed June 8, 1972, published in the FEDERAL REGISTER issue of July 13, 1972, and republished in part as corrected this issue. Applicant: BURRIS TRANSFER & STORAGE CO., INC., 660 Fannin Street, Beaumont, TX 77702. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. **NOTE:** The sole purpose of this partial republication is to add between points in the counties of Jefferson, Angelina, Chambers, Hardin, Jasper, and Liberty, Tex., which were erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 136589 (Sub-No. 1), filed July 13, 1972. Applicant: SERVICE MOVING AND STORAGE COMPANY, a corporation, 507 South Center Street, Goldsboro, NC 27530. Applicant's representative: Lindsay C. Warren, Jr., Post Office Box 1616, Goldsboro, NC 27530. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Greene, Pitt, Martin, Edgecombe, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C. The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points listed above, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or uncrating, uncrating, and decontainerization of such traffic. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at (1) Goldsboro, N.C., (2) Raleigh, N.C., (3) Greensboro, N.C., or (4) Washington, D.C.

No. MC 136591 (Sub-No. 1), filed April 7, 1972. Applicant: AG-CHEM EXPRESS, INC., Post Office Box 428, Ulysses, KS 67880. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from the plantsite and storage facilities of Chemso, Inc., at or near Ulysses, Kans., to points in Cheyenne, Kit Carson, Lincoln, Kiowa, Crowley, Otero, Bent, Las Animas, Baca, and Prowers Counties, Colo.; Cimmaron, Tex.; Beaver, Harper, Woods, Ellis, and Woodward Counties, Okla.; Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts,

and Hemphill Counties, Tex., and Union County, N. Mex., under contract with Chemso, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans., or Kansas City, Mo.

No. MC 136610 (Amendment), filed April 6, 1972, published in the FEDERAL REGISTER issue of May 11, 1972, and republished as amended this issue. Applicant: GILBERT CLOTFELTER, doing business as BESTWAY MOVING & STORAGE, 1915 North National, Springfield, MO 65803. Applicant's representative: Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk, dangerous explosives, commodities requiring special equipment, and commodities injurious or contaminating to other lading), from the facilities of Montgomery Ward & Co., Inc., in Joplin, Mo., to points in: (a) Benton and Carroll Counties, Ark.; (b) Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho, and Wilson Counties, Kans.; and (c) Craig, Delaware, Mayes, Nowata, Ottawa, and Rogers Counties, Okla.; and (2) damaged merchandise, trade-in merchandise and/or rejected shipments, on return, under contract with Montgomery Ward & Co., Inc., in (1) and (2) above. **NOTE:** The purpose of this republication is to show applicant's correct name and redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 136634 (Sub-No. 2), filed July 24, 1972. Applicant: ROCKY FORD MOVING VANS, INC., 510 South Big Spring, Midland, TX 79701. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies*, including tools used in the construction and maintenance of telephone systems and communications, (1) between points in Ector County, Tex., and points in Ector, Gaines, Andrews, Winkler, Crane, Upton, Pecos, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Reeves, Hudspeth, Ward, and Loving Counties, Tex.; and (2) between points in Midland County, Tex., and points in Midland, Howard, Reagan, Glasscock, Crockett, Irion, Martin, and Sterling Counties, Tex., under contract with Western Electric, Inc. **NOTE:** Applicant holds common carrier authority under MC 60131, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136747 (Sub-No. 2), filed June 20, 1972. Applicant: GLENARA, LTD., a corporation, 30-19 37th Street, Long Island City, NY. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete paving units*, from Ridgefield Park, N.J., to points in Massachusetts, Pennsylvania, New York, Connecticut, North Carolina, Ohio, Illinois, and the District of Columbia, under contract with Pietz Industries, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136769 (Sub-No. 1), filed June 5, 1972. Applicant: POP TRUCKING, INC., 20 North Main Street, Cornelia, GA. Applicant's representative: Guy H. Postell, 3384 Peachtree Road Northeast, Suite 713, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, in containers, and *nonalcoholic beverage concentrate and syrup*, other than frozen, in containers, from Augusta, Ga. and Inman, S.C., to points in Alabama, Florida, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *material, supplies, and equipment* used in the production and distribution of nonalcoholic beverages (except commodities in bulk), from the destination points described above, to Augusta, Ga. and Inman, S.C. **Restrictions:** The service authorized herein is subject to the following conditions: (a) The operations authorized herein are limited to transportation service to be performed, under a continuing contract, or contracts, with Custom Cannery, Inc., of Gwinnett County, Ga. (b) The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act; and (c) The operations authorized herein are subject to the conditions that any transportation service performed by the carrier from and to the points set forth above shall only be performed under authority of and in accordance with the terms, express or implied, of the permit issued hereunder. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136868 filed June 30, 1972. Applicant: STEEPLE-COVE STABLES, INC., Rural Route No. 5, Noblesville, IN. Applicant's representative: Ralph A. Cohen, 111 Monument Circle, 10th floor, Indianapolis, IN 46207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses and ponies, including show, race, and breeding horses and ponies, and incidental equipment*, between points in Indiana, Ohio, Michigan, Illinois, Kentucky, Wisconsin and Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136875, filed July 10, 1972. Applicant: CARGO CARRIERS CORP., 605 Third Avenue, Suite 1501, New York, NY 10016. Applicant's representative: Thomas L. Carvatt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and supplies and equipment used in the conduct of such business, between the stores and facilities of Ohrbach's, Inc. at New York, N.Y., and Nassau County, N.Y., and points in Bergen, Passaic, Middlesex, and Essex Counties, N.J., under contract with Ohrbach's, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136884, filed July 13, 1972. Applicant: JAMES J. HAMILTON, doing business as HAMILTON'S TOWING SERVICE, 380 Northeast 54th Street, Des Moines, IA 50313. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles*, including contractors and construction vehicles, between points in the United States (except Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at (1) Des Moines, Iowa, or (2) Kansas City, Mo., or (3) Chicago, Ill.

No. MC 136887, filed July 17, 1972. Applicant: KEE CHEM TRANSPORT, INC., Rural Route No. 1, Chalmers, IN 47929. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitric acid*, from Louisiana, Mo.; Henderson, Ky., and Lima, Ohio to points in Wisconsin, Indiana, Michigan, Ohio, Missouri, Illinois, Tennessee, and Kentucky and (2) *Rinse water*, between points in Michigan, Ohio, Wisconsin, Indiana, and Illinois, restricted to a contract or continuing contracts with Chemical Interchange Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 136888 filed July 17, 1972. Applicant: NORMAN & SON, INC., 2520 North 69th Street, Houston, TX 77020. Applicant's representative: Dan Felts, Post Office Box 1117, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sorelmetal (electric smelted ilmenite-hematite ore) billets*, between points in the Houston, Tex., commercial zone, on the one hand, and points in Louisiana, on the other hand. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 136899 filed July 20, 1972. Applicant: HIGGINS TRANSPORTATION LTD., a corporation, 824 Valley View

Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wynaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign parts, sign poles, sign pole parts, electrical advertising displays, and accessories* when shipped therewith, from Los Angeles, Calif., and Culver City, Calif., to points in the United States (including Alaska but excluding Hawaii), and (2) *refused or rejected shipments on return and materials, equipment, and supplies* which are used or useful in the manufacture, sale, production or distribution of the commodities named in part (1) above, from points in the United States (including Alaska but excluding Hawaii), to Los Angeles, and Culver City, Calif. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Milwaukee, Wis.

No. MC 136915 (Sub-No. 1), filed July 21, 1972. Applicant: SIMON-GOODMAN TRANSPORTATION, INC., 4255 South 2d West Street, Salt Lake City, UT 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals and products* used in the compounding and manufacturing of chemicals (not in bulk) and *empty containers*, between points in California, Nevada, Utah, and Wyoming, under contract with Chemopharm Co. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 136917, filed July 21, 1972. Applicant: RED ARROW CORPORATION, 330 Chouteau Street, St. Louis, MO 63103. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* restricted to traffic having a prior or subsequent movement by aircraft, between the Lambert-St. Louis International Airport, St. Louis, Mo., on the one hand, and, on the other, points in Audrain, Bollinger, Boone, Butler, Gallaway, Cape Girardeau, Carter, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Howell, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Francois, St. Genevieve, Scott, Shannon, Shelby, Stoddard, Texas, Warren, Washington, and Wayne Counties, Mo.; and points in Adams, Bond, Brown, Calhoun, Christian, Clay, Clinton, Effingham, Fayette, Franklin, Greene, Hamilton, Jackson, Jefferson, Macon, Macoupin, Marion, Montgomery, Morgan, Perry, Pike, Randolph, Saline, Sangamon, Scott, Shelby, Washington,

Wayne, and Williamson Counties, Ill.
NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

MOTOR CARRIER OF PASSENGERS

No. MC 72806 (Sub-No. 7), filed July 14, 1972. Applicant: RED-YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, OH 43612. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip special and charter operations, in groups and parties with stop-over privileges, from points in Lucas, Ottawa, Wood, Sandusky, Erie, Huron, Seneca, Hancock, Putnam, and Salem Counties, Ohio; and points in the United States (except Alaska and Hawaii), and return. NOTE: Application accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 84728 (Sub-No. 60), filed July 18, 1972. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, DC 20004. 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: *Passengers and their baggage*, in special operations, over irregular routes, between Silver Spring, Md., and Washington, D.C., on the one hand, and, on the other, Dover Downs Race Track at or near Dover, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115581 (Sub-No. 4), filed July 10, 1972. Applicant: THE AIRFIELD SERVICE COMPANY, 193 Turnpike Road, Windsor Locks, CT. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Bradley International Airport, located at or near Windsor Locks, Conn. and extending to points in the United States, including Alaska but excluding Hawaii. NOTE: Application is accompanied by a Motion to Dismiss. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Springfield, Mass.

No. MC 126624 (Sub-No. 1), filed July 10, 1972. Applicant: C. A. BAILEY LIMITED, 4 Princess Street, Leamington, ON Canada. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at the port of entry on the international boundary line between the United States and Canada at or near Detroit, Mich., and extending to points in Illinois, Indiana, Ohio, Kentucky, Pennsylvania, Tennessee, North Carolina, Virginia, West Virginia, points in Michigan north of Michigan Highway 55, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 136804 filed June 2, 1972. Applicant: ROBERT B. HAMILTON, doing business as HAMILTON BUS CO., 3408 River Road, Yakima, WA 98902. Applicant's representative: Charles C. Flower, Suite 2, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations between points in Kittitas and Yakima Counties, Wash., and points in Arizona, California, Idaho, Montana, Oregon, Nevada, Utah, and the port of entry on the international boundary line between the United States and Canada located in Blaine and Oroville, Wash., for furtherance to British Columbia, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Yakima or Seattle, Wash., or Portland, Oreg.

No. 136900 filed July 18, 1972. Applicant: INTERMOUNTAIN TRANSIT, INCORPORATED, Spruce Pine, N.C. Applicant's representative: Claude W. Greene, Box 646, Spruce Pine, N.C. 28777. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers. Regular Routes: (1) between Asheville, N.C., and Bristol, Tenn., from Asheville over U.S. Highway 23 to junction North Carolina Highway 36; thence over North Carolina Highway 36 via Mars Hill to junction U.S. Highway 23; thence over U.S. Highway 23 to Johnson City, Tenn.; thence over U.S. Highway 321 to Elizabethton, Tenn. (also from Johnson City over Tennessee Highway 67 via Milligan College to Elizabethton); thence over U.S. Highway 19E to junction U.S. Highway 19; thence over U.S. Highway 19 to Bristol, Tenn., and return over the same route, serving all intermediate points; (2) between Hickory, N.C., and Elizabethton, Tenn., from Hickory over U.S. Highway 321 to Boone, N.C., thence return over U.S. Highway 321 to junction North Carolina Highway 105; thence over North Carolina Highway 105 to junction North Carolina Highway 184; thence over North Carolina Highway 184 to Banner Elk, N.C.; thence over North Carolina Highway 194 to junction U.S.

Highway 19E; thence over U.S. Highway 19E to Elizabethton and return over the same route, serving all intermediate points. Irregular routes: *Passengers*, in charter operations, from all points on the above-described routes (except Asheville, N.C., and Hickory, N.C.; Johnson City, Bristol, and Bluff City, Tenn.) and extending to points in the United States including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

APPLICATION FOR FREIGHT FORWARDER

No. FF-422 (CONTINENTAL FORWARDERS, INC., Freight Forwarder Application) filed July 20, 1972. Applicant: CONTINENTAL FORWARDERS, INC., 105 Leonard Street, New York, NY. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the transportation of: *used household goods, used automobiles, and accompanied baggage*, (a) between points in the United States (including Hawaii, but excluding Alaska), restricted to the transportation of import-export traffic, and (b) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Hawaii, but excluding Alaska).

MOTOR CARRIER OF PASSENGER APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 182), filed July 14, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Barrett Elkins, 1400 West Third Street, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers and serving all intermediate points as follows: Route No. 1. (a) from Charleston, W. Va., over Interstate Highway 64 to Louisville, Ky., and return over the same route; (b) from Hurricane, W. Va., over unnumbered highway to junction Interstate Highway 64 and return over the same route; (c) from Huntington, W. Va., over West Virginia State Highway 10 to junction Interstate Highway 64 and return over the same route; (d) from Huntington, W. Va., over West Virginia State Highway 94 to junction Interstate Highway 64 and return over the same route; (e) from Kenova, W. Va., over West Virginia State Highway 75 to junction Interstate Highway 64 and return over the same route; (f) from Morehead, Ky., over unnumbered highway to junction Interstate Highway 64 and return over the same route; (g) from Owingsville, Ky., over Kentucky Highway 36 to junction Interstate Highway

64 and return over the same route; (h) from Mount Sterling, Ky., over U.S. Highway 460 to junction Interstate Highway 64 and return over the same route; (i) from Winchester, Ky., over U.S. Highway 227 to junction Interstate Highway 64 and return over the same route; (j) from junction U.S. Highway 60 and Interstate Highway 75 over Interstate Highway 64 and return over the same route; (k) from Lexington, Ky., over Kentucky Highway 55 to junction Interstate Highway 64 and return over the same route; (l) from junction U.S. Highway 60 and

Kentucky Highway 55 over Kentucky Highway 55 to junction Interstate Highway 64 and return over the same route; (m) from junction U.S. Highway 60 and Kentucky Highway 841 over Kentucky Highway 551 to junction Interstate Highway 64 and return over the same route; and (n) from junction U.S. Highway 60 and unnumbered highway (Hurstbourne Lane) over unnumbered highway (Hurstbourne Lane) to junction Interstate Highway 64 and return over the same route; Route No. 2. (a) from Charlotte, N.C., over Interstate Highway 77 to junction U.S. Highway 21 and Inter-

state Highway 77 east of Rock Hill, S.C., and return over the same route. NOTE: Applicant states this application is being filed pursuant to section 1042.1 Superhighway Rules—Motor Common Carriers of Passengers, Part 1042—Superhighway and Deviation Rules, title 49 as revised in Appendix "E" of Ex Parte No. MC-65 served November 14, 1969.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12475 Filed 8-9-72; 8:45 am]

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