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HIGHLIGHTS OF THIS ISSUE

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

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

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Title 7—AGRICULTURE

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

EXEMPTIONS

Under authority of § 301.79–2 of the Soybean Cyst Nematode Quarantine Regulations (7 CFR 301.79–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.79–2b as set forth below. The Deputy Administrator of the plant protection and quarantine programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.79–2b Exempted articles.[1]

(a) The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (12) of this paragraph and have not been exposed to infestation:

(1) Compost, decomposed manure, humus, muck, and peat;

(2) Grass sod;

(3) Plant crowns and roots for propogation;

(4) True bulbs, corms, rhizomes, and tubers of ornamental plants;

(5) Root crops, except sugar beets;

(6) Peanuts in shells and peanut shells;

(7) Soybeans for any purpose other than seed;

(8) Straw, except straw used for mulch, fodder, and plant litter of any kind;

(9) Seed cotton;

(10) Ear corn;

(11) Used crates, boxes, burlap bags, cotton picking sacks, and other used farm products containers; and

(12) Used farm tools and implements.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505; 7 CFR 301.79–2)

This list of exempted articles shall become effective upon publication in the FEDERAL REGISTER (8–16–72) when it shall supersede the list of exempted articles in 7 CFR 301.79–2b which became effective July 1, 1970.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

The purpose of this revision is to add to the list of exempted articles, articles that have been determined to present no hazard of spread if handled in the prescribed manner.

Inasmuch as this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of benefit to the persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this revision are unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of August 1972.

J. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.72–12934 Filed 8–15–72;8:48 am]

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

[Milk Order 76]

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

Order Suspending Certain Provision

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 Eastern South Dakota marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 15313) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

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 months of August through December 1972 the following provision of the order does not tend to effectuate the declared policy of the Act and is, therefore, suspended:

In § 1076.12(c), relating to standards for pooling a plant operated by a cooperative association, the provision "of other handlers," as it appears in the text preceding the proviso.

STATEMENT OF CONSIDERATION

Under § 1076.12(c), as modified by the suspension, a supply plant operated by a cooperative association can be qualified for pooling by shipments of milk from cooperative member producers' farms directly to the cooperative's own distributing plant.

The order, without the suspension, provides in § 1076.12(c) for pooling a supply plant operated by a cooperative "* * * if more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the plant of the cooperative association * * *".

Land O'Lakes, a cooperative association, operates a pool distributing plant in the market to which member's milk is shipped from farms. It also operates supply plants serving this and other distributing plants.

Without this suspension action, qualifying shipments for the cooperative's supply plants under § 1076.12(c) would be limited to shipments to pool distributing plants of other handlers. Shipments to the cooperative's own pool distributing plant would not serve to qualify the cooperative's supply plants.

Although the order provides another method of pooling pursuant to § 1076.12 (b), in that case the milk would need to be received first at the supply plants and then reshipped to distributing plants.

Petitioner points out that substantial additional costs would be incurred in handling the milk in this manner compared to shipments directly from farms to its own distributing plant.

Paragraph (c) of § 1076.12, as modified by the suspension action, will permit the less costly method of qualifying the supply plants, and yet will define a specific handling operation as a basis for pooling a supply plant operated by a cooperative association.

This suspension action is necessary to promote orderly marketing and to permit the most efficient handling of milk of producers regularly supplying the market. The suspension action is made on a temporary basis pending a consideration of the pooling problem on a hearing record.

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 the most efficient method of handling much of the milk used to supply distributing plants is by shipment directly from producers' farms to such 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 rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. No opposition was expressed.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during August through December 1972.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended to be effective with respect to producer milk deliveries during August through December 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (8–16–72).

Signed at Washington, D.C., on August 11, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-12977 Filed 8-15-72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1972 ed.), as amended February 1, 1972 (37 F.R. 2430), February 16, 1972 (37 F.R. 3410), March 1, 1972 (37 F.R. 4246), May 10, 1972 (37 F.R. 9384), and July 7, 1972 (37 F.R. 13335), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

1 HOUR

Delete: San Luis, Ariz.

OUTSIDE METROPOLITAN AREA

2 HOURS

Add: Port of San Luis, Ariz. (served from Yuma, Ariz.)

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (8–16–72).

This commuted traveltime period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72-12976 Filed 8-15-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-930]

PART 545—OPERATIONS

Federal Savings and Loan Associations; Limited Facility Branch Offices

AUGUST 10, 1972.

By Resolution No. 72-760, the Federal Home Loan Bank Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of providing for the establishment and operation by Federal savings and loan associations of limited facility branch offices as an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing.

Notice of such proposed rule making was duly published in the FEDERAL REGISTER on July 4, 1972 (37 F.R. 13190), with an invitation for interested persons to submit written comments thereon by July 28, 1972.

Resolved that, on the basis of its consideration of all relevant material presented by interested persons or otherwise available, the Federal Home Loan Bank Board hereby adopts the amendments to said part 545 as so proposed and published, without change, as set forth below, effective August 15, 1972.

Resolved further that, since the above amendment relieves restriction in certain respects and does not impose any additional substantive requirements on associations with respect to applications for permission to establish and operate branch offices, the Board hereby finds, pursuant to 12 CFR 508.14 and 5 U.S.C. 554(d), that there is good cause for not delaying the effective date of the amendment for the 30-day period following publication specified in said provisions; and the Board hereby provides that the amendment shall become effective as as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

Amend Part 545 by adding a new paragraph (j) to § 545.14, immediately following present paragraph (i), to read as follows:

§ 545.14 **Branch office.**

* * * * *

(j) *Limited facility branch office*—(1) *General.* In connection with any application for permission to establish a branch office which the Board has determined does not satisfy in full the requirements of paragraph (c) of this section as to necessity and reasonable probability of usefulness and success, but such tests, in the opinion of the Board, are met to a degree which would support a limited operation of a branch office, the Board may approve the application as a limited facility branch office. Such an office, if approved by the Board, will be subject to limitations imposed by the Board as to one or more of the following:

(i) Number and type (supervisory, clerical, teller) of personnel to be utilized;

(ii) Physical size and characteristics;

(iii) Amount of capital investment by the applicant; and

(iv) Extent of activities.

In addition, an applicant for permission to establish a branch office under this section may propose that the office be a limited facility branch office in a case where the applicant believes that the tests in paragraph (c) of this section can be met only to a degree which would support a limited operation of a branch office, and the applicant may propose one or more of the limitations to be imposed by the Board. A limited facility branch office may be advertised to the public as a branch office.

(2) *Removal of limitations.* Limitations imposed by the Board in the case of a limited facility branch office may be removed by the Board in whole or in part from time to time upon application by the operating Federal association. No application for removal of limitations may be filed until a limited facility branch office has been in operation for 2 years. If and when all limitations have been removed by the Board, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject

to the same management discretion, as a branch office approved pursuant to this section.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

[FR Doc.72–12982 Filed 8–15–72;8:52 am]

[No. 72–931]

PART 582—OFFICES

District of Columbia Associations; Limited Facility Branch Offices

AUGUST 10, 1972.

By Resolution No. 72–761, the Federal Home Loan Bank Board proposed to amend Part 582 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Part 582) for the purpose of providing for the establishment and operation by District of Columbia associations of limited facility branch offices as an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing.

Notice of such proposed rule making was duly published in the FEDERAL REGISTER on July 4, 1972 (37 F.R. 13191), with an invitation for interested persons to submit written comments thereon by July 28, 1972.

Resolved that, on the basis of its consideration of all relevant material presented by interested persons or otherwise available, the Federal Home Loan Bank Board hereby adopts the amendment to said Part 582 as so proposed and published, without change, as set forth below, except that the new paragraph shall be designated paragraph (j) instead of paragraph (k) of § 582.1, effective August 15, 1972.

Resolved further that, since the above amendment relieves restriction in certain respects and does not impose any additional substantive requirements on associations with respect to applications for permission to establish and operate branch offices, the Board hereby finds, pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d), that there is good cause for not delaying the effective date of the amendment for the 30-day period following publication specified in said provisions; and the Board hereby provides that the amendment shall become effective as as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend said Part 582 by adding a new paragraph (j) to § 582.1 as follows:

§ 582.1 Branch office.

* * * * *

(j) *Limited facility branch office*—(1) *General.* In connection with any application for permission to establish a branch office by a District of Columbia association which the Board has determined does not satisfy in full the requirements of paragraph (c) of this section as to necessity and reasonable probability of usefulness and success, but such tests, in the opinion of the Board, are met to a degree which would support a limited operation of a branch office, the Board may approve the application as a limited facility branch office. Such an office, if approved by the Board, will be subject to limitations imposed by the Board as to one or more of the following:

(i) Number and type (supervisory, clerical, teller) of personnel to be utilized;

(ii) Physical size and characteristics;

(iii) Amount of capital investment by the applicant; and

(iv) Extent of activities.

In addition, a District of Columbia association which applies for permission to establish a branch office under this section may propose that the office be a limited facility branch office in a case where the applicant believes that the tests in paragraph (c) of this section can be met only to a degree which would support a limited operation of a branch office, and the applicant may propose one or more of the limitations to be imposed by the Board. A limited facility branch office may be advertised to the public as a branch office.

(2) *Removal of limitations.* Limitations imposed by the Board in the case of a limited facility branch office may be removed by the Board in whole or in part from time to time upon application by the operating association. No application for removal of limitations may be filed until a limited facility branch office has been in operation for 2 years. If and when all limitations have been removed by the Board, the limited facility branch office will become a branch office to be operated by an association in the same manner, and subject to the same management discretion, as a branch office approved pursuant to this section.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

[FR Doc.72–12983 Filed 8–15–72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–11–AD, Amdt. 39–1501]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 33, 35, 36, 45, 55, and 95 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring on Beech Models 33, 35, 36, 45, 55, and 95 series airplanes the installation of hollow zerk-ended mounting bolts on the uplock rollers and repetitive lubrication of the uplock mechanism in accordance with Beech Service Instruction No. 0448–211, was published in the FEDERAL REGISTER on April 14, 1972 (37 F.R. 7409).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following:

Models	*Serial No.*
35–33, 35–A33, 35–B33, 35–C33, E33, F33, and G33.	CD–1—CD–1256
35–C33A, E33A, and F33A	CE–1—CE–349
E33C and F33C	CJ–1—CJ–30
35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35TC, V35A, V35A–TC, V35B, and V35B–TC.	D–1—D–9287
36 and A36	E–1—E–283
A45(T–34A), B45, and D45(T–34B).	All
95–55, 95–A55, 95–B55, and 95–B55A.	TC–1—TC–1402
95–C55, 95–C55A, D55, D55A, E55, and E55A.	TE–1—TE–846
56TC and A56TC	TG–1—TG–94
58	TH–1—TH–174
95, B95, B95A, D95A, and E95.	TD–2—TD–721

Compliance: Required as indicated, unless already accomplished:

To decrease the possibility of gear-up landings caused by seizure of the uplock rollers, accomplish the following:

(A) Within the next 300 hours' time in service after the effective date of this AD, install hollow zerk-ended mounting bolts on the uplock rollers in accordance with Beech Service Instructions No. 0448–211 or any FAA-approved equivalent.

(B) Within the next 300 hours' time in service after the effective date of this AD, and thereafter at 100-hour intervals, lubricate the uplock mechanism in accordance with Beech Service Instruction No. 0448–211.

This amendment becomes effective August 22, 1972.

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

Issued in Kansas City, Mo., on August 4, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–12919 Filed 8–15–72;8:47 am]

[Docket No. 10382, Amdt. 39–1503]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

Amendment 39–1015 (35 F.R. 11991), AD 70–16–2 requires inspection of the blade pitch change operating link and eyebolt fork assembly for seizure and for cadmium plating on the mating surfaces between the link and fork and the holes through the link and fork, replacement of seized or cracked parts, and removal of cadmium plating from the prohibited

areas on all Dowty Rotol propellers. The AD specifies that the link and eyebolt are seized if the link cannot be moved by hand. After issuing Amendment 39-1015, the FAA has determined that replacement of the link and eyebolt is only necessary if the torque required to move the link is 300 inch-pounds or more. Therefore, the AD is being amended to provide that the link and eyebolt are seized if the torque required to move the link is 300 inch-pounds or more.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1015 (35 F.R. 11991), AD 70-16-2 is amended by amending paragraph (a)(1) to read as follows:

(a) * * *

(1) Seizure (the link and eyebolt are seized if the torque required to move the link is 300 inch-pounds or more); and

* * * * *

This amendment becomes effective August 21, 1972.

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

Issued in Washington, D.C., on August 7, 1972.

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

[FR Doc.72-12920 Filed 8-15-72;8:47 am]

[Airworthiness Docket No. 72-WE-10-AD, Amdt. 39-1502]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 and DC-9 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time-only X-ray inspection of the rudder pedal arm casting on McDonnell Douglas Model DC-8 and DC-9 airplanes was published in the FEDERAL REGISTER 37 F.R. 11185.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several comments were received in response to this notice. These comments are discussed below.

One comment noted that there were only two casting failures out of 4,612 castings in service with a total of over 60 million unit flight hours and, therefore, no airworthiness directive was warranted. The FAA does not agree. Four additional defective castings have been detected in service. These defective castings, if not removed, could have failed during their service life.

One comment stated that the defective rudder pedal arm castings would be detected during the normal flight control check prior to takeoff. The FAA agrees that the defective casting might be detected during a preflight check. However, since the casting failures are caused by repeated load applications, it is not possible to accurately predict when any failure will occur. A failure could occur upon a hard application in routine operations.

Another comment recommended extension of the proposed compliance time to 180 days to enable the operators of large fleets to conduct the inspection during routine scheduled checks. The FAA believes that the 90-day compliance time is necessary in the public interest and will not create any undue burden on the operators.

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

McDONNEL DOUGLAS. Applies to Model DC-8 Series Airplanes, Fuselages Nos. 1 through 551, inclusive, which correspond to the factory serial numbers listed in Douglas Service Bulletin No. 27-247, dated January 21, 1972, or later FAA-approved revisions; and Model DC-9 Series Airplanes, Fuselages Nos. 1-19, 21-32, 35-546, 548-638, and 640 which correspond to the factory serial numbers listed in Douglas Service Bulletin No. 27-148, dated January 21, 1972, or later FAA-approved revisions.

Compliance required within the next 90 days after the effective date of this AD unless already accmplished.

To detect defective rudder pedal arm casting perform a one-time-only inspection in accordance with:

(1) For Model DC-8 airplanes; per Service Bulletin 27-247, dated January 21, 1972, or later FAA-approved revisions or other FAA-approved equivalent inspection, or

(2) For Model DC-9 airplanes; per Service Bulletin 27-148, dated January 21, 1972, or later FAA-approved revisions, or other FAA-approved equivalent inspection.

Replace any casting that exceeds the defect limits specified in paragraph 2(h) of the service bulletins.

This amendment becomes effective on September 16, 1972.

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

Issued in Los Angeles, Calif., on August 4, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-12921 Filed 8-15-72;8:47 am]

[Airspace Docket No. 72-SO-78]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tyndall AFB, Fla., control zone.

The Tyndall AFB control zone is described in § 71.171 (37 F.R. 2056 and 12716). The control tower hours of operation were reduced from 24 to 16 hours per day on July 1, 1972. Due to operational requirements, effective October 6, 1972, the control tower will begin operating 24 hours per day. It is necessary to alter the control zone to redesignate it as full time. Since this amendment is in the interest of national defense, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 6, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Tyndall AFB, Fla., control zone (37 F.R. 12716) is amended as follows: "* * * This control zone is effective from 0700 to 2300 hours, local time, daily * * *" is deleted.

(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 East Point, Ga., on August 3, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 72-12922 Filed 8-15-72;8:47 am]

[Airspace Docket No. 72-SO-38]

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

Alteration of Federal Airway Segments

On June 10, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11684) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airways Nos. 7 and 35.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

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, 3745, and 12220) is amended as follows:

1. In V-7 all before "Lakeland, Fla." is deleted, and "From Miami, FL.; via INT of Miami 279° and Fort Myers, FL., 121° radials; Fort Myers, including an east alternate from Miami via INT of Miami 316° and Fort Myers 096° radials to Fort Myers:" is substituted therefor.

2. In V-35 delete all between "Miami, Fla., 147° radials;" and "St. Petersburg, Fla." and substitute "Miami; INT of Miami 279° and Fort Myers, FL 137° radials; Fort Myers, including a west alternate from the INT of Miami 147° and Biscayne Bay, FL. 262° radials, via INT of the Biscayne Bay 262° and Fort Myers 137° radials, to the INT of the

Miami 279° and Fort Myers 137° radials;" therefor.

(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 10, 1972.

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

[FR Doc. 72-12923 Filed 8-15-72;8:47 am]

[Airspace Docket No. 72-SO-12]

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

Alteration and Revocation of Federal Airway Segments

On June 23, 1972, a notice of proposed rule making (NRPM) was published in the FEDERAL REGISTER (37 F.R. 12400) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway No. 66 south alternate segment and revoke segments of VOR Federal airways Nos. 54 and 454.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

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 and 36 F.R. 23358) is amended as follows:

1. In V-54 "Fort Mill, S.C.; Pinehurst, N.C." is deleted and "Fort Mill, N.C." is substituted therefor.

2. In V-66 "Raleigh-Durham, N.C.; Franklin, Va.;" is deleted and "Raleigh-Durham, NC., including a south alternate from Athens, GA., to Raleigh-Durham via INT Athens 092° and Greenwood, SC., 240° radials, Greenwood and Pinehurst, NC.; Franklin, VA.;" is substituted therefor.

3. In V-454 "Greenwood; INT Greenwood 060° and Fort Mill, S.C. 227° radials; Fort Mill;" is deleted and "Greenwood. Fort Mill, SC.;" is substituted therefor.

(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 10, 1972.

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

[FR Doc.72-12924 Filed 8-15-72;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-59; Amdt. 373-3]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Independent Travel

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1972.

In notice of proposed rule making SPDR-28,[1] the Board proposed amendments to Part 373 of the Special Regulations (14 CFR Part 373) to authorize, subject to the conditions provided therein, a period of independent travel in connection with study group charters. Pursuant to the notice, seven comments were filed: Four by study group charterers,[2] two by scheduled air carriers,[3] and one by Trans International Airlines, Inc. (TIA).

Upon consideration of the comments, the Board has determined, for the reasons set forth hereinafter and in SPDR-28, to adopt the rules as proposed but with one modification: The provision for independent travel will be limited to student participants who are either at least 18 years of age, or are 17 years of age and have completed at least 1 year (two semesters) of college. Accordingly, except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated by reference and made final.

This proceeding was instituted pursuant to a petition by AIFS and TIA, jointly, for rule making to amend Part 373 so as to allow, subject to appropriate conditions, periods of independent travel in connection with study group charters. The Board granted the joint parties' petition, and instituted the subject rule making to effect the requested amendment, with certain additional refinements to protect the integrity of the study group charter concept.

Before discussing the comments on the specific proposals set forth in SPDR-28, we shall dispose of several general issues raised by the commenting parties.[4]

[1] Feb. 29, 1972, 37 F.R. 4452, Docket 23971.

[2] American International Academy, Inc. (AIA), American Institute for Foreign Study, Inc. (AIFS), American Leadership Study Groups (ALSG), and the Foreign Study League, Inc. (FSL).

[3] Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA).

[4] ALSG requests the Board to hold an evidentiary hearing "on the totally unexplored issues of fact, law, and policy" raised in the rule making notice. ALSG's request for an evidentiary hearing in this matter is denied. An evidentiary hearing is neither required, nor desirable, since the principal issues present questions of policy which, in our judgment, can be adequately disposed of on the basis of the written comments submitted by the parties.

At the outset, we are met with the contention of Pan American and TWA to the effect that the proposed rule would result in a serious erosion of the distinction between charter and individually ticketed scheduled service arising from the fact that participants in study group charters will enjoy both the freedom of movement associated with individually ticketed scheduled service—i.e., travel independent of the chartering group for a substantial period of time—and the benefit of a low charter rate. We find no merit in this contention. In issuing Part 373, the Board determined that 4 weeks of academic instruction would suffice to protect the bona fides of the study course and maintain the distinction between charter and schedule services.[5] We do not now think that the integrity of the study group charter concept is per se compromised by permitting the study group charterer to offer in addition to such study course, some period of unsupervised travel for participating students. However, in order to avoid abuse of the provision for independent travel, and to prevent incidental problems which may arise during periods of independent travel, we deem it necessary to circumscribe a rule authorizing such travel by limiting the class of persons to which it may be offered, the maximum period to be allowed for independent travel, and the method of its promotion.

AVAILABILITY

In the rule making notice, the Board tentatively determined that study group charterers could make independent travel periods available to all of their participants: *Provided, however,* That students under the age of 18 would be required to have parental consent and adult accompaniment for their independent travel abroad.

AIFS, AIA, FSL, and TIA urge modification of the proposed rule so as to lower the minimum age from 18 to 17.[6] In their view, sufficient regulatory safeguards for 17-year-old students are provided by the requirements that parental consent be obtained for unsupervised travel, that the study group charterer is obligated to review the proposed itinerary, and that the charterer must undertake to provide financial or other assistance in the event of need. Furthermore, they argue, a significant number of 17-year-olds now enroll in college level study group charter programs and it is likely that many such students would be deterred from participating if subject to an adult-accompaniment requirement.

[5] SPR-46, Mar. 30, 1971. It was there noted that "it is hardly plausible that a person seeking point-to-point service at a discount would be willing to subject himself to 4 weeks of rigorous academic instruction to satisfy his travel objectives."

[6] AIA would prefer to have this minimum age lowered to 16.

They also argue that the imposition of the proposed requirement upon 17-year-old student participants is especially unwarranted in view of the Board's failure to take any action with respect to travel abroad by younger persons utilizing scheduled transatlantic youth fares. For example, youth fares are available to persons as young as 12 years; there is no requirement of parental consent or adult supervision; and the scheduled air carriers have no obligation to provide assistance in the event of stranding or other difficulty. Accordingly, these comments contend, implementation of the proposed rule would result in an unjustified disparity in regulatory treatment of study group charter participants and youth fare passengers.[7]

At the other end of the spectrum, ALSG reiterates its opposition [8] to periods of independent travel for high school and junior high school level students, and urges the Board to limit the proposed rule so as to authorize independent travel only for college level or adult study group charter programs.

More specifically, ALSG argues that there is no basis for authorizing independent travel in connection with high school and junior high school level study group programs. To the best of its knowledge, there exists no demand for such travel at this level, either chaperoned or unchaperoned. Moreover, a period of independent travel for junior high and high school students is not realistic since, in virtually all cases, it would be effectuated by continuing the present practice of most study group charterers of including a period of supervised "recreational touring" in the price of the study group charter program.

ALSG is also concerned that independent travel in connection with high school and junior high school level programs will be a subterfuge for selling a part of the study group program separately from the advertised price and from the Part 373 safeguards. For example, it anticipates that student participants in the aforementioned classes who choose a charter including an independent travel period will be offered a recreational travel package—arranged by the study group charterer through a European land tour operator—which they must contract and pay for in advance.

Upon reconsideration of our tentative views expressed in SPDR–28, we think that ALSG has made a persuasive case for limiting the independent travel option to college level and adult study group charter programs. Accordingly, we have determined to withdraw our proposal to require adult accompaniment and parental consent for independent travel below a specified minimum age and, instead, to limit the provision of independent travel to those student participants who are either at least 18 years of age, or who are 17 years of age and have completed at least 1 year (two semesters) of college.

In making this determination, we have taken into account the fact that our proposal to establish 18 as the minimum age for students not required to have parental consent and adult accompaniment for their independent travel would have effectively precluded younger participants from availing themselves of independent travel anyway, since the study group charterer would be required as a practical matter to consolidate these younger students into groups in order to provide enough chaperones to accompany them on the independent travel period. Moreover, while we could acquiesce in the proposals to establish a lower minimum age classification than that proposed in the notice, in our view, high school level students may well lack the maturity of judgment needed for unsupervised travel. It should be emphasized, however, that the rule prescribed herein is not intended to preclude study group charterers from providing—as they may under present regulations—a period of supervised recreational travel in connection with their high school level programs, provided that the cost of such travel period is included in the fixed package price and is covered by the charterer's security arrangement under § 373.15.

Duration of Travel Period

The proposal to limit the maximum period allowed for independent travel to one-half of the period provided for formal academic instruction is opposed by AIFS and AIA. Instead, they suggest that the maximum period of independent travel be allowed to equal in duration the period of formal academic study, as requested by TIA and AIFS in their joint rule making petition.

In support of this request, they contend, inter alia, that a substantial number of college level study group charter programs combine 4 weeks of academic study with 4 weeks of independent travel and that the educational integrity of these programs is not at all diminished by the fact that the period of independent travel equals the period of classroom study; indeed, students participating in these programs often utilize the longer travel period to further their academic goals.

Conversely, Pan American feels that the proposed rule is too liberal, and suggests that the maximum period allowed for independent travel be limited to either 7 days or 20 percent of the total duration of the period provided for academic instruction, whichever is greater. In its view, this limitation will better protect the distinction between charter and scheduled service and maintain the proper emphasis upon the academic character of the study group charter.

We find these contentions unpersuasive, and, accordingly, will adopt the rule as proposed. While we appreciate the desirability, from a marketing standpoint, of allowing student participants to enjoy some unsupervised travel before returning home, we believe that allowing the maximum period of independent travel to equal the period of academic instruction, as urged by AIA and AIFS, would tend to detract from the Board's objective of assuring that the independent travel period is incidental to the study program. Furthermore, we think that independent travel periods in excess of one-half of the period provided for formal academic instruction would increase, to an unacceptable extent, the participating students' exposure to the risks of stranding and exhaustion of financial resources, and, concomitantly, the risk to the charterer that he will have to come to the rescue of his independent travelers.

On the other hand, we think that Pan American's suggested maximum period is unduly restricted.

Promotion

Upon reconsideration, we are of the view, as Pan American contends, that the term "primary emphasis" in proposed § 372.2 is vague and could lead to enforcement problems, since emphasis on independent travel in the study group charterer's promotional materials could be quite substantial without being "primary." We have therefore substituted the word "substantial" for the word "primary" at the end of the proviso to § 373.2.

However, we will not adopt Pan American's suggestion to define "substantial" in quantitative terms. In our view, so long as material promoting independent travel does not mislead prospective study group charter participants into overlooking the underlying purpose of the charter, we need not inject ourselves into the precise details of the text of study group charterers' advertisements.

We have also adopted TWA's suggestion to require promotional materials distributed by study group charterers, who offer periods of independent travel, to clearly reflect that such periods are not included in the fixed price of the study

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[7] This argument of AIFS proves too much, since it would be equally valid against any attempt by the Board to protect study group charter participants and, indeed, against the original proposal of the joint parties to require chaperoned travel for student participants under 17 years of age. It is true that, by precluding high school students from engaging in independent travel periods, the rule we are adopting does involve some disparity of treatment of participants in high school level study group charters and youth fare passengers. However, in view of the historical differences in regulatory treatment of scheduled and charter services, we are unable to conclude, as urged by AIFS, that such disparity is unjustified. Thus, the Board has always attached conditions to and limited the availability of charter travel with the objective of assuring the bona fides of such travel and protecting, to the maximum possible extent, participants in charter flights. In the instant proceeding, our judgment is that it is necessary, to maintain the integrity of the study group charter concept, to limit the independent travel option to college level and adult study group charter programs, even though students of high school age may use scheduled air transportation without restriction.

[8] Expressed in ALSG's answer to the joint petition of AIFS and TIA.

group program quoted to the student participants. Accordingly, we are modifying § 373.2 to reflect TWA's proposal.

One other matter requires comment. TWA urges adoption of a provision which would require the study group charterer to arrange hotel space in advance for the independent travel period and to receive, from the student participants, advance payments for such independent travel accommodations. While we share TWA's concern about the welfare of participants in study group charters, we do not think its proposal is practicable, since the student's itinerary might not always lend itself to advance travel arrangements. For example, the student's itinerary may include visiting friends, sharing the home of a foreign family, or even camping out, so that advance reservation of hotel space would not be entailed. In any event, our rules will require the study group charterer to provide financial or other assistance to his independent travelers and to assure that they board the return charter flight, and we believe that these requirements provide adequate protection against the risk that students will be stranded without food or shelter or other necessities during a period of independent travel.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 373 of the Special Regulations (14 CFR Part 373) effective September 15, 1972, as follows:

1. Amend § 373.2 by inserting, in alphabetical order, a new definition of "Independent travel" and revising the definition of "Study group charter," to read as follows:

§ 373.2 Definitions.

As used in this part, unless the context otherwise requires:

* * * * *

"Independent travel" means travel abroad by student participants, at their own expense, during any period of travel not included in the charterer's itinerary: *Provided, however,* That the study group charterer shall (i) not allow such independent travel to any student participant under 18 years of age, unless said student is over 17 years of age and has completed at least 1 year (two semesters) of college; (ii) require student participants who desire to engage in independent travel to submit, in advance of the departure date of the study group charter, a planned itinerary for the study group charterer's approval; and (iii) undertake to provide financial or other assistance (subject to reimbursement), where necessary to assure that student participants are not without food, shelter, or other necessities during any period of independent travel, and that they may be able to board the return charter flight: *And provided further,* That the aggregate duration of any period or periods of independent travel provided in connection with each study group charter program shall not exceed one-half of the aggregate duration of the period or periods of formal academic study furnished in connection therewith, and shall not receive substantial emphasis in the study group charterer's promotional materials.

* * * * *

"Study group charter" means the charter of the entire capacity of an aircraft or of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under § 208.6(c) of this chapter) by a study group charterer or, with respect to study groups which originate in a foreign country, by a foreign study group charterer, for the carriage on a direct air carrier of persons traveling in air transportation as a study group, and which meets all of the following requirements:

(1) The group qualifies as a study group as defined herein,

(2) A minimum of 4 weeks must elapse between departure and return,

(3) An aircraft under charter to one study group charterer may carry any number of study groups: *Provided,* That if more than one group is carried, each of the groups shall consist of 40 or more student participants.

(4) Except for periods of independent travel, as defined in this section, the price to each participant shall include at a minimum, at least two meals per day, and all sleeping accommodations, and necessary air or surface transportation between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, and tuition.

(5) The promotional materials distributed by a study group charterer which offers a period or periods of independent travel, as defined in this section, shall clearly indicate that the price of the study group program, as quoted to the student participant, does not cover the provision of any services or facilities during or in connection with independent travel.

2. Amend § 373.18 by adding a new paragraph (k) to read as follows:

§ 373.18 Contract between the study group charterer and the student participants.

Contracts between study group charterers and student participants shall include provisions concerning the following matters:

* * * * *

(k) Where applicable, procedures governing any period of independent travel.

(Secs. 101(3), 101(33), 204(a), 401 and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757; 49 U.S.C. 1301, 1324, 1371, and 1372)

By the Civil Aeronautics Board.[1]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-12973 Filed 8-15-72;8:52 am]

[1] Concurrence and dissent by member Minetti filed as part of the original document.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Aminopentamide Hydrogen Sulfate Injection and Tablets

The Commissioner of Food and Drugs has evaluated two supplemental new animal drug applications filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201 proposing the safe and effective use of aminopentamide hydrogen sulfate for injection (43-079V) and for oral use (43-078V) as an antispasmodic in the treatment of cats. The applications are approved.

For consistency, the name and address of the sponsor is deleted from the sections affected by this order and the sponsor is identified by the code number assigned to it by paragraph (c) of § 135.501 of this chapter.

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 135b and 135c are amended as follows:

1. Section 135b.22 is amended in paragraph (c) and paragraph (d)(1) as follows:

§ 135b.22 Aminopentamide hydrogen sulfate injection.

* * * * *

(c) *Sponsor.* See code No. 044 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is intended for use in dogs and cats only for the treatment of vomiting and/or diarrhea, nausea, acute abdominal visceral spasm, pylorospasm, or hypertrophic gastritis.

NOTE: Not for use in animals with glaucoma because of the occurrence of mydriasis.

* * * * *

2. Section 135c.30 is amended in paragraph (c) and paragraph (d)(1) as follows:

§ 135c.30 Aminopentamide hydrogen sulfate tablets.

* * * * *

(c) *Sponsor.* See code No. 044 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is intended for use in dogs and cats only for the treatment of vomiting and/or diarrhea, nausea, acute abdominal visceral spasm, pylorospasm, or hypertrophic gastritis.

NOTE: Not for use in animals with glaucoma because of the occurrence of mydriasis.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–16–72).

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

Dated: August 9, 1972.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72–12904 Filed 8–15–72;8:48 am]

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

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (45–455V) filed by American Cyanamid Co. proposing that the assay limits on the amount of levamisole hydrochloride (equivalent) in finished feed be broadened. 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 135e is amended in § 135e.59 by revising paragraph (d) to read as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

* * * * *

(d) *Assay limits.* Finished feed 85–125 percent of labeled amount.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8–16–72).

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

Dated: August 9, 1972.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72–12905 Filed 8–15–72;8:48 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

SUBCHAPTER A—FAIR HOUSING

[Docket No. R–72–152]

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Pursuant to title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); and the delegation of authority with respect to fair housing by the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity, 35 F.R. 6877; Subchapter A of Chapter I of Title 24 of the Code of Federal Regulations is amended by establishing a new Part 115 to read as set forth below.

In the FEDERAL REGISTER of Decem- 11, 1971 (36 F.R. 23631) the Department published notice of a proposal to amend Title 24 by adding a new Part 73—Recognition of Substantially Equivalent Laws. (Under the reorganization of Title 24 published in the FEDERAL REGISTER on December 22, 1971 (36 F.R. 24402), the Recognition of Substantially Equivalent Laws will become new Part 115.) Interested persons were invited to file their comments regarding the proposal on or before January 14, 1972. Comments were received from several interested organizations and agencies and consideration has been given to each comment.

The new Part 115 sets forth the procedures the Department will follow in determining whether to recognize State and local fair housing laws as providing rights and remedies for discriminatory housing practices which are substantially equivalent to those provided for in title VIII of the Civil Rights Act of 1968. Also set forth are the criteria to be used in issuing, denying, or withdrawing such recognition and the list of jurisdictions for which recognitions of equivalency are currently in effect. There are also included performance standards which will be used in determining whether a State or local fair housing law is in fact providing rights and remedies which are substantially equivalent to those provided under title VIII. Additional considerations relating to the fair housing policy of the United States and the effective implementation of that policy are set forth in the prefatory statement published with the proposed rule and are reaffirmed here.

Comments from several civil rights and fair housing organizations recommended that an agency's performance in the administration of its law be taken into consideration when making an initial decision as to whether a particular fair housing law should be recognized as substantially equivalent. The proposed regulation provided that agency performance would be considered in determinations of whether recognition would be continued but did not provide an opportunity to consider the performance of an agency in making the initial determination. This recommendation was adopted and the appropriate change is set forth in § 115.2(a)(4).

Comments from three organizations and the U.S. Commission on Civil Rights recommended that the criteria applied to a fair housing law in equivalency determinations should preclude the recognition of any law as substantially equivalent where that law fails to provide a complainant with a judicial remedy. Another group recommended a somewhat modified position but still indicated the importance of a judicial remedy.

The contrary position has also been expressed that since section 810(d) permits suit in a U.S. District Court in a case which had been referred to a State or local agency and recalled by the Secretary, if the complainant has no judicial remedy under the State or local law, it must have been contemplated that the availability of a judicial remedy under State or local law is not a prerequisite to a determination that the law is substantially equivalent to title VIII for the purpose of making referrals. Moreover, section 810(d) speaks of a judicial remedy as distinct and separate from rights and remedies which are substantially equivalent to the rights and remedies provided by title VIII.

The prefatory statement published with the proposed rule recognized the importance of a judicial remedy and indicated that the Secretary will administratively recall referred complaints in cases where he finds that the protection of the rights of the parties or the interests of justice require such action because the applicable State or local law fails to provide access to a State or local court and the complaint has not been satisfactorily resolved. This action will provide the complainant with an opportunity for access to a U.S. District Court under section 810 if the Secretary is unable to obtain compliance with title VIII.

In order to provide additional assurance that the availability of an adequate judicial remedy is accorded sufficient weight, § 115.3 now provides that in connection with the determination of whether a fair housing law is substantially equivalent, consideration will be given to those provisions affording a complainant a judicial remedy, although the absence of such provisions is not determinative of nonequivalency.

Some of the comments with respect to the proposed criteria criticized the coverage as being too narrow in that a State or local law could be recognized as substantially equivalent even though it did not prohibit blockbusting, discrimination in financing, or discrimination in the provision of brokerage services, and at least one organization expressed the view that the specific language of sections 804–806 of title VIII should be repeated in the regulation. The Department believes that failure to prohibit one or more of the three specific acts mentioned above should not preclude recognition, since experience has shown that complaints of such practices are a small percentage of the complaints received and such complaints will of course not be referred if the State or local law does not prohibit such practices (see § 115.6). The Department believes that it is more appropriate for purposes of the criteria to phrase the statutory prohibitions generically rather than using the precise language of title VIII, in carrying out the statutory mandate to recognize laws which are substantially equivalent.

Other comments suggested that the performance standards should require timely processing of complaints. This suggestion has been adopted (§ 115.8(b)(5)). Further, the performance standards have otherwise been considerably strengthened.

The U.S. Commission on Civil Rights suggested that the list of jurisdictions

with substantially equivalent laws be published in the FEDERAL REGISTER on a recurring basis. It is the intention of the Department in accordance with § 115.11 to publish the full list of recognized States and localities whenever § 115.11 is amended.

The Commission objected to the provision in proposed § 73.5 for temporary recognition pending resolution of an unresolved issue. The provision is being retained in the effective rule (§ 115.5) in order to permit the exercise of discretion by the Assistant Secretary in those few instances where the situation may occur, since the interests of fair housing may be better served by referrals even if some aspect of the State or local laws requires further consideration.

A new § 115.12 lists those jurisdictions which have been recognized, on a tentative basis, as providing rights and remedies for alleged housing discrimination which are substantially equivalent to those provided by Title VIII. The Department will continue to refer complaints to the appropriate State or local agency pending initiation of the procedure for recognition provided for in this part.

Accordingly, a new Part 115 is added to Title 24 to read as follows:

Sec.
115.1 Purpose.
115.2 Procedure for recognition.
115.3 Criteria.
115.4 Issuance of recognition.
115.5 Temporary recognition.
115.6 Consequences of recognition.
115.7 Denial of recognition.
115.8 Performance standards.
115.9 Withdrawal of recognition.
115.10 Conferences.
115.11 Jurisdictions with substantially equivalent laws.
115.12 Jurisdictions recognized on a tentative basis.

AUTHORITY: The provisions of this Part 115 are issued under sec. 7(d), Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d).

§ 115.1 Purpose.

(a) Section 810 of the Federal Fair Housing Law (title VIII, Civil Rights Act of 1968, hereinafter referred to as the "Act") provides in effect that wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in the Act, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall take no action upon a complaint pending an opportunity for the appropriate State or local government body to assume responsibility for the matter upon his reference of the complaint.

(b) It is the purpose of this Part 115 to set forth:

(1) The procedure by which the Assistant Secretary for Equal Opportunity (hereinafter referred to as the "Assistant Secretary") recognizes State and local fair housing laws as providing substantially equivalent rights and remedies for discriminatory housing practices to those provided for in the Act.

(2) The criteria to be used in issuing or withdrawing such recognition.

(3) The procedure to be afforded where such recognition is denied.

(4) The procedure for withdrawal of such recognition.

(5) Performance standards for determining whether a State or local fair housing law is in fact providing rights and remedies which are substantially equivalent to those provided in the Act.

(6) The list of jurisdictions for which currently effective recognitions of equivalency are in effect.

(7) The list of jurisdictions recognized on a tentative basis.

§ 115.2 Procedure for recognition.

(a) Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

(b) Recognition may be requested by submission of the materials and information referenced in paragraph (a) of this section by the official of the State or local government who has been assigned principal responsibility by its fair housing law for its administration. Such a request shall be filed with the Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

(c) In a situation where a jurisdiction has a fair housing law and has not filed a request for recognition in accordance with this section, the Assistant Secretary may, at any time, upon his own motion, commence proceedings in accordance with §§ 115.3 through 115.11.

§ 115.3 Criteria.

In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must:

(a) Provide for an administrative enforcement body to receive and process complaints;

(b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters;

(c) Not place any excessive burdens on the complainant which might discourage the filing of complaints;

(d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and

(e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions or privileges of sale or rental, or in the provision of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, That a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts described in subparagraphs (7), (8), or (9) of this paragraph.

(f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

§ 115.4 Issuance of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 115.3 and considering the materials and information referenced in § 115.2(a), that the law and its administration provide rights and remedies substantially equivalent to those provided in the Act, he shall notify the State or local agency that he proposes to grant the recognition provided for in this part.

(b) Such proposal shall be published in the FEDERAL REGISTER as a proposal to amend § 115.11 and shall provide interested persons and organizations not less than 15 days in which to file written comments on the proposal.

(c) If after evaluating any comments so received the Assistant Secretary is still of the opinion that recognition is appropriate, he shall grant such recognition by amending § 115.11.

§ 115.5 Temporary recognition.

If after proceedings have been commenced in accordance with § 115.2, it is

the opinion of the Assistant Secretary that a determination in accordance with § 115.4(a) must await the resolution of an unresolved issue and it appears that such issue cannot be resolved with reasonable dispatch, he may issue and cause to be published in the FEDERAL REGISTER a notice of temporary recognition of such law pending a final disposition of the matter in accordance with § 115.4 or § 115.7.

§ 115.6 Consequence of recognition.

Where all alleged violations of the Act contained in a complaint received by the Assistant Secretary appear to constitute violations of a State or local fair housing law within a jurisdiction listed in § 115.11, the complaint shall be referred forthwith to the appropriate State or local agency, and no further action shall be taken by the Assistant Secretary with respect to such complaint except as provided for by the Act and §§ 105.18–105.20 of this chapter: *Provided*, That no complaint shall be referred to a State or local agency if such complaint relates in whole or in part to an act described in subparagraphs (7), (8), or (9) of § 115.3(e) or to any other act prohibited by the Act but not prohibited by the applicable State or local law: *Provided, further*, That the Secretary will recall referred complaints in cases where he determines that the protection of the rights of the parties or the interests of justice require such action because the applicable State or local law fails to provide access to a State or local court and the complaint has not been satisfactorily resolved.

§ 115.7 Denial of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 115.3, and considering the materials and information referenced in § 115.2(a) and the comments received in accordance with § 115.4, that the law and its administration do not provide substantially equivalent rights and remedies as those provided in the Act, he shall send to the State or local agency a notice of his decision.

(b) Such notice shall grant to the agency not less than 15 days to request a conference concerning the matter in accordance with § 115.10.

§ 115.8 Performance standards.

(a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment.

(b) A State or local agency must:

(1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law;

(2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices;

(3) Establish a mechanism for monitoring compliance with any agreements or orders entered into or issued by the State or local agency to resolve discriminatory housing practices;

(4) Engage in comprehensive and thorough investigative activities; and

(5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be investigated, and where applicable, set for conciliation, within 30–45 days.

§ 115.9 Withdrawal of recognition.

(a) The Assistant Secretary may upon his own motion or upon the petition of an interested person or organization withdraw the recognition previously granted a State or local law under this part. Such action may be based upon a reconsideration of the application of the criteria and of the materials and information referenced in § 115.4(a) and upon the application of the performance standards set forth in § 115.8.

(b) Before taking such action, he shall notify the State or local agency of his intention to withdraw such recognition. Such notification shall set forth his reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request an opportunity for a conference in accordance with § 115.10.

(c) Such proposed withdrawal of recognition shall be published in the FEDERAL REGISTER as a proposal to amend § 115.11 and shall provide the State or local agency, interested persons and organizations not less than 15 days in which to file written comments on the proposal.

(d) If a request for a conference in accordance with § 115.10 is not received within the time provided, the Assistant Secretary shall evaluate any arguments in opposition or other materials received from the State or local agency and other interested persons or organizations, and if after such evaluation the Assistant Secretary is still of the opinion that recognition should be withdrawn, he shall withdraw such recognition by an appropriate amendment to § 115.11.

§ 115.10 Conferences.

(a) Whenever an opportunity for a conference is requested by a State or local agency pursuant to § 115.7 or § 115.9 within the time allowed by said sections for making such request, the Assistant Secretary shall issue an order designating a conference officer who shall preside at the conference. The order shall indicate the issues to be resolved and any initial procedural instructions which might be appropriate for the particular conference. It shall fix the date, time and place of the conference. The date shall be not less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(b) A copy of such order shall be served on the State or local agency and on any person or organization who files a written comment in accordance with § 115.4(b) or § 115.9(c) or files a petition in accordance with § 115.9(a). The agency and all such persons and organizations shall be deemed to be participants in the conference. After service of the order designating the conference officer and until such officer submits his recommended determination, all communications relating to the subject matter of the conference shall be addressed to him.

(c) The conference officer shall have full authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceeding shall be made available for inspection by interested persons.

(d) The conference officer shall prepare his proposed findings and recommended determination, a copy of which shall be served on each participant. Within 20 days after such service any participant may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including his proposed findings and recommended determination and the exceptions thereto, to the Assistant Secretary, who shall review the record and issue a final determination. Where applicable such determination shall be effected by an appropriate amendment to § 115.11.

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6. (Jurisdictions will be listed in this § 115.11 as appropriate in accordance with the provisions of this part.)

§ 115.12 Jurisdictions recognized on a tentative basis.

The following jurisdictions have been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will continue to be referred to the appropriate State or local agency as provided in § 115.6, pending the initiation of the procedure for recognition in accordance with § 115.2:

STATES

Alaska.
California.
Colorado.
Connecticut.
Delaware.
Hawaii.
Indiana.
Iowa.
Kansas.
Kentucky.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
Ohio.
Pennsylvania.
Rhode Island.
Vermont.
Washington.
West Virginia.
Wisconsin.

Localities	
DISTRICT OF COLUMBIA	
Washington.	
FLORIDA	
Dade County.	Riviera Beach.
ILLINOIS	
Aurora.	Springfield.
Peoria.	Urbana.
MICHIGAN	
Ann Arbor.	
MISSOURI	
Kansas City.	
NEBRASKA	
Omaha.	
NEW YORK	
New York City.	Schenectady.
PENNSYLVANIA	
Philadelphia.	Pittsburgh.
WASHINGTON	
Mercer Island.	
WEST VIRGINIA	
Charleston.	

Effective date. This Part 115 shall be effective on September 15, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.72-12978 Filed 8-15-72;8:52 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this amendment is to revise the title of 24 CFR 1914.4, which presently reads "List of eligible communities." Because the table which is published periodically in § 1914.4 lists areas made eligible for the sale of flood insurance under the emergency or regular flood insurance program, as well as suspensions of eligibility, withdrawals of such suspensions, reinstatements of eligibility, and withdrawals of areas from participation in the National Flood Insurance Program, it has been determined that it is necessary and desirable to revise the title of the section to reflect the nature of information published therein.

Inasmuch as this amendment is a clarification of existing procedures and requirements, it has been determined that notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. In the table of sections to Part 1914, § 1914.4 is revised to read as follows:

Sec.
§ 1914.4 Status of participating communities.

2. The title of § 1914.4 is revised. As revised, § 1914.4 reads as follows:

§ 1914.4 Status of participating communities.

* * * * *

(Sec. 7(d), Department of HUD Act, 79 Stat. 670, 42 U.S.C. 3535(d); sec. 1360, 82 Stat. 587; 42 U.S.C. 4101)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (8-16-72).

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-12981 Filed 8-15-72;8:52 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. By this entry, the eligibility for the sale of flood insurance of communities which have failed to adopt required land use and control measures consistent with 24 CFR Part 1910 criteria is being suspended on the date indicated for each community. Communities listed in this entry which fail to correct deficiencies in their adopted measures by the indicated suspension date lose eligibility on that date. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Charlotte	Punta Gorda				Sept. 15, 1972, suspended.
Do	Charlotte County	Unincorporated Areas				Do.
Do	Collier	Naples				Do.
Do	Levy	Yankeetown				Do.
Do	Manatee	Anna Maria				Do.
Do	do	Bradenton Beach				Do.
Do	do	Holmes Beach				Do.
Do	Manatee-Sarasota	Longboat Key				Do.
Do	Manatee County	Unincorporated Areas				Do.
Do	Monroe	Layton				Do.
Do	do	Key West				Do.
Do	Palm Beach	Lantana				Do.
Do	do	Tequesta				Do.
Do	Pinellas	Belleair Shore				Do.
Do	do	Clearwater				Do.
Do	do	Dunedin				Do.
Do	do	Indian Rocks Beach				Do.
Do	do	Indian Rocks Beach South Shore.				Do.
Do	do	Oldsmar				Do.
Do	do	Safety Harbor				Do.
Do	do	St. Petersburg				Do.
Do	do	Tarpon Springs				Do.
Do	Pinellas County	Unincorporated Areas				Do.
Do	Sarasota	Sarasota				Do.
Do	Sarasota County	Unincorporated Areas				Do.
Texas	Calhoun	Port Lavaca				Do.
Do	do	Seadrift				Do.
Do	Calhoun County	Unincorporated Areas				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 delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 8, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-12980 Filed 8-15-72;8:52 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7200]

SUBCHAPTER A—INCOME TAX

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

SUBCHAPTER C—EMPLOYMENT TAXES

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

Use of Composite Returns Consisting of Magnetic Tape or Other Approved Media and a Special Form Under Certain Circumstances

In order to permit the use of composite returns consisting of a magnetic tape or other approved media and a special form, in lieu of certain other specified forms, if authorized by the Commissioner of Internal Revenue, the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) under the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. So much of subparagraph (1) of § 1.6012–3(a) as precedes subdivision (i) is amended to read as follows:

§ 1.6012–3 Returns by fiduciaries.

(a) *For estates and trusts*—(1) *In general.* Every fiduciary, or at least one of joint fiduciaries, must make a return of income on Form 1041 (or by use of a composite return pursuant to § 1.6012–5)—

* * * * *

PAR. 2. A new § 1.6012–5 is added immediately after § 1.6012–4, to read as follows:

§ 1.6012–5 Composite return in lieu of specified form.

The Commissioner may authorize the use, at the option of a person required to make a return, of a composite return in lieu of any form specified in this part for use by such a person, subject to such conditions, limitations, and special rules governing the preparation, execution, filing, and correction thereof as the Commissioner may deem appropriate. Such composite return shall consist of a form prescribed by the Commissioner and an attachment or attachments of magnetic tape or other approved media. Notwithstanding any provisions in this part to the contrary, a single form and attachment may comprise the returns of more than one such person. To the extent that the use of a composite return has been authorized by the Commissioner, references in this part to a specific form for use by such a person shall be deemed to refer also to a composite return under this section.

PAR. 3. Paragraph (a)(1) of § 31.6011(a)–1 is amended to read as follows:

§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.

(a) *Requirement*—(1) *In general.* Except as otherwise provided in § 31.6011(a)–5, every employer required to make a return under the Federal Insurance Contributions Act, as in effect prior to 1955, for the calendar quarter ended December 31, 1954, in respect of wages other than wages for agricultural labor, shall make a return for each subsequent calendar quarter (whether or not wages are paid in such quarter) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in § 31.6011(a)–5, every employer not required to make a return for the calendar quarter ended December 31, 1954, shall make a return for the first calendar quarter thereafter in which he pays wages, other than wages for agricultural labor, subject to the tax imposed by the Federal Insurance Contributions Act as in effect after 1954, and shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in § 31.6011(a)–8 and in subparagraphs (3) and (4) of this paragraph, Form 941 is the form prescribed for making the return required by this subparagraph. Such return shall not include wages for agricultural labor required to be reported on any return prescribed by subparagraph (2) of this paragraph. The return shall include wages received by an employee in the form of tips only to the extent of the tips reported by the employee to the employer in a written statement furnished to the employer pursuant to section 6053(a).

* * * * *

PAR. 4. Paragraph (a) of § 31.6011(a)–3 is amended to read as follows:

§ 31.6011(a)–3 Returns under Federal Unemployment Tax Act.

(a) *Requirement.* Every person shall make a return of tax under the Federal Unemployment Tax Act for each calendar year with respect to which he is an employer as defined in § 31.3306(a)–1. Except as otherwise provided in § 31.6011(a)–8, Form 940 is the form prescribed for use in making the return.

* * * * *

PAR. 5. Paragraph (a)(1) of § 31.6011(a)–4 is amended to read as follows:

§ 31.6011(a)–4 Returns of income tax withheld from wages.

(a) *In general.* (1) Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)–5, every person required to make a return of income tax withheld from wages pursuant to section 1622 of the Internal Revenue Code of 1939 for the calendar quarter ended December 31, 1954, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in subparagraph (3) of this paragraph and in § 31.6011(a)–5, every person not required to make a return for the calendar quarter ended December 31, 1954, shall make a return of income tax withheld from wages pursuant to section 3402 for the first calendar quarter thereafter in which he is required to deduct and withhold such tax and for each subsequent calendar quarter (whether or not wages are paid therein) until he has filed a final return in accordance with § 31.6011(a)–6. Except as otherwise provided in § 31.6011(a)–8 and in subparagraphs (2) and (3) of this paragraph, Form 941 is the form prescribed for making the return required under this paragraph.

* * * * *

PAR. 6. A new § 31.6011(a)–8 is added immediately after § 31.6011(a)–7, to read as follows:

§ 31.6011(a)–8 Composite return in lieu of specified form.

The Commissioner may authorize the use, at the option of the employer, of a composite return in lieu of any form specified in this part for use by an employer, subject to such conditions, limitations, and special rules governing the preparation, execution, filing, and correction thereof as the Commissioner may deem appropriate. Such composite return shall consist of a form prescribed by the Commissioner and an attachment or attachments of magnetic tape or other approved media. Nothwithstanding any provisions in this part to the contrary, a single form and attachment may comprise the returns of more than one employer. To the extent that the use of a composite return has been authorized by the Commissioner, references in this part to a specific form for use by the employer shall be deemed to refer also to a composite return under this section.

Because this Treasury decision will not be detrimental to any taxpayer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. section 533(b), or subject to the effective date limitation of 5 U.S.C. section 553(d).

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

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: August 11, 1972.

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

[FR Doc.72–12987 Filed 8–15–72;8:53 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Installation of Automatic Warning Devices and Fire Suppression Devices on Belt Haulageways

In accordance with the provisions of section 311(g) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173; 30 U.S.C. 871(g)), and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, there was published in the FEDERAL REGISTER for October 28, 1971 (36 F.R. 20698) a notice of proposed rule making setting forth proposed amendments to Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations, prescribing requirements for the installation of automatic fire warning devices and fire suppression devices on belt haulageways.

Interested persons were afforded a period of 45 days following publication of the notice within which to submit written comments, suggestions, or objections concerning the proposed amendments. Written data, comments, suggestions, or objections were received and have been carefully and thoroughly considered and consultations and meetings have been held with interested parties to discuss and consider the proposed standards. Some comments and suggestions were found to have substantial merit and have been adopted. In other instances changes have been made in the proposed standards based upon comments and suggestions received and upon consultation with interested parties.

Section 75.1103–2 makes reference to nationally recognized agencies approved by the Secretary for certain purposes described in that section. From time to time by a separate notice published in the FEDERAL REGISTER those nationally recognized agencies which have been approved by the Secretary for the purpose of that section will be listed. Interested persons are advised that concurrently with the promulgation of these standards such a notice is published in the "notices" section of the FEDERAL REGISTER of those nationally recognized agencies which have been approved by the Secretary at this time.

Pursuant to the authority of section 311(g) and section 301(d) of the Federal Coal Mine Health and Safety Act of 1969 there is added to Part 75, Subchapter O, Chapter I, Title 30, Code of Federal Regulations sections 75.1103–2 through 75.1103–11 as set forth below.

Effective date. The new §§ 75.1103–2 through 75.1103–11 shall become effective on the date of publication (8–16–72), provided, however, that operators shall have a period of 180 days from the date of publication in which to acquire, install, and make operative the automatic warning devices and fire suppression devices on belt haulageways required by those sections and to make other adjustments in the mine which will meet the requirements of those sections. During such period of 180 days operators of mines will be advised by means of "safeguard notices" of conditions or practices in a mine which fail to comply with these standards or which fail to meet the requirements of these standards. From and after 180 days from the effective date operators who fail to comply with the provisions of §§ 75.1103–2 through 75.1103–11 will be subject to the issuance of notices, orders, and assessment of penalties pursuant to the Act.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

AUGUST 11, 1972.

Sections 75.1103–2, through 75.1103–11, as set forth below, are added to Part 75, Chapter I, Subchapter O, Title 30, Code of Federal Regulations.

§ 75.1103–2 Automatic fire sensors; approved components; installation requirements.

(a) The components of each automatic fire sensor required to be installed in accordance with the provisions of § 75.1103–1 shall be of a type and installed in a manner approved by the Secretary, or the components shall be of a type listed, approved and installed in accordance with the recommendations of a nationally recognized testing laboratory approved by the Secretary.

(b) Where applicable, and not inconsistent with these regulations, automatic fire sensors shall be installed in accordance with the recommendations set forth in National Fire Code No. 72A "Local Protective Signaling Systems" (NFPA No. 72A–1967). National Fire Code No. 72A (1967) is hereby incorporated by reference and made a part hereof. National Fire Code No. 72A is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of the Bureau of Mines, and may be obtained from the National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

§ 75.1103–3 Automatic fire sensor and warning device systems; minimum requirements; general.

Automatic fire sensor and warning device systems installed in belt haulageways of underground coal mines shall be assembled from components which meet the minimum requirements set forth in §§ 75.1103–4 through 75.1103–7 unless otherwise approved by the Secretary.

§ 75.1103–4 Automatic fire sensor and warning device systems; installation; minimum requirements.

(a) Automatic fire sensor and warning device systems shall provide identification of fire within each belt flight (each belt unit operated by a belt drive).

(1) Where used, sensors responding to temperature rise at a point (point-type sensors) shall be located at or above the elevation of the top belt, and installed at the beginning and end of each belt flight, at the belt drive, and in increments along each belt flight so that the maximum distance between sensors does not exceed 125 feet, except as provided in subparagraph (3) of this paragraph (a).

(2) Where used, sensors responding to radiation, smoke, gases, or other indications of fire, shall be spaced at regular intervals to provide protection equivalent to point-type sensors, and installed within the time specified in subparagraph (3) of this paragraph (a).

(3) When the distance from the tailpiece at loading points to the first outby sensor reaches 125 feet when point-type sensors are used, such sensors shall be installed and put in operation within 24 production shift hours after the distance of 125 feet is reached. When sensors of the kind described in subparagraph (2) of this paragraph (a) are used, such sensor shall be installed and put in operation within 24 production shift hours after the equivalent distance which has been established for the sensor from the tailpiece at loading points to the first outby sensor is first reached.

(b) Automatic fire sensor and warning device systems shall be installed so as to minimize the possibility of damage from roof falls and the moving belt and its load.

(c) Infrared, ultraviolet, and other sensors whose effectiveness is impaired by contamination shall be protected from dust, dirt, and moisture.

(d) The voltage of automatic fire sensor and warning device systems shall not exceed 120 volts.

(e) Except when power is required to be cut off in the mine under the provisions of § 75.321, automatic fire sensor and warning device systems shall be capable of giving warning of fire for a minimum of 4 hours after the source of power to the belt is removed unless the belt haulageway is examined for hot rollers and fire as provided in subparagraphs (1) or (2) of this paragraph (e).

(1) When an unplanned removal of power from the belt occurs an examination for hot rollers and fire in the operating belts of a conveyor system shall be completed within 2 hours after the belt has stopped.

(2) When a preplanned removal of power from the belt occurs an examination for hot rollers and fire on the operating belts of a conveyor system may commence not more than 30 minutes before the belts are stopped and shall be completed within 2 hours after the examination is commenced, or the examination shall be commenced when the belts are stopped and completed within 2 hours after the belts are stopped.

§ 75.1103–5 Automatic fire warning devices; manual resetting.

(a) Automatic fire sensor and warning device systems shall upon activation provide an effective warning signal at either of the following locations:

(1) At all work locations where men may be endangered from a fire at the belt flight; or

(2) At a manned location where personnel have an assigned post of duty and have telephone or equivalent communication with all men who may be endangered.

The automatic fire sensor and warning device system shall be monitored for a period of 4 hours after the belt is stopped, unless an examination for hot rollers and fire is made as prescribed in § 75.1103–4(e).

(b) The fire sensor and warning device system shall include a means for rapid evaluation of electrical short and open circuits, ground faults, pneumatic leaks, or other defect detrimental to its proper operational condition.

(c) Automatic fire sensor and warning devices shall include a manual reset feature.

§ 75.1103–6 Automatic fire sensors; actuation of fire suppression systems.

Automatic fire sensor and warning device systems may be used to actuate deluge-type water systems, foam generator systems, multipurpose dry-powder systems, or other equivalent automatic fire suppression systems.

§ 75.1103–7 Electrical components; permissibility requirements.

The electrical components of each automatic fire sensor and warning device system shall:

(a) Remain functional when the power circuits are deenergized as required by § 75.706; and

(b) Be provided with protection against ignition of methane or coal dust when the electrical power is deenergized as required by § 75.321, but such components shall be permissible or intrinsically safe if installed in a return airway.

§ 75.1103–8 Automatic fire sensor and warning device systems; inspection and test requirements.

(a) Automatic fire sensor and warning device systems shall be inspected weekly, and a functional test of the complete system shall be made at least once annually. Inspection and maintenance of such systems shall be by a qualified person.

(b) A record of the annual functional test conducted in accordance with paragraph (a) of this section shall be maintained by the operator. A record card of the weekly inspection shall be kept at each belt drive.

§ 75.1103–9 Minimum requirements; fire suppression materials and location; maintenance of entries and crosscuts; access doors; communications; fire crews; high-expansion foam devices.

(a) The following materials shall be stored within 300 feet of each belt drive or at a location where the material can be moved to the belt drive within 5 minutes, except that when the ventilating current in the belt haulageway travels in the direction of the normal movement of coal on the belt, the materials shall be stored within 300 feet of the belt tailpiece or at a location where the materials can be moved to the belt tailpiece within 5 minutes.

(1) 500 feet of fire hose, except that if the belt flight is less than 500 feet in length the fire hose may be equal to the length of the belt flight. A high expansion foam device may be substituted for 300 feet of the 500 feet of the fire hose. Where used, such foam generators shall produce foam sufficient to fill 100 feet of the belt haulageway in not more than 5 minutes. Sufficient power cable and water hose shall be provided so that the foam generator can be installed at any crosscut along the belt by which the generator is located. A 1-hour supply of foam producing chemicals and tools and hardware required for its operation shall be stored at the foam generator.

(2) Tools to open a stopping between the belt entry and the adjacent intake entry; and

(3) 240 pounds of bagged rock dust.

(b) The entry containing the main waterline and the crosscuts containing water outlets between such entry and the belt haulageway (if the main waterline is in an adjacent entry) shall be maintained accessible and in safe condition for travel and firefighting activities. Each stopping in such crosscuts or adjacent crosscuts shall have an access door.

(c) Suitable communication lines extending to the surface shall be provided in the belt haulageway or adjacent entry.

(d) The fire suppression system required at the belt drive shall include the belt discharge head.

(e) A crew consisting of at least five members for each working shift shall be trained in firefighting operations. Fire drills shall be held at intervals not exceeding 6 months.

§ 75.1103–10 Fire suppression systems; additional requirements.

Where the average air velocity along the belt haulage entry exceeds 100 feet per minute, or the belt is not fire resistant, or both, the fire suppression system in the belt haulageway shall conform with the following additional sensor and cache requirements:

(a) The maximum distance between sensors along the belt haulageway shall be 40 percent of those distances specified or established in accordance with § 75.-1103–4(a) (1) or (2), as applicable, and shall be installed and put in operation within the period of time specified in § 75.1103–4(a)(3).

(b) For each conveyor belt flight exceeding 2,000 feet in length, an additional cache of the materials specified in § 75.1103–9(a) (1), (2), and (3) shall be provided. The additional cache may be stored at the locations specified in § 75.1103–9(a), or at some other strategic location readily accessible to the conveyor belt flight.

§ 75.1103–11 Tests of fire hydrants and fire hose; record of tests.

Each fire hydrant shall be tested by opening to insure that it is in operating condition, and each fire hose shall be tested, at intervals not exceeding 1 year. A record of these tests shall be maintained at an appropriate location.

[FR Doc.72–12971 Filed 8–15–72;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72–105R]

PART 1—GENERAL PROVISIONS

Authority To Publish Notices of Security Zones

This amendment modifies the Coast Guard's rule making regulations to remove inconsistencies between the current regulations and the authority of the Captain of the Port to establish security zones and special rules applicable thereto.

The purpose of this amendment is to make possible the issuance of notice that a security zone has been established in the FEDERAL REGISTER by those officials empowered to establish them, the Captain of the Port and District Commander. It also revokes the delegation of the Chief, Office of Marine Environment and Systems, to reaffirm these notices for the purpose of publication, since this would be an unnecessary delegation.

This amendment is promulgated without publication of a notice of proposed rule making since it is a matter relating to agency organization, procedure, and practice. In addition, good cause exists for making this amendment effective in less than 30 days, since it will permit the publication of security zones in the FEDERAL REGISTER with less delay and will relieve the Coast Guard of an unnecessary administrative step in publishing security zones.

In consideration of the foregoing, Part 1 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revoking § 1.05–1(c)(3).

§ 1.05–1 General.

* * * * *

(c) * * *

(3) [Revoked]

* * * * *

2. By revising § 1.05–30(b) to read as follows:

§ 1.05–30 Final action.

* * * * *

(b) Final action on the proposed regulation will be determined and the regulation issued by the Commandant or any other person delegated or otherwise authorized to issue rules.

(Secs. 6 and 9, 80 Stat. 931; 49 U.S.C. secs. 1655 and 1657; 49 CFR 1.46(b))

* * * * *

Effective date. This amendment becomes effective on July 1, 1972.

Dated: August 11, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 72–12951 Filed 8–15–72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–3—TYPES OF CONTRACTS

Subpart 9–3.6—Small Purchases

SOLICITATION

This change implements Federal Procurement Regulation Subpart 1–3.6, Small Purchases. Its purpose is to improve opportunities for participation of minority business enterprises in small purchases.

1. In Subpart 9–3.6, Small Purchases, a new section, § 9–3.603–1, *Solicitation*, is added as follows:

§ 9–3.603–1 Solicitation.

(a) [Reserved]

(b) Names of, and information pertaining to, small businesses and minority business enterprises furnished by bidders and Small Business Administration representatives, and obtained from Government-industry meetings and seminars, and company brochures, letters, and other data, shall be included in small purchase source lists or files, and used to insure that such firms are given opportunities to quote on AEC's small purchases.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the 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 (8–16–72).

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 10th day of August 1972.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc. 72–12915 Filed 8–15–72;8:48 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—ELECTRICAL ENGINEERING

[CGD 72–35CR]

PART 110—GENERAL PROVISIONS

Nonsparking Fans; Clarification of Design Characteristics

In F.R. Doc. 72–3333 appearing at page 4959 in the FEDERAL REGISTER issue of Wednesday, March 8, 1972, the Coast Guard promulgated amendments to the electrical systems regulations, including a definition of nonsparking fan appearing on page 3961. Included in the definition is the statement, "A combination of an aluminum or magnesium alloy fixed or rotating component regardless of tip clearance is a sparking hazard." Subsequent to the publication of the definition, it was determined by the Coast Guard that the quoted statement, although correct, needed clarification. This document provides a statement that is clarifying in nature.

Since this amendment provides only clarification of a rule that interested persons had an opportunity to participate in the rule making through the submissions of oral and written comments, notice at this time is unnecessary. Since this amendment imposes no additional burden on any person, it may be made effective in less than 30 days.

In consideration of the foregoing, the concluding paragraph of § 110.15–175(l) of Title 46, Code of Federal Regulations is revised to read as follows:

§ 110.15–175 Rotating machinery; enclosure, ventilation and protection terms.

* * * * * *

(l) *Nonsparking fan.* * * *

Any combination of an aluminum alloy or a magnesium alloy component and a ferrous component is considered by the Coast Guard to be a sparking hazard. This consideration applies without regard as to which material is used as the fixed or rotating component.

(R.S. 4405, as amended, R.S. 4462, as amended, R.S. 4417a, as amended, R.S. 4491, as amended, sec. 3, 70 Stat. 152, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 391a, 489, 390b, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

This amendment is effective on August 18, 1972.

Dated: August 11, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.72–12950 Filed 8–15–72;8:50 am]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72–4; General Order 4 (Rev.), Amdt. 2]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

REQUIREMENTS FOR LICENSING; WHO MUST QUALIFY

On January 15, 1972, the Federal Maritime Commission published in the FEDERAL REGISTER (37 F.R. 678) a notice of proposed rule making, whereby notice was given of the Commission's intention to amend § 510.5(a) of General Order 4 (46 CFR 510.5(a)).

The basis for the Commission's proposal is that Rule 510.5 fails to identify the person or persons employed by the applicant whose experience and training would be considered in deciding whether a particular applicant is fit, willing and properly able to carry on the business of forwarding. The new rule was proposed in order to assure continuity of responsibility and experience of such person or persons associated with an applicant who will be considered by the Commission in determining the applicant's qualifications by reason of training and experience. The rule would amend § 510.5(a) to provide that an individual proprietor, an active managing partner, or an active corporate or association officer of an applicant must be individually qualified through training and experience to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission.

Interested parties were given until March 27, 1972, to file their written comments in response to the proposed changes. Comments were received from the New York Foreign Freight Forwarders and Brokers Association, Inc. (the Association) and the Gulf Florida Terminal Company (GFTC), to which Hearing Counsel replied. The Commission has carefully considered all comments received and in light thereof herewith adopts and promulgates its final rules.

The Association asserts that there are already sufficient safeguards for assuring that qualified individuals conduct the operations of an applicant or licensed forwarder, that the rule would unduly harass those forwarders who employ a highly qualified supervisor of forwarding (who does not happen to be an officer) to run their day-to-day operations, and that the proposed rule is inconsistent with the intent with which Congress passed the freight forwarder law (Public Law 87–254). GFTC contends that the proposed rule would unduly harass multifaceted corporations like itself who conduct forwarding operations as a small part of their overall operations and whose forwarding operations are thus not managed by an officer. The Association also proposed certain changes should the Commission decide to adopt the proposed rule.

Hearing Counsel's reply states that the present rules do not provide the proper safeguards to insure that those with the greatest degree of control over a forwarder's daily operations (the officers) would also have within their ranks the individual upon whose qualifications a license is issued. Hearing Counsel further contends that the proposed rule would not harass any currently licensed freight forwarder and that the proposed rule only furthers the intent of Congress as expressed in the Freight Forwarder Act (sections 43 and 44 of the Shipping Act, 1916).

We cannot agree with the positions taken by the commentators. The basic purpose of the proposed rule is "to assure continuity of responsibility and experience of such person or persons associated with an applicant" to determine the qualifications for issuance of new licenses. It should be pointed out that this proposed rule is not retroactive and applies only to new applicants for freight forwarder licenses. It would not require current licensees to realign their

corporate structures. It would, however, permit the Commission to exercise greater control over the approval of applicants for licenses after the effective date of adoption of the proposed rule. The present methods of qualification under §§ 510.5(c) and 510.9 would still apply to current licensees.

Under the aforementioned statement of purpose under which the rule is proposed, we believe implementation of the rule to be completely warranted. If anything, it would protect those present qualified licensees against an influx of new unqualified applicants.

As we have previously noted, this proposed rule applies only to applicants who seek licenses after the effective date of adoption of the proposed rules. It is not the purpose of this rule to harass any current licensee, but only to insure that new licensees be required to meet standards that more readily insure that they remain qualified while licensed. Current licensees should be enthused at the prospect that their industry will be upgraded by implementation of the rule. We believe that the proposal would insure greater competency and integrity among new licensees and not operate as a harassing tactic against current licensees.

We believe the proposed rule to be within the intent expressed by Congress.

> The intention of the bill, therefore, under the licensing provision, is to have every person, firm or corporation who holds himself out as a freight forwarder to be fully competent and qualified to act in the fiduciary relationship which such business necessitates.[1]

The rule would only further insure that their intent is carried out by requiring that at least one individual qualified to be licensed must come from among those directly responsible for the daily operations of an applicant for a forwarder's license.

Should the Commission adopt the proposed rule, the Association suggests that two changes be made:

(1) That the 30-day-period requirement for notification of a qualifying person's leaving his position be retained, but that the same 30-day-period requirement for notification of a substitute qualifier be extended to any amount of time deemed adequate by the Commission where good cause can be shown to allow for extenuating circumstances where, for example, mergers may result (thus requiring Commission approval) or where the licensee must search outside the firm for a qualified substitute.

(2) That the third and fourth words from the last word in the last line of the next to the last paragraph be changed so that the phrase will read "who will qualify the licensee" and not "who will continue with the licensee," inasmuch as "continue with" presupposes that the new qualifier has prior service with the licensee, which may not be the case.

[1] House Committee on Merchant Marine and Fisheries, H. Rep. No. 1096, 87th Cong., first session 3 (1961).

Hearing Counsel replied to the proposed changes as follows:

(1) Inasmuch as the 30-day time period allowed to replace an officer may not be sufficient in some cases, it is suggested that the original 30-day provision be retained, but with an added provision permitting a 30-day extension for good cause shown. As proposed, a new sentence would be added at the end of the next to the last paragraph as follows:

> Provided that the Commission upon a showing of good cause, may grant a 30-day extension in which to report the name of the qualifying active managing partner(s) or officer(s).

(2) There is no objection to revising the last sentence of the next to last paragraph (as found in the proposed rule) as proposed by the Association.

Furthermore, Hearing Counsel proposes that the first numbered paragraphs of the proposed rule, which reads:

> In the case of the applicant who is an individual proprietorship, the individual applicant must himself qualify.

be modified to read:

> In the case of the applicant who owns a sole proprietorship, the individual applicant must himself qualify.

Hearing Counsel contends that the underlined wording under the proposed rule may be interpreted as implying that licenses will be issued to trade names which are not legal entities.

We believe the proposal suggested by the Association, regarding the allowance of an extension or extensions of time for good cause shown, in order to inform the Commission of the replacement of a departed qualifying individual, to be the sounder approach, inasmuch as the limiting of a licensee to 60 days to replace a qualified individual in a key position would be unjust in cases where extenuating circumstances would delay replacement.

Furthermore, we concur with the second proposed change to the rule suggested by the Association and concurred in by Hearing Counsel.

Finally, we concur with Hearing Counsel and have amended the wording in the first numbered paragraph of the proposed rule as they have suggested.

Therefore, pursuant to the authority of sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a), 841(b)); and section 4 of the Administrative Procedure Act (5 U.S.C. 553), paragraph (a) of § 510.5, 46 CFR, is revised by redesignating existing paragraph (a) as paragraph (a)(1) and by adding new subparagraphs (2) through (5). As revised, paragraph (a) reads as follows:

§ 510.5 Requirements for licensing.

(a)(1) A forwarder's license shall be issued to any qualified applicant therefor if it is found that the applicant is, or will be, (i) an independent ocean freight forwarder as defined herein, (ii) fit, willing, and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules, and regulations of the Commission issued thereunder, and (iii) that the proposed forwarding business is or will be, consistent with the national maritime policies declared in the Merchant Marine Act, 1936; otherwise such application shall be denied.

(2) In determining whether an applicant has the qualifications to be considered fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules, and regulations of the Commission, the applicant's training and experience will be considered on the following basis:

(i) In the case of the applicant who owns a sole proprietorship, the individual applicant must himself qualify.

(ii) In the case of an applicant which is a partnership, at least one of the active managing partners must qualify.

(iii) In the case of an applicant which is a corporation or association, at least one of the active corporate or association officers must qualify.

(3) Any license issued to an individual owning a sole proprietorship runs to the individual and not to the sole proprietorship itself. If the licensee transfers ownership of the sole proprietorship, or in any manner withdraws from the sole proprietorship, the sole proprietorship may not act as an ocean freight forwarder until the new owner receives a license. This may be accomplished by transfer of an existing license, which requires approval by the Commission pursuant to § 510.8(d), or by applying for a license as a new applicant.

(4) When a partnership or corporation or association applicant has been licensed based upon the qualifications of one or more partners or officers as set forth in subparagraph (2) of this paragraph, and the qualifying person shall at any time thereafter leave such position, then such change shall be reported to the Commission within 30 days as required by paragraph (c) of this section. Within the same 30-day period the licensee shall furnish the Commission with the name and detailed ocean freight forwarder training and experience of the active managing partner(s) or officer(s) who will qualify the licensee; provided that the Commission, upon a showing of good cause, may grant an extension or extensions of time in which to report the name of the qualifying active managing partner(s) or officer(s).

(5) A license which has been granted pursuant to qualifications of individuals as required by this paragraph may be suspended or revoked, after notice and hearing, for failure to comply with the requirements of this paragraph and to conform to the provisions of the Shipping Act, 1916 and the requirements, rules and regulations of the Commission.

* * * * *

Effective date. This rule will become effective September 15, 1972.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc. 72-12965 Filed 8-15-72;8:51 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1107]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co. Authorized To Operate Over Tracks of Penn Central Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of August 1972.

It appearing, that because of track and bridge damage resulting from flooding, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees (PC), is unable to operate over its line serving Wilkes-Barre, Pa.; that numerous shippers served by the PC at Wilkes-Barre are thereby deprived of railroad service, thus creating an emergency; that the Lehigh Valley Railroad Co., John F. Nash and Richard C. Haldeman, Trustees (LV), has agreed to operate over PC tracks in Wilkes-Barre for the purpose of providing rail service to shippers located on such PC tracks; that there is need for the LV to operate over PC tracks in Wilkes-Barre to provide the service required in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1107 Service Order No. 1107.

(a) *Lehigh Valley Railroad Company, John F. Nash and Richard C. Haldeman, trustees, authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees.* The Lehigh Valley Railroad Co., John F. Nash and Richard C. Haldeman, Trustees (PC), be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees (PC) in Wilkes-Barre, Pa.

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

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., August 10, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12955 Filed 8-15-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Holla Bend National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–16–72).

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

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted on two areas delineated by public hunting signs. These open areas comprising approximately 800 acres are delineated on a map available at refuge headquarters, Russellville, Ark. 72801, and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) Hunting dates: September 9 and 16, 1972.

(2) Two hundred fifty permits will be issued for each hunt. Only one permit will be issued to a hunter and permits are nontransferable. Applications for permits will be accepted after August 14. Each application may contain the name of only one hunter and must indicate a preference for either the 9th or 16th.

(3) Retrievers used by hunters must be kept under control at all times.

(4) All firearms must be enclosed and/or unloaded when outside designated hunting areas.

(5) Hunters under 15 years of age must be accompanied by an adult.

(6) Hunting shall be from 12 noon until sunset each day of the hunt.

(7) No alcoholic beverages will be allowed in the 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 16, 1972.

JACK E. HEMPHILL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1972.

[FR Doc.72-12910 Filed 8-15-72;8:46 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–16–72). These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

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, Portland, OR.

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

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99383.

Special Conditions (McNary Division): (1) Hunters are required to park vehicles in designated parking areas.

(2) Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 23, 1972.

Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, WA 98948.

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

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special Condition: (1) Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays, and November 23, 1972.

Ducks and coots may be hunted on the following refuge area:

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, WA 98948).

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

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

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

Special conditions: (1) Open to the hunting of rabbits in addition to game birds.

(2) Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99323.

Special conditions: (1) Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper.

(2) Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays, and November 23, 1972.

(3) Hunters are required to park vehicles in designated parking areas.

Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, WA 98948.

Special condition: (1) Rabbits may be hunted during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, WA 98948).

Special condition: (1) Cottontail rabbit and snowshoe hare may be hunted during the State season concurrent with the waterfowl season.

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

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 (Leadbetter Point Addition).

Special condition: (1) Pheasant only may be hunted.

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

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, Wash. 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210–BB, Toppenish, WA 98948).

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

Bear, deer, and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions: (1) Archery hunting only is permitted.

(2) Hunters shall report at such check stations as may be established upon entering and leaving the area.

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.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1972.

[FR Doc.72–12913 Filed 8–15–72;8:46 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–16–72).

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

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasants is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

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 January 31, 1973.

RONALD L. PERRY,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 7, 1972.

[FR Doc.72–12912 Filed 8–15–72;8:46 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–16–72).

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

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following conditions:

(1) Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

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.

RONALD L. PERRY,
Refuge Manager, Crescent Lake Nat'l Wildlife Refuge, Ellsworth, Nebraska.

AUGUST 7, 1972.

[FR Doc.72–12911 Filed 8–15–72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Arbitrage Bonds; Notice of Hearing; Postponement

Proposed regulations to be prescribed under section 103 of the Internal Revenue Code of 1954, relating to arbitrage bonds, appear in the FEDERAL REGISTER for June 1, 1972 (37 F.R. 10946). Notice of a public hearing relating to arbitrage bonds also appears in the FEDERAL REGISTER for June 1, 1972 (37 F.R. 10946).

The public hearing scheduled for August 22, 1972, in respect to arbitrage bonds is hereby postponed until further notice.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.72-13081 Filed 8-15-72;9:57 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Proposal Regarding Regulation of Prior-Sanctioned Food Programs

Correction

In F.R. Doc. 72-12714 appearing at page 16407 of the issue for Saturday, August 12, 1972, the table in § 121.101 *Substances that are generally recognized as safe,* should be deleted in its entirety and replaced by the following, which appears in F.R. Doc. 72-12797, Civil Aeronautics Board, on page 16427 of the same issue:

Product	Tolerance	Limitations or restrictions
* * *		* * *
Talc (free of asbestos-form particles).	----------	In chewing gum base and as an anti-sticking agent in forms used in molding food shapes.
* * *		* * *

Social and Rehabilitation Service

[45 CFR Part 206]

INDIVIDUAL'S RIGHT TO APPLY FOR SPECIFIC PUBLIC ASSISTANCE CATEGORY

Notice of Proposed Rule Making

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation clarifies that section 2(a)(8) of Title I of the Social Security Act and parallel provisions in the other public assistance titles assure the applicant's right to select the specific plan of assistance under which he wishes to be considered.

Prior to the adoption of the proposed regulation, consideration will be given any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 30 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202-963-7361.)

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

Dated: July 24, 1972.

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

Approved: August 9, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Section 206.10(a)(1) of Part 206, Chapter II, Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(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) Each individual wishing to do so will have the opportunity to apply for assistance under the plan without delay. Under this requirement (i) each individual may apply under whichever of the State plans he chooses; (ii) the agency accepts application from the applicant himself, his designated representative, or someone acting responsibly for him, in person, by mail or by telephone; (iii) an applicant may be assisted, if he so desires, by an individual(s) of his choice (who need not be a lawyer) in the various aspects of the application process and the redetermination of eligibility, and may be accompanied by such individual(s) in contacts with the agency and when so accompanied may also be represented by them; (iv) individuals eligible for financial assistance are eligible for medical assistance without a separate application.

* * * * *

[FR Doc.72-12945 Filed 8-15-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-155]

ATLANTIC INTRACOASTAL WATERWAY, VERO BEACH, FLA.

Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Merrill P. Barber (State Road 60) bridge across the Atlantic Intracoastal Waterway at Vero Beach to permit closed periods daily from 8 a.m. to 6 p.m., however, the draw shall open on the hour and half hour if any vessels are waiting to pass during this period. The draw is presently required to open on signal at any time. Public vessels of the United States, State, or local government vessels used for public service, tugs with tows and vessels in distress shall be passed at any time. This change is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office

of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 19, 1972 with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.438a immediately after § 117.438 to read as follows:

§ 117.438a State Road 60 bridge, AIWW, Vero Beach, Fla.

(a) Except as provided in paragraph (b) of this section, the draw shall be opened on signal for the passage of vessels.

(b) From 8 a.m. to 6 p.m. daily, the draw need not be opened except on the hour and half hour if any vessels are waiting to pass.

(c) The draw shall open at any time for the passage of public vessels of the United States, State, or local government vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(d) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: August 10, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-12952 Filed 8-15-72;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-50]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 72-12353 appearing on page 15937 of the issue for Tuesday, August 8, 1972, the latitude designation in the 11th line of the transition area description, now reading "30°85'59'"", should read "30°35'59'"".

[14 CFR Part 71]

[Airspace Docket No. 72-CE-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lebanon, Mo.

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 Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A revision has been made to the approach procedure for the Floyd W. Jones Airport, Lebanon, Mo. Accordingly, it is necessary to alter the Lebanon transition area to adequately protect aircraft executing the revised approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

LEBANON, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., Airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 177° bearing of the Lebanon Airport extending from 5 miles to 8.5 miles, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 177° bearing from the Lebanon Airport extending from the airport to 18.5 miles south.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 28, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-12925 Filed 8-15-72;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 72-SO-65]

AREA HIGH ROUTES

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realine area high routes J811R, J874R, and J934R via the Rome, Ga., VOR.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. 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.

The Rockmart Standard Terminal Arrival Route (STAR) has been canceled and the Rome STAR has been implemented in its place for arrivals to Atlanta, Ga., from the west and northwest. The proposed alignment of J811R, J874R, and J934R would be compatible with the revised terminal procedures at Atlanta.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations as follows:

1. In J811R "Rockmart, GA. 34°16' 05''/85°05'51'' Birmingham, AL." would be deleted and "Rome, GA. 34°09'45''/85° 85°07'10'' Birmingham, AL." substituted therefor. (Birmingham 068.2°/93.7°M)

2. In J874R "Rockmart, GA. 34°16' 03''/85°05'51'' Birmingham, AL." would be deleted and "Rome, GA 34°09'45''/85° 07'10'' Birmingham, AL." substituted thereof. (Birmingham 068.2°/93.7°M)

3. In J934R "Bremen, GA. 33°39'32''/ 85°12'55'' Montgomery, AL." would be deleted and "Rome, GA. 34°09'45''/85° 07'10'' Birmingham, AL." substituted therefor. (Birmingham 068.2°/93.7°M)

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 10, 1972.

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

[FR Doc.72-12926 Filed 8-15-72;8:48 am]

[14 CFR Part 91]

[Docket No. 11451; Reference Notice No. 71-33]

FLIGHT PLANS

Withdrawal of Notice of Proposed Rule Making

Correction

In F.R. Doc. 72-11981 appearing on page 15436 of the issue of Wednesday, August 2, 1972, in the first line of the third paragraph the word "objective" should read "objection".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 70-17; Notice 5]

AIR BRAKE SYSTEMS

Truck Tractor Test Conditions; Extension of Time for Comment

This notice extends the comment period on Notice 5 of Docket 70-17 (37 F.R. 12508, June 24, 1972) from August 25, 1972 to October 25, 1972. The action is in response to a timely petition filed by the Freightliner Corp. requesting additional time due to the number of tests needed to make a comprehensive evaluation of the proposal.

Issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on August 9, 1972.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-12928 Filed 8-15-72;8:48 am]

[49 CFR Part 571]

[Docket No. 72-20; Notice 1]

LIGHTWEIGHT MOTOR VEHICLES

Notice of Proposed Rule Making

This notice proposes an amendment to Federal Motor Vehicle Safety Standards, 49 CFR Part 571, that would remove the general provision excepting motor vehicles of 1,000 pounds or less curb weight other than trailers and motorcycles (hereafter referred to as "lightweight vehicles") from the applicability of the safety standards.

The Center for Auto Safety submitted a petition for rule making requesting that § 571.7(a) be amended so as to make the motor vehicle safety standards applicable to all vehicles regardless of weight. An action of this nature was originally proposed on February 21, 1970 (35 F.R. 3297), then was suspended by notice of January 25, 1972 (37 F.R. 1120), pending further examination of the effect such action would have on the development of light urban vehicles.

To the knowledge of this agency, no lightweight vehicles are currently being mass produced in or imported in quantity into this country. Considerable interest has been shown, however, in the development of light vehicles for transportation in metropolitan areas, and there is reason to believe that such vehicles will constitute a significant portion of the vehicle population in the future. This appears to be an appropriate time, therefore, to reconsider NHTSA policy and establish guidelines on this subject.

The NHTSA has tentatively decided that the general exception of lightweight vehicles from conformity with the standards can no longer be justified. The argument against the imposition of the initial safety standards on lightweight vehicles was that it was not practicable for existing vehicles to meet them within their concepts of cost and design, thus the standards would effectively terminate their manufacture or importation. The substantial discontinuance of production or importation of lightweight vehicles diminishes the present cogency of that argument.

It remains true that vehicles in this weight class have inherent disadvantages in meeting standards requiring, for example, structural strength or considerable crush distance. Many other important standards, on the other hand, such as those on lighting, braking, and glazing, should be attainable by lightweight vehicles virtually as easily as by heavier ones. It thus appears in the public interest to consider the needs and problems of lightweight vehicles on a standard-by-standard basis (as is presently done in the case of heavy vehicles, which receive differential treatment in several standards), rather than by an across-the-board exception.

In consideration of the foregoing, it is proposed that 49 CFR 571.7(a) be revised to read as follows:

§ 571.7 **Applicability.**

(a) *General.* Except as provided in paragraphs (c) and (d) of this section, each standard set forth in Subpart B of this part applies according to its terms to all motor vehicles or items of motor vehicle equipment the manufacture of which is completed on or after the effective date of the standard.

* * * * *

Proposed effective date: Six months after publication of the final rule in the FEDERAL REGISTER.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on November 17, 1972, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on July 26, 1972.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc. 72-12929 Filed 8-15-72;8:48 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to add § 890.503(c)(5) and to revise § 890.203(a) of Chapter I of Title 5 of the Code of Federal Regulations to provide for (1) additional funds to be paid from the contingency reserve fund, upon authorization by the Commission; and (2) approval of a new plan to participate in the program to become effective at an open season which is at least 9 months after the Commission receives the Plan's application to participate and at least 6 months after all evidence required for approval has been received by the Commission.

The first change is required because an unanticipated delay in the effective date of 1972 premium increases has resulted in depletion of the contingency reserves of some plans which prevents payments therefrom previously agreed to by the Commission, and for other reasons. The second change is required because new plans have been applying for approval too late for participation in the open season next following approval.

Carriers and other interested persons may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days

after the date of publication of this notice in the FEDERAL REGISTER. The proposed amendments are set out below:

1. Section 890.203(a) is amended to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the U.S. Civil Service Commission, Washington, D.C. 20415. Approval of a plan becomes effective on January 1st which is (1) at least 9 months after the Commission receives the application and (2) at least 6 months after the Commission receives all evidence required to demonstrate that the plan has met all requirements for approval.

2. Section 890.503(c)(5) is added as follows:

§ 890.503 Reserves.

* * * * *

(c) * * *

(5) In addition to those amounts, if any, paid under the above paragraphs of this section, the Commission may authorize such other payments from the contingency reserve fund as in the judgment of the Commission may be in the best interest of employees and annuitants enrolled in the program. Amounts paid from the contingency reserve under this paragraph and under the above paragraphs of this section shall be considered to be subscription charges in the year in which paid.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-12895 Filed 8-15-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18979]

TELEVISION BROADCAST STATIONS IN KERRVILLE-FREDERICKSBURG, TEX.

Order Extending Time for Filing Oppositions to Petition for Reconsideration

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, Kerrville-Fredericksburg, Tex., RM-1387, Docket No. 18979.

1. On June 9, 1972, the Commission adopted a report and order in the above-captioned proceeding. It was published in the FEDERAL REGISTER on June 20, 1972 (37 F.R. 12157). On July 20, 1972, United-Tecon, a party to the proceeding, filed a petition for reconsideration of the report and order. Public notice thereof was given on August 4, 1972 (Report No. 825).

2. Kingstip Communications, Inc. (formerly Southwest Republic Corp.), also a party to the proceeding, has filed a petition requesting that the time in which to submit oppositions to the petition for reconsideration be extended to August 23, 1972. As grounds therefor, it states that it intends to file an opposition, and that because of office vacation schedules coupled with the press of other business before the Commission, its counsel will be unable to prepare a timely pleading without the extension. It further states that counsel for United-Tecon has consented to a grant of the requested extension.

3. It appears that the requested additional time is warranted, and: *Accordingly, it is ordered,* That the time for filing oppositions to the above-mentioned petition for reconsideration is extended to and including August 23, 1972.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's Rules.

Adopted: August 7, 1972.

Released: August 8, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-12948 Filed 8-15-72;8:50 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 72-19]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Proposed Requirements; Enlargement of Time

The Commission's notice of proposed rule making in this proceeding was published in the FEDERAL REGISTER May 20, 1972 (37 F.R. 10389). Upon request of interested persons, and good cause appearing, time within which comments may be filed in response to the notice of proposed rule making is enlarged to and including December 15, 1972. Comments should be submitted in an original with 15 copies.

Time within which hearing counsel's reply to comments may be filed is enlarged to and including January 12, 1973. Answers to hearing counsel's reply shall be submitted on or before February 2, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12966 Filed 8-15-72;8:53 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM 73-2]

GENERAL PRACTICE AND PROCEDURAL RULES (EXCLUDING EVIDENTIARY AND FILING REQUIREMENTS)

Advance Notice of Proposed Rule Making

AUGUST 14, 1972.

The Postal Rate Commission's rules of practice and procedure, 39 CFR Part 3001, were promulgated by the Commission on January 12, 1971 (36 F.R. 396-408). The rules became effective upon publication in the FEDERAL REGISTER. Nonetheless, we invited interested persons to "submit written comments concerning these rules" and between January 29 and March 25, 1971, comments were received from the Associated Third Class Mail Users (ATCMU), the United States Postal Service (Postal Service), and J. C. Penney Co. (Penney).

These comments were uniformly valuable but immediate action upon them was not imperative at that time. Thus, hearings upon the Postal Service's rate application in Docket No. R71-1 and the decision in that docket went forward successfully without any need to amend the rules as published. Our decision to defer action upon the comments was motivated principally by our desire to gain experience under the Postal Reorganization Act and because of our conviction that the rules, as initially promulgated, were amply comprehensive and entirely viable for regulation under the Act without further amendment at that time.

Having now gained substantial experience administering the Act, we believe the time is ripe to take such action as may be appropriate upon the comments presented by the three entities mentioned above. We are mindful, however, of the many parties who actively participated in the Docket No. R71-1 proceeding and we would be remiss not to solicit such views as they may now have concerning our procedural rules before we proceed with the suggested revisions we presently have on file from ATCMU, the Postal Service and Penney.

Accordingly, it is appropriate that we provide interested parties with a further opportunity to comment upon our rules. These comments should be directed only to the procedural provisions of our rules.[1] It would be inappropriate to comment in this separate proceeding upon

[1] Second Class Mail Publications, Inc., has already filed comments in Docket No. RM 73-1 requesting the Commission to adopt rules allowing limited intervention. Recognizing that full-time participation in Commission proceedings can be expensive, the Commission desires to ease the financial burden on interveners who wish to participate only on a limited basis. Accordingly, this Commission will consider the suggestion of Second Class Mail Publications, Inc., in this new, procedural rule making proceeding.

the "evidentiary and filing requirements in rate and classification cases," which are the subject matter of Docket No. RM 73-1. However, it should be noted that the Commission is issuing, concurrently herewith, a second supplemental notice in Docket No. RM 73-1 which prescribes new filing dates for interested parties to file comments therein. The Commission purposefully made those dates identical to the filing dates in the instant proceeding on the assumption that few, if any additional revisions to the rules would be proposed at that time; thus, the additional workload on parties will be minimal. In addition, those parties commenting in each docket will incur a smaller service and mailing expense if the filing dates are the same in both Dockets Nos. RM 73-1 and RM 73-2.

Therefore, in consideration of the foregoing, the Commission adopts the following procedures for receiving comments from interested persons in this proceeding:

(1) Any interested person may become a party to this proceeding by filing with the Secretary of the Commission, on or before August 25, 1972, a notice of intention to respond in writing pursuant to this paragraph; parties having a common interest shall combine in a group, where desirable, and advise the Secretary of that fact. The Secretary will thereupon prepare and publish, on August 31, 1972, a list of all parties. Parties shall certify that all other parties, or a group's designated representative, have been served with a copy of any subsequent filing.

(2) The time for filing proposals for revision of the rules of practice and procedure promulgated by the Commission on January 12, 1971,[2] shall be set for September 29, 1972. The Postal Service, ATCMU, and Penney shall identify specifically any prior proposals which they continue to advocate.

(3) The time for filing reply comments responding to the initial comments invited in paragraph (2), above, shall be set for October 13, 1972.

(4) The comments of the parties shall be filed with the Secretary at the Postal Rate Commission, Washington, D.C. 20268. All comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of the Secretary, 2000 L Street NW., Washington, DC 20268, during regular business hours. The Commission will consider all written comments filed in accordance with the procedures established herein.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[FR Doc.72-13046 Filed 8-15-72;8:53 am]

[2] Excluding evidentiary and filing requirements which are the subject of the rule making proceeding in Docket No. RM 73-1.

[39 CFR Part 3001]

[Docket No. RM 73-1]

EVIDENTIARY AND FILING REQUIREMENTS IN RATE AND CLASSIFICATION CASES

Second Supplemental Notice of Proposed Rule Making

AUGUST 14, 1972.

This rule making proceeding was instituted by the Postal Rate Commission to consider, as stated in the advance notice issued herein on July 17, 1972 (37 F.R. 14243), "rule making action to amend its regulations governing evidentiary and filing requirements in rate and classification cases." By supplemental notice issued July 28, 1972 (37 F.R. 15437), we published proposed amendments to the Commission's rules prepared by a staff task force which were accompanied by draft report forms illustrative of "the detailed nature of the information which the task force thinks the Commission should have." Interested parties were invited to submit comments on the staff task force's proposal on or before August 31, 1972.

On August 8, 1972, the U.S. Postal Service (Postal Service) filed a motion requesting that it be served with copies of all comments filed with the Commission by interested parties and, further, that the Postal Service and other interested parties be allowed to file replying comments thereto on or before September 29, 1972.[1]

The Commission's supplemental notice herein expressly contemplated that parties would provide the Commission with "their counter proposals and suggestions." While this invitation was addressed to those desiring to submit alternative amendments and forms in substitution for those developed by the staff task force, it clearly will aid the progress of this proceeding if parties also comment upon all proposals.

To achieve that end we are establishing procedures (infra) whereby interested persons can immediately become parties to this proceeding by writing to the Commission's Secretary who, in turn, will publish a list of parties to be used for the service of initial comments and reply comments. The Postal Service has suggested that time be allowed for the filing of reply comments; we adopt that suggestion as hereinafter prescribed.

With regard to filing dates, the Commission is of the view that additional time should be allowed for the filing of initial comments to the staff's proposed amendments and report forms. Our own continuing analysis of the staff's proposal has convinced us that comments from the parties will be better developed and more meaningful if we, on our own motion, extend the time for filing initial comments from August 31 to September 29, 1972. Our view, in this connection, has been reinforced by the motions of the Association of American Publishers, Inc. (AAP) and the Magazine Publishers Association, Inc. (MPA), filed on August 9 and 11, to extend the time for filing initial comments. We believe that an extension to September 29 will provide sufficient time to all interested parties for the preparation of detailed comments. Reply comments will be due on October 13.

Therefore, in consideration of the foregoing, the Commission amends the July 28 notice herein as follows:

(1) Any interested person may become a party to this proceeding by filing with the Secretary of the Commission, on or before August 25, 1972, a notice of intention to respond in writing pursuant to this paragraph; parties having a common interest may combine in a group, where desirable, and advise the Secretary of that fact. The Secretary will thereupon prepare and publish, on August 31, 1972, a list of all parties. Parties shall certify that all other parties, or a group's designated representative, have been served with a copy of any subsequent filing.

(2) The time for filing initial comments upon the proposed regulations governing evidentiary and filing requirements in rate and classification cases, promulgated herein on July 28, 1972, shall be extended from August 31 to September 29, 1972.

(3) The time for filing reply comments responding to the initial comments invited in paragraph (2), above, shall be set for October 13, 1972.

(4) The comments of the parties shall be filed with the Secretary at the Postal Rate Commission, Washington, D.C. 20268. All comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of the Secretary, 2000 L Street NW., Washington, DC 20268, during regular business hours. The Commission will consider all written comments filed in accordance with the procedures established herein.

(5) AAP and MPA's requests for an extension of time are granted insofar as specified herein.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[FR Doc.72-13045 Filed 8-15-72;8:53 am]

[1] Alternatively, the Postal Service requested the Commission to publish a notice in the future of the rules it proposes to adopt and to allow additional comment upon such proposed rules. In view of our action herein, the Postal Service's alternative request is moot.

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 363; Delegation of Authority No. 124]

SECRETARY OF STATE ET AL.

Delegation of Functions Under Peace Corps Act

By virtue of the authority vested in me by Executive Order No. 11603 of June 30, 1971 (36 F.R. 12675), the Peace Corps Act (75 Stat. 612) (hereinafter "the Act"), section 4 of the Act of May 26, 1949 (63 Stat. 111), and as Secretary of State, it is ordered as follows:

SECTION 1. *Functions reserved to the Secretary of State.* There are hereby reserved to the Secretary of State:

(a) The direction of the negotiation, conclusion, and termination of international agreements pursuant to the Act.

(b) The approval of assignment of the Peace Corps to perform services which could more usefully be performed by other available agencies of the United States in the country concerned pursuant to the proviso to section 4(d) of the Act.

SEC. 2. *Function delegated to the Deputy Secretary of State.* The following function is hereby delegated to the Deputy Secretary of State:

(a) So much of the function conferred upon the Secretary of State by section 4(c)(3) of the Peace Corps Act as relates to effective integration of programs authorized by the Act both at home and and abroad so that the foreign policy of the United States is best served thereby. to the Deputy Secretary of State.

SEC. 3. *Functions delegated to other officers of the Department of State.* The following functions are hereby delegated through the Deputy Secretary of State to the officers of the Department of State as indicated:

(a) So much of the function conferred upon the Secretary of State by section 4(c)(3) of the Act as relates to continuous supervision and general direction of programs authorized by the Act, to the Counselor.

(b) The function of coordinating any substantial change in policies in effect on July 1, 1971, for the utilization of the Foreign Service Act of 1946, as amended, pursuant to section 7 of the Act, as provided by section 105(c) of Executive Order 11603, and the functions with respect to laws administered by the Secretary of State conferred upon the President by section 5(f)(1)(B) of the Act, to the Deputy Under Secretary of State for Management.

(c) The function of promulgating regulations prescribing the time and conditions for the admission as nonimmigrants of foreign nationals who are engaged in activities under the Act or who are under contract for personal services under section 10(a)(4) of the Act conferred upon the Secretary of State by the proviso in section 9 of the Act, to the Administrator of the Bureau of Security and Consular Affairs.

(d) The function of determining that the assignment of volunteers in special cases to temporary duty with international organizations and agencies would serve the purposes of the Act conferred upon the Secretary of State by section 10(a)(2) of the Act, to the Assistant Secretary of State for International Organization Affairs.

SEC. 4. *General provisions.* (a) Any reference in this Delegation of Authority to any Act, order or delegation of authority shall be deemed to be a reference to such Act, order, or delegation of authority as amended from time to time.

(b) Nothing in this Delegation of Authority is intended to affect the existing authority of the Deputy Secretary of State, Under Secretary of State for Political Affairs, Under Secretary of State for Economic Affairs, Under Secretary of State for Security Assistance, the Deputy Under Secretary of State for Management, or the Counselor to act on behalf of the Secretary of State.

(c) Notwithstanding any provisions of this Delegation of Authority, the Secretary of State may at any time exercise any function delegated by this Delegation of Authority.

(d) Delegation of Authority No. 85–11A of August 29, 1962 (27 F.R. 9074), as amended, is superseded: *Provided:*

That all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any functions affected by this Delegation of Authority, and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(e) This Delegation of Authority shall be effective upon the date when it is published in the FEDERAL REGISTER (8–16–72).

Dated: August 4, 1972.

JOHN N. IRWIN II,
Acting Secretary of State.

[FR Doc.72–12918 Filed 8–15–72;8:47 am]

[Public Notice 362]

PORTAL PIPE LINE CO.

Notice of Application for Pipeline Permit

The Department of State has received an application from Portal Pipe Line Co., a Delaware corporation having its main office at St. Paul, Minn., for a permit to construct, operate, and maintain a crude oil pipeline connection across the border between the United States and Canada in either North Dakota or Montana.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER (8–16–72).

Dated: August 7, 1972.

For the Secretary of State.

[SEAL] CARL F. SALANS,
Deputy Legal Adviser.

[FR Doc.72–12949 Filed 8–15–72;8:50 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Treasury

USE OF DATA PROCESSING EQUIPMENT AND FURNISHING OF DATA PROCESSING SERVICES BY NATIONAL BANKS

Invitation for Comments

The Comptroller of the Currency is considering a revision to a published interpretive ruling, I.R. 7.3500, which deals with the utilization of data processing equipment by national banks. While the issuance of interpretive rulings by the Comptroller is not the subject of either formal or informal rule making proceedings (see 5 U.S.C. section 553 (b)(A)), the Comptroller, nevertheless, desires to have the benefit of the views, comments, and suggestions of the banking and data processing industries as well as other interested persons as to whether I.R. 7.3500 should be revised to delineate more clearly the role of national banks, under the National Bank Act, 12 U.S.C. section 1, 24 et seq., in the utilization of data processing equipment and the furnishing of data processing services.

Accordingly, interested persons are invited to submit on or before September 15, 1972, written comments and suggestions to the following address:

Office of the Comptroller of the Currency, Attention: Robert Bloom, Chief Counsel, Treasury Building, Washington, D.C. 20220.

All written comments submitted pursuant to this notice must identify their subject matter by reference to "Proposed Revision to I.R. 7.3500." Two copies are required.

All communications received pursuant to this notice will be available before and for 10 days following the closing

date for examination by interested persons. All timely comments will be considered.

Considerations which the Comptroller presently believes should be taken into account in a revision of I.R. 7.3500 include at least the following:

1. The degree and nature of data processing capability appropriate for national banks to perform their roles in the most efficient operation of the payments system and the concomitant facilitation of business and commerce;

2. The present and prospective application of data processing technology to maximize the speed, accuracy, and convenience of intra- and inter-bank functions and bank-customer relationships;

3. The comparative advantages and disadvantages of bank competition in the furnishing of data processing services to the public;

4. The degree to which banks constitute the sole and/or one of few alternative sources of particular types of data processing services in particular markets;

5. The nature and extent of risk through technological obsolescence involved in bank development and utilization of electronic data processing equipment and the implications of bank investment in such technology for the safety and stability of the banking system;

6. The extent to which bank development and marketing of EDP technology may present opportunities for economic coercion or unfair competition and the methods by which such opportunities, if they exist, may best be eliminated or minimized;

7. The extent to which bank development and marketing of data processing services would or would not provide additional competitive choices for the public, stimulate better service or promote the more efficient utilization and marketing of EDP technology and its application in the commercial affairs of the country; and

8. The extent, if any, to which in-house development of EDP capability by banks is necessary to maximize the security of confidential customer records.

The above listed considerations are not intended to be exhaustive but merely to indicate some of the subjects and issues upon which the Comptroller would like to receive discussion prior to the issuance of a revised interpretive ruling, if any. Persons submitting comments, therefore, should not consider themselves limited by the areas of inquiry suggested.

Dated: August 10, 1972.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-12931 Filed 8-15-72;8:48 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-102]

SMALL BUSINESS EXEMPTION; JOINTLY NEGOTIATED CONTRACTS

Cost of Living Council Ruling

Facts. Five ready-mix cement companies have historically negotiated wage contracts with one union, which is the sole bargaining agent for all of the union employees in the five companies. The companies have never formally formed an association, but negotiate jointly with the union agent. When the employment terms are agreed to, each company is furnished and signs an identical contract, differing only in the name of the company. No one of the companies has more than 60 employees. The total union employees in all five companies are 76, nonunion 17, as follows:

Company	Union	Nonunion
Company A	5	3
Company B	9	
Company C	30	4
Company D	24	8
Company E	8	2
Total employees	76	17

Issue. Are five companies, which negotiate jointly for wage contracts with one union as the sole bargaining agent for all the employees of these companies, precluded from the small business exemption by the "other employment contract" test in Economic Stabilization Regulations, 6 CFR 101.51(a)(2)(iv) (1972)?

Ruling. Yes. Under Economic Stabilization Regulations, 6 CFR 101.51(a) (1972), firms existing as of December 31, 1971, can qualify for the small business exemption if they have an average of 60 or fewer employees. Section 101.51 (a)(2)(iv) of the regulations is specific that disqualification from the small business exemption, if a master contract test is involved, is determined immediately preceding the effective date of the regulations. Hence, employer-employee negotiating practices in use prior to the effective date of § 101.51 of the regulations are controlling, rather than any newly developed negotiating procedures.

Section 101.51(a)(2)(iv) disqualifies a firm, if 50 percent or more of the employees have an employment contract covering over 60 employees, negotiated on a joint basis. The fact that the companies have not formed a formal association for negotiating purposes does not remove this disqualification for this subsection of the regulations is phrased in the alternative ("contract which is negotiated on a joint or association basis"). Therefore, § 101.51(a)(2)(iv) applies and precludes the companies from being eligible for the small business exemption.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: August 10, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 10, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-12936 Filed 8-15-72;8:49 am]

[Price Commission Ruling 1972-221]

REBATES—INCREASED COST

Price Commission Ruling

Facts. P Company, a manufacturer of retractable ball point pens, sells a low-priced pen to its distributors for $14.40 a gross. The distributors resell the pens to retail outlets for $28.80 a gross. D, P Company's distributor for the Western States has asked P Company to raise the price of its pens to its distributors to $21.60 a gross. D will then resell the pens to retail outlets for $43.20 a gross. Neither P nor D anticipate any increased expendtiures for promotions or advertising, nor does P have or anticipate any other increased allowable costs. However, at the end of the "back-to-school" season, P Company, under D's scheme, would credit D's account with a promotional or advertising allowance of $7.20 for every gross of pens solds.

Issue. 1. Is this promotional or advertising allowance an allowable cost to P Company which may be reflected in an increased price?

2. May D charge retailers an increased price by applying its customary initial percentage markup to the increased cost of the pens?

Ruling. 1. No. Economic Stabilization Regulations, 6 CFR 300.5 (1972) defines allowable cost as any cost, direct or indirect. However, in this case the promotional or advertising allowance is a rebate without economic significance. In these circumstances, the Price Commission would not allow the rebate as an allowable cost under 6 CFR 300.5 (1972).

2. No. Wholesalers (and retailers) are governed by the provisions of 6 CFR 300.13 (1972), which contains a customary initial percentage markup test and a profit margin test. "Customary initial percentage markup" as defined by 6 CFR 300.5 (1972), is to be applied to the cost, which is the purchase price actually paid, of merchandise when first offered for sale. On the facts stated, there is no actual cost increase for the pens to D because of the bargained for rebate in an amount equivalent to the increase in cost of the pens. An analogy cannot be drawn between items such as a percentage discount for prompt payment and the illusory promotional allowance illustrated in the facts above. The two transactions are therefore a wash. This result would obtain regardless of the accounting methods employed by P Company and D.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: August 9, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: August 9, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-12935 Filed 8-15-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-6453]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 4, 1972.

In F.R. Doc. 72-11649 appearing on page 15021 of the issue for Thursday, July 27, 1972, the privately owned lands described in sections 15 and 17, T. 15 N., R. 19 E., are corrected to read as follows:

Sec. 15, lot 1, M.S. 38, NW¼, S½;
Sec. 17, NE¼, N½NW¼, that part southeast of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line, NE¼SW¼, S½SW¼, SE¼.

ROLLA E. CHANDLER,
Chief, Division of Technical Services.

[FR Doc.72-12907 Filed 8-15-72;8:46 am]

[OR 6534]

OREGON

Notice of Classification of Public Lands for Disposal by Exchange

AUGUST 9, 1972.

Pursuant to the regulations in 43 CFR 2462.2, the land described below is hereby classified for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g), for lands within the Salem District:

WILLAMETTE MERIDIAN

T. 7 S., R. 4 E.,
Sec. 13, NW¼NW¼.

The area described contains about 40 acres in Clackamas County.

For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.72-12909 Filed 8-15-72;8:46 am]

[OR 6534]

OREGON

Notice of Termination of Proposed Classification in Part

AUGUST 9, 1972.

As a result of investigations following publication of notice of proposed classification (F.R. Doc. 70-11676 on page 14008 of the issue for September 3, 1970), the land described below is believed to have other values. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2462, the proposed classification is hereby terminated as to the following described land:

WILLAMETTE MERIDIAN

T. 8 S., R. 4 E.,
Sec. 9, S½ excluding the area of Mineral Survey No. 710.

The area described contains about 226.803 acres in Clackamas County.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc.72-12908 Filed 8-15-72;8:46 am]

Bureau of Mines

MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Approved Nationally Recognized Agencies

By separate notice published in the FEDERAL REGISTER this date there has been promulgated new §§ 75.1103-2 through 75.1103-11 of Part 75, Title 30, Code of Federal Regulations, relating to standards for the installation of automatic warning devices and fire suppression devices on belt haulageways. Section 75.1103-2 makes reference to nationally recognized agencies for certain purposes described in that section. Notice is hereby given that the following named nationally recognized agencies are approved for the purposes of § 75.1103-2:

Underwriters' Laboratories, Inc., and Factory Mutual Engineering Corp.

Dated: August 11, 1972.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-12972 Filed 8-15-72;8:52 am]

Office of the Secretary

GEORGE W. PUSACK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 1, 1972.

Dated: July 21, 1972.

G. W. PUSACK.

[FR Doc.72-12914 Filed 8-15-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PROPOSED TIMBER MANAGEMENT PLAN, COCONINO NATIONAL FOREST, ARIZONA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Timber Management Plan for the Coconino National Forest.

The environmental statement concerns a 10-Year Timber Management Proposal for the Coconino National Forest.

This draft environmental statement was filed with CEQ August 10, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue SW., Washington, D.C.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM.
Coconino National Forest, 114 North San Francisco Street, Post Office Box 1268, Flagstaff, AZ.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, Post Office Box 1389, Flagstaff, AZ 86001. Please refer to the name and number of the statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Don Seaman, Post Office Box 1268, Flagstaff, AZ 86002. Comments must be received by September 15, 1972, in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

AUGUST 10, 1972.

[FR Doc.72-12932 Filed 8-15-72;8:48 am]

Office of the Secretary

WISCONSIN

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 Wisconsin natural disasters have caused a general need for agricultural credit:

COUNTIES	
Buffalo.	Pepin.
Grant.	

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 11th day of August 1972.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-12933 Filed 8-15-72;8:48 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. 290]

OGLEBAY NORTON CO.

Notice of Application

Notice is hereby given that Oglebay Norton Co., a Delaware corporation which has its principal office located at 1200 Hanna Building, Cleveland, Ohio 44115, has filed an application with the Maritime Subsidy Board (the Board) pursuant to the Merchant Marine Act, 1936, as amended (the Act) for operating-differential subsidy for a 2-year period covering the combined part-time employment of approximately 14 of its vessels on foreign subsidized voyages (as defined in 46 CFR 279.2 published April 22, 1972) up to a limit of 2 ship-years (meaning 520 calendar days) of subsidized operating time for each calendar year of the agreement. Intended operations are not limited to particular origin-destination trades but encompass the carriage of dry bulk cargoes in U.S. foreign commerce between any and all U.S. ports on the Great Lakes, connecting rivers and St. Lawrence River, and Canadian ports on the Great Lakes, connecting rivers, St. Lawrence River and Gulf of St. Lawrence.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry in the carriage of dry bulk cargo tonnage moving in the foreign commerce of the United States in the above-described areas is inadequate, must, or on before August 31, 1972, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the transportation of dry bulk cargo tonnage in the above-described areas in the foreign commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropppriate.

Dated: August 14, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-13056 Filed 8-15-72;8:53 am]

[Docket No. S-291]

OGLEBAY NORTON CO.

Notice of Application

Notice is hereby given that the Oglebay Norton Co. has filed an application under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy on vessels to be employed in U.S. foreign trade. Inasmuch as Oglebay Norton Co. owns and/or operates U.S.-flag bulk cargo vessels which are employed in the domestic Great Lakes service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended will be required for Oglebay Norton Co., if its application for operating-differential subsidy is granted.

Oglebay Norton Co. advises that it owns or operates approximately 18 U.S.-flag vessels. Oglebay Norton Co., accordingly requests permission in its operating-differential subsidy contract for transportation of dry bulk cargoes within the area of the Great Lakes, connecting rivers and St. Lawrence River with free interchange of the vessels in that domestic trade.

As information, the following U.S.-flag bulk cargo vessels are owned or operated by Oglebay Norton Co.:

Edmund Fitzgerald.	J. R. Sensibar.
Middletown.	Crispin Oglebay.
Armco.	W. W. Holloway.
Reserve.	Tomlinson.
Ashland.	Sylvania.
J. Clare Miller.	Wyandotte.
James Davidson.	Huron.
Joseph H. Frantz.	Robert C. Norton.
Frank Purnell.	W. C. Richardson.

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application, must, by close of business on August 31, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on Wednesday, September 6, 1972, in Room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805 (a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the domestic services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: August 14, 1972.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-13057 Filed 8-15-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[CAP 2C0104]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 2C0104) has been filed by Davis & Geck Division, American Cyanamid Co., Pearl River, N.Y. 10965, proposing that § 8.4070 *D&C Green No. 6* (21 CFR 8.4070) be amended to provide for the safe use of D&C Green No. 6 (1,4-di-p-toluidino-

anthraquinone) in coloring polyglycolic acid surgical sutures.

Dated: August 8, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-12906 Filed 8-15-72;8:48 am]

National Institutes of Health

DIVISION OF RESEARCH GRANTS

Notice of Meeting Regarding Endocrinology Study Section

Pursuant to Executive Order 11671 notice is hereby given of the meeting of the following study section and the executive secretary from whom a summary of the meeting may be obtained.

Study section	Date	Time	Location of meeting
Endocrinology Mr. Morris Graff	Aug 23, 1926	9 a.m.	Bethesda, Md.

This meeting shall be closed to the public in accordance with section 13(d) of Executive Order 11671, in order to review, discuss and evaluate and/or rank grant applications.

Dated: August 9, 1972.

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

[FR Doc.72-12944 Filed 8-15-72;8:49 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS

Notice of Public Meeting

In accordance with the provisions of Executive Order No. 11676, dated June 5, 1972, announcement is made of a public meeting of the Secretary's Advisory Committee on Automated Personal Data Systems, to be held beginning at 9 a.m. on Thursday, August 17, 1972, and continuing through Saturday, August 19, 1972. The Committee will meet on August 17 and 18 at Stone House (Building 16), National Institutes of Health, Bethesda, Md.; the place of meeting on August 19 will be announced at the August 18 meeting.

(1) *Purposes.* The Committee was appointed to advise and assist the Department of Health, Education, and Welfare in the preparation of analyses and recommendations which the Secretary determines will help the Department to take initiative in seeking to assure that the use of automated data systems will be managed to maximize their benefits and minimize their potential for harmful consequences.

(2) *Membership.* The Committee is chaired by Frances Grommers, M.D., and is composed of the following: Layman E. Allen, Juan A. Anglero, Stanley J. Aronoff, William T. Bagley, Philip M. Burgess, Gertrude M. Cox, K. Patricia Cross, Gerald L. Davey, J. Taylor DeWeese, Guy H. Dobbs, Robert R. J. Gallati, Florence R. Gaynor, John L. Gentile, Jane L. Hardaway, James C. Impara, Patricia J. Lanphere, Arthur R. Miller, Don M. Muchmore, Jane V. Noreen, Roy Siemiller, Ruth Silver, Sheila Smythe, Willis Ware, and Joseph Weizenbaum.

(3) *Activities.* This will be the fifth meeting of the Committee. As at prior meetings, representatives of governmental and private agencies and institutions appear and present to the Committee information on various aspects of specific data systems and discuss issues relating to the use of such systems and their impact on privacy, confidentiality, and due process.

(4) *Agenda.* The agenda for the August 17, 18, and 19 meetings will include presentation by representatives of:

(a) Indian Health Service, Health Services and Mental Health Administration, DHEW.

(b) Trans World Airlines.

(c) Department of Communications, Government of Canada.

(d) Federal Bureau of Investigation.

(e) National Guaranteed Student Loan Program, Office of Education, DHEW.

(f) General Electric Credit Corp.

(g) Social and Rehabilitation Service and Social Security Administration, DHEW, together with representatives of the welfare and social service departments of certain States.

It is suggested that those desiring more specific information about the meeting call the Office of the Executive Director at (202) 963-3003.

DAVID B. H. MARTIN,
Executive Director.

AUGUST 11, 1972.

[FR Doc.72-13030 Filed 8-15-72;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

WALT WHITMAN AND BENJAMIN FRANKLIN BRIDGE TOLLS

Notice of Public Hearing

The Federal Highway Administrator has received protests that the tolls now charged by the Delaware River Port Authority for transit over the Walt Whitman and Benjamin Franklin bridges between Philadelphia, Pa., and Camden, N.J., are not reasonable and just by reason of a change in tolls which occurred on April 1, 1972. The protestants have asked the Administrator to prescribe reasonable rates of toll for transit over those bridges pursuant to section 503 of the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 526).

The old and new toll schedules to which the protests are directed are as follows:

Vehicle type	New schedule as of Apr. 1, 1972	Old schedule as of Feb. 1, 1968
Passenger cars and light trucks: [1]		
Cash toll	$0.60	$0.50
Commuters [2]	.35	.25
Special tickets [3]		.35
Heavy trucks and buses: [4]		
Two-axle, six-tire trucks	1.50	1.00
Three-axle	2.25	1.50
Four-axle	3.00	2.00
Five-axle	3.75	2.50
Six-axle	4.50	3.00
Buses, two-axle	1.50	.75
Buses, three-axle	2.25	.75
Miscellaneous:		
Motorcycles	.60	.25
Automobiles with one-axle trailer	.90	.75
Automobiles with two-axle trailer	1.20	.75

[1] The trucks in this category are light "pickup and panel" having four tires and registered for a gross weight not exceeding 7,000 pounds.

[2] The commuter books have changed from 40 tickets for $10 valid for 2 months and usable by any car or light truck to a book containing from 40 to 50 tickets priced from $14 to $17.50 and restricted to use by the single vehicle for which the book is sold.

[3] Special books containing 20 tickets for $7 have been eliminated under the new toll schedule.

[4] Under the old schedule, trucks in this cateory were eligible for a 10 percent toll scrip discount. Under the new schedule, this discount will apply to trucks and buses.

The Administrator has decided to conduct a hearing under the Administrative Procedure Act (5 U.S.C. 554-558) and the Federal Highway Administration's bridge toll procedural rules (49 CFR 310.1-310.14) for the purpose of affording all interested parties the opportunity to submit, orally or in writing, data, views, facts and arguments relevant to the question whether the present toll rates are reasonable and just and the question whether the Administrator should prescribe the reasonable rates to be charged for transit over the bridges.

In consideration of the foregoing, notice is hereby given that the Federal Highway Administrator will hold a public hearing for this purpose. The hearing will be adversary in nature and will be conducted before Louis A. La Vecchia, a hearing examiner. It will be held in Philadelphia, Pa., and will convene on September 18, 1972. The hearing examiner will announce the exact time and place of the hearing in the FEDERAL REGISTER.

Interested persons are invited to attend the hearing and present oral or written evidence on the issues set forth above, which will be made a part of the record of the hearing. Persons submitting statements or testimony to be considered as part of the record for decision will be subject to cross-examination by any other participant. The hearing examiner will provide reasonable opportunity for persons desiring to express their views for the record, but not to participate in the adversary proceeding, to make or file short unsworn statements. Any person who desires to participate in the hearing and to offer evidence in oral or documentary form should notify the hearing examiner at the address given below, not later than September 11, 1972, stating the nature of and approximate amount of time requested for making his presentation.

The chief counsel of the Federal Highway Administration will participate in the hearing as public counsel and will offer evidence at the conclusion of the protestants' and respondents' presentations.

In addition to the powers conferred by 5 U.S.C. 556(c) and 49 CFR Part 310, the hearing examiner shall have power to make all needful rules and regulations to govern the conduct of the hearing.

After the hearing the hearing examiner will issue a recommended decision, and thereafter certify the entire record to the Federal Highway Administrator. Prior to such recommended decision, interested parties will be afforded reasonable opportunity, as determined by the hearing examiner, to submit proposed findings and briefs. Thereafter, exceptions to the recommended decision and findings of fact, together with briefs thereon, may be filed with the Federal Highway Administrator within 15 days after the date the decision and findings are served.

All communications concerning the hearing should be addressed to the Hearing Examiner, Philadelphia Bridge Tolls, Mr. Louis A. La Vecchia, Bureau of Hearings and Appeals, Social Security Administration, Room 816, 1717 West End Avenue, Nashville, TN 37203.

Issued in Washington, D.C., on August 10, 1972.

R. R. BARTELSMEYER,
Acting Federal Highway Administrator.

[FR Doc.72-12953 Filed 8-15-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Hearing on Application for Construction Permit

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 Jersey Central Power & Light Co. (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1 (the facility), which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,129 megawatts. The proposed facility is to be located at the applicant's site on the Atlantic coast, approximately 2 miles south of the community of Forked River, 2¾ miles inland from the shore of Barnegat Bay, about 8 miles west-northwest of Barnegat Light, which is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J. The hearing will be held in the vicinity of the site of the proposed facility.

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 report prepared by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a 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 a construction permit to the applicant:

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 applicant has described the proposed design of the facility 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 applicant and the applicant has 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 facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility 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 facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility 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 permit 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 permit 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 permit should be issued to the applicant.

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 compiled 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 permit should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permit, the applicant's environmental report and supplemental environmental report, and as they become available, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the applicant's summary of the application, the safety evaluation by the Commission's regulatory staff, the Commission's draft and final detailed 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 Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753, for inspection by members of the public between the hours of 11 a.m. and 5:30 p.m.

and 7 p.m. and 9:10 p.m. daily, and from 10:30 a.m. to 5:30 p.m. on Saturday. Copies of the applicant's 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 detailed 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 in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States 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 has all rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he 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 quesions 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 applicant 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 the chairman, the vice chairman, and 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 7th day of August 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-12890 Filed 8-15-72;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER & LIGHT CO.

Notice of Hearing on Application for Construction Permit

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 Louisiana Power & Light Co. (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the Waterford Steam Electric Station, Unit 3, (the facility), which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,165 megawatts. The proposed facility is to be located at the applicant's site on the west bank of the Mississippi River near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La. The hearing will be held in the vicinity of the site of the proposed facility.

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 a construction permit to the applicant:

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 applicant has described the proposed design of the facility 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 opment have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions asany, which require research and develsociated 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 facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility 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 facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility 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 permit 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 permit 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 permit should be issued to the applicant.

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 permit should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permit, the applicant's environmental report, and, as they become available, the report of the Commission's Advisory Committee on reactor safeguards, the proposed construction permit, the applicant's 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 St. Charles Parish Library, Hahnville, La., for inspection by members of the public between the hours of 12 noon and 7 p.m., Monday through Thursday, 9 a.m. and 5 p.m. on Friday, and 9 a.m. and 1 p.m. on Saturday. Copies of the applicant's environmental report (to the extent of supply), 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 has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he 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 applicant 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 7th day of August 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-12889 Filed 8-15-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24638; Order 72-8-51]

ALLEGHENY AIRLINES, INC.

Order Staying Further Procedural Steps

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1972.

On July 28, 1972, Allegheny Airlines, Inc. (Allegheny) filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for Route 97 to permit, inter alia,[1] nonstop operations without subsidy eligibility between Cleveland and Cincinnati, both of which are on segment 10.

[1] The remaining portion of the application requests authority to operate nonstop service without subsidy eligibility between Cleveland and Louisville/Rochester, which are points on different segments. This portion is therefore governed by § 302.1305(b).

American Airlines, Inc., has filed a statement requesting dismissal of the application.

Upon consideration of the foregoing and acting pursuant to § 302.1305(a) of the Board's procedural regulations, we have decided to stay further procedural steps with respect to the on-segment portions of this application pending further order of the Board.

Accordingly, it is ordered, That:

1. Further procedural steps with respect to the application of Allegheny Airlines, Inc., in Docket 24638 insofar as it requests authority to operate nonstop service between Cleveland and Cincinnati be and they hereby are stayed until further order of the Board.

2. This order shall be served upon all parties served by Allegheny in its application in this docket.

This order shall be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12974 Filed 8-15-72;8:52 am]

[Docket No. 24658; Order 72-8-55]

CF AIR FREIGHT, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of August 1972.

By tariff revision bearing the issue date of July 7 and marked to become effective August 14, 1972, CF Air Freight, Inc. (CF), an airfreight forwarder, proposes to modify its tariff to include under shipments not acceptable for carriage shipments of watches, watch parts, and clocks when the declared value exceeds 50 cents per pound.

A complaint requesting suspension and investigation of the proposed rule has been filed by the American Watch Association, Inc. (AWA).[1] The complaint alleges, inter alia, that the members of the AWA are extremely dependent upon air transportation, particularly because of the extreme seasonality of demand for watches; detailed inquiries uncovered no evidence that CF sustained the alleged volume of losses during the period in question; the proposal is discriminatory in that it encourages only that traffic which the forwarder believes more desirable and lucrative, and at the same time imposes what is in effect an unrestricted embargo of unlimited duration; the proposal is antithetical to the Board's intention in EDR-214 to restrict the rights of direct air carriers to impose limited embargoes of short duration for specific operational reasons; and the Board has previously suspended somewhat similar provisions on clocks, watches, and furs proposed by the direct air carriers.

In support of its filing and in answer to the complaint, CF asserts, inter alia, that effective June 1, 1972, the insurance company which underwrote the policy covering its legal liability and excess value declarations canceled the insurance due to the high incidence of watch thefts since December 1, 1971. These thefts have been in excess of $100,000. The insurance company presently underwriting this coverage has excluded watches, watch parts and clocks due to the inordinate amount of loss. Since the value of many shipments of these commodities exceeds $50,000, CF alleges that it cannot assume the risk of self-insurance with the anticipation that the thefts will continue at the present pace.

Upon consideration of all relevant factors, the Board finds that CF's currently proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that CF's proposed rule should be suspended pending investigation.

By proposing to refuse to handle shipments of watches, etc., with a declared value in excess of 50 cents per pound, CF would, in effect, be limiting its liability on watches to 50 cents per pound without offering the shipper a choice of higher liability at additional rates. This is contrary to the common law concept that the validity of a limitation on liability (or a released rate) is dependent upon the shipper having an option for greater liability at greater rates. The Board, in Order 71-2-36, in connection with a direct carrier's charter liability, and in Order 70-1-34 covering the suspension of the nonacceptance of parcel post shipments valued in excess of $200 proposed by WTC Air Freight, stated that "A choice of rates and liability is considered essential to the validity of a carrier's limitations on its common carrier responsibilities."

As alleged in the AWA petition the instant proposal would discriminate against watches and is similar to provisions previously suspended proposing the cancellation of pickup and delivery service in connection with shipments of watches, etc., and furs, by the direct air carriers.[2] The Board suspended the cancellation of pickup and delivery service on clocks and watches essentially on the ground that "In view of the adverse impact that the cancellation * * * will have on the shipper and/or consignee." The current CF proposal is similar in that it results in the elimination of a specific service which the shipper has come to expect and rely upon.

While some forwarders currently have in effect similar provisions to those here proposed by CF,[3] we cannot find that such circumstance warrants denial of the request of AWA for investigation and suspension. The Board is aware of the security problems attending the transportation of high value traffic, but it cannot find that removal of a carrier's incentive to carry safely, by an almost complete denial of liability, is a solution to the problem.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 80(I) on 7th Revised Page 7 of CF Air Freight, Inc.'s CAB No. 1, and rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 80(I) on 7th Revised Page 7 of CF Air Freight, Inc.'s CAB No. 1 is suspended and its use deferred to and including, November 11, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of the American Watch Association, Inc., in Docket 24581, is dismissed, except to the extent granted herein;

4. The proceeding herein designated Docket 24658 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon CF Air Freight, Inc., and the American Watch Association, Inc., which are hereby made parties to Docket 24658.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12975 Filed 8-15-72;8:52 am]

[Docket No. 23486; Order 72-8-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Agency Matters and Inclusive Tours

Correction

In F.R. Doc. 72-12797 appearing on page 16427 of the issue for Saturday, August 12, 1972, the table following the fourth paragraph should be deleted in its entirety and replaced with the following, which appears in F.R. Doc. 72-12714, Food and Drug Administration, Department of Health, Education, and Welfare, at page 16407 of the same issue:

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[1] The complaint was filed June 29, 1972, against a prior tariff filing of CF which was rejected for technical reasons. The Board, with the understanding of the parties, has considered the complaint in relation to the tariff of CF, refiled July 7, 1972, as well as the answer to the complaint filed by CF.

[2] The Board suspended cancellation of pickup and delivery service in connection with clocks and watches in Order 71-7-116 and furs in Order 70-3-160.

[3] CF's proposal would also eliminate the usual liability of $50 per shipment applicable to shipments under 100 pounds.

Agreement CAB 23184	Resolution	Title
R-1	002	Revalidation Resolution—Sales Agency Rules, Inclusive Tours Initiated by Tour Operators.
R-3	105(PAC)203 205 (PAC)203 305 (PAC)203 JT12 (5PAC)203 JT23 (5PAC)203 JT31 (5PAC)203 JT123 (5PAC)203.	Reduced Fares for Passenger Agents (Except U.S.A.) (Amending).

CIVIL SERVICE COMMISSION

FUNDS AVAILABLE FOR GRANTS

Notice of Allocation of Fiscal Year 1973 Funds

Pursuant to 5 CFR 900.301(a), notice is hereby given of the formulae for the allocation of funds available for grants as required by sec. 506 of the Intergovernmental Personnel Act of 1970, Public Law 91-648, 85 Stat. 1927.

PARAGRAPH 1. *Formula for the allocation of grant funds among the 50 States and the District of Columbia.* A State's percentage allocation is equal to the average of its percentage of the total national population and its percentage of the nationwide total of State and local government employees, excluding employees of special districts. (The employees of special districts were excluded from the formula since the Civil Service Commission (hereinafter the Commission), is authorized to make grants only to State and general local governments.)

The dollar allocation for each State and the District of Columbia is obtained by multiplying its percentage allocation by the amount of the formula grant funds, which is $12 million for fiscal year 1973.

When the dollar allocation for a State is less than $70,000 the Commission will add to the allocated sum an additional amount out of its 20 percent discretionary funds which, when added to the amount resulting from the formula allocation, will increase the State's total allocation to $70,000.

The allocation provided in this paragraph is to each State as a whole. As described in paragraph 2, the Commission will further allocate each State's allocation to meet the needs of both the State government and local governments within the State.

PAR. 2. *Formula for the allocation of funds within each State*—A. *Allocation of funds to meet the needs of the State government.* (1) The State government's percentage allocation is equal to the average of the State government's percentage of the total number of State and general local government employees in the State and its percentage of the annual total dollar amount of State and general local government direct general expenditures.

(2) The dollar allocation for the State government is obtained by multiplying its percentage allocation by the dollar allocation for the State as a whole.

B. *Allocation formula for meeting the needs of general local governments.* (1) The local governments' percentage allocation is equal to the average of the general local governments' percentage of the total number of State and general local government employees in the State and the general local governments' percentage of the annual total dollar amount of the State and general local government direct general expenditures.

(2) The dollar allocation for general local governments within a State is obtained by multiplying its percentage allocation by the dollar allocation for the State as a whole.

PAR. 3. *Intended beneficiaries of the formula.* A. The total number of State and general local government employees and the total dollar amount of the State and local government direct general expenditures used in this formula exclude the employees and expenditures of special districts and independent school districts. The State government and local government allocations are based on data which pertain to the eligible governmental recipients of grants—State governments and general local governments.

B. Section 506 of the Intergovernmental Personnel Act (84 Stat. 1927) establishes a minimum allocation of 50 percent of the total State allocation for meeting the needs of local governments in each State. If the formula results in a percentage allocation of less than 50 percent for meeting the needs of local governments in a State, the local government allocation will be adjusted upward to 50 percent.

ALLOCATIONS OF FISCAL YEAR 1973 INTERGOVERNMENTAL PERSONNEL ACT FORMULA GRANT FUNDS

State	Total State allocation	Minimum share for local government needs [1]
Alabama	$194,000	$97,000
Alaska	70,000	35,000
Arizona	109,000	54,500
Arkansas	109,000	54,500
California	1,203,000	712,176
Colorado	142,000	71,000
Connecticut	170,000	102,799
Delaware	70,000	35,000
District of Columbia	70,000	
Florida	409,000	204,500
Georgia	264,000	132,000
Hawaii	70,000	35,000
Idaho	70,000	35,000
Illinois	621,000	310,500
Indiana	294,000	147,000
Iowa	170,000	85,000
Kansas	140,000	70,000
Kentucky	179,000	89,500
Louisiana	220,000	110,000
Maine	70,000	35,000
Maryland	233,000	156,576
Massachusetts	328,000	203,721
Michigan	515,000	257,500
Minnesota	231,000	118,919
Mississippi	133,000	66,500
Missouri	269,000	134,500
Montana	70,000	35,000
Nebraska	93,000	46,500
Nevada	70,000	35,952
New Hampshire	70,000	35,000
New Jersey	403,000	254,495
New Mexico	70,000	35,000
New York	1,192,000	873,259
North Carolina	293,000	182,832
North Dakota	70,000	35,000
Ohio	586,000	322,359
Oklahoma	154,000	77,000
Oregon	130,000	65,000
Pennsylvania	$633,000	$316,500
Rhode Island	70,000	35,000
South Carolina	150,000	75,000
South Dakota	70,000	35,000
Tennessee	234,000	147,092
Texas	652,000	326,000
Utah	70,000	35,000
Vermont	70,000	35,000
Virginia	272,000	166,654
Washington	208,000	104,000
West Virginia	103,000	51,500
Wisconsin	262,000	159,637
Wyoming	70,000	35,000
Total	12,418,000	6,871,971

[1] Must be at least 50 percent of the State's allocation.

Dated: August 16, 1972.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 72-12896 Filed 8-15-72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MANMADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 11, 1972.

On March 10, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5149) a letter of March 6, 1972, from the chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral wool and manmade fiber textile agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea which establish specific export limitations on wool and manmade fiber textile products in certain categories, produced or manufactured in the Republic of Korea, for the agreement year beginning October 1, 1971.

The bilateral wool and manmade fiber textile agreement also established a group ceiling of 16,044,600 square yards for manmade fiber fabric (Categories 206 through 213), produced or manufactured in the Republic of Korea, for the agreement year beginning October 1, 1971. The U.S. Government has decided to control imports in this group for the remainder of the agreement year. The level of restraint contained in the letter published below has been adjusted to reflect entries charged against such level through July 29, 1972.

Accordingly, there is published below a letter of August 11, 1972, from the

chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of manmade fiber textile products in Categories 206 through 213, produced or manufactured in the Republic of Korea, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, and extending through September 30, 1972, be limited to the designated adjusted levels.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

AUGUST 11, 1972.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Wool and Manmade Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of manmade fiber textile products in Categories 206 through 213, produced or manufactured in the Republic of Korea, in excess of an adjusted level of restraint of 1,293,833 square yards for the total of this group of eight categories.[1]

Entries of manmade fiber textile products in the above categories produced or manufactured in the Republic of Korea and which have been exported to the United States prior to October 1, 1971, shall not be subject to this directive.

Manmade fiber textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the manmade fiber textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of manmade fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-13075 Filed 8-15-72;8:53 am]

[1] The adjusted level of restraint reflects entries made through July 29, 1972. The level has not been adjusted to reflect any entries made after July 29, 1972.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, July 31 to August 4, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

FOREST SERVICE

Draft, August 3

Herbicides in the Eastern region. The statement considers the use of herbicides on an estimated 50,000 acres of national forest land in the Eastern region. The impacts of eight principle and six minor use herbicides are evaluated. States which would be affected are Minnesota, Michigan, Wisconsin, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, West Virginia, New Hampshire, Vermont, and Maine. (104 pages) (ELR Order No. 05014) (NTIS Order No. EIS 72 5014D)

Final, August 1

Colville National Forest, Wash., County: Pend Oreille. The statement considers a multiple use plan for the 15,500 acre Snyder Hill planning unit of the forest. The area will be managed for the enhancement of timber, wildlife, scenic beauty, watershed protection, recreation, and research. Road construction will result in erosion and stream sedimentation; big game habitat will be reduced. (62 pages) Comments made by: EPA and DOI (ELR Order No. 04992) (NTIS Order No. EIS 72 4992F)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Wash. D.C. 20330, 202—695-2889.

Final, August 3

Tyndall Air Force Base, Fla., County: Bay. The statement considers the outlease of 150 acres of land on the base to Bay County. The land will be used for the construction and operation of secondary waste water facilities for four municipalities and two industries. Adverse impact will result in the Military Point area, where a sewage lagoon will be developed, with resulting effects upon the forest, fish, wildlife, and recreation. (208 pages) Comments made by: USDA, EPA, and DOI (ELR Order No. 05015) (NTIS Order No. EIS 72 5015F)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, August 1

North Fork Licking River, Ohio. The statement considers the construction of channel works on 9,220 feet of the Licking River, for the purpose of flood protection. Natural riparian habitat will be lost; erosion and siltation will occur. (52 pages) (ELR Order No. 05001) (NTIS Order No. EIS 72 5001D)

Trexler Lake, Pa., County: Lehigh. The statement considers the construction of an earthfill dam on Jordan Creek, for the purposes of recreation, water supply, and flood control. Approximately 3,200 acres (1,200 of which will be inundated), will be acquired for the project; land will be taken from agricultural use and from State game preserves. Fifty percent of the town of Lowhill, with an unspecified number of residences, will be acquired for the project. (194 pages) (ELR Order No. 05000) (NTIS Order No. EIS 72 5000D)

Chincoteague Inlet, Va., County: Accomack. The statement considers the construction of a navigation channel (2,600 feet long and 150 feet wide by 12 feet deep), across the ocean bar at Chincoteague Inlet. The purpose of the project is that of providing navigational improvements which will enhance commercial usage of existing resources. Approximately 43,000 cubic yards of material will be dredged. Marine biota will be damaged; 3 acres of low upland terrain will be used for spoil deposit. (35 pages) (ELR Order No. 05003) (NTIS Order No. EIS 72 5003D)

Final, August 2

Kahului Harbor, Hawaii, County: Maui. The statement considers the repair of an existing breakwater at the harbor. Construction activities will damage marina biota. (38 pages) Comments made by: EPA and DOI (ELR Order No. 05007) (NTIS Order No. EIS 72 5007F)

Andrews River (Saquatucket Harbor), Mass. The statement considers the maintenance dredging of the channel and anchorage basin, in order to provide safer passage and mooring. Marine biota will be damaged at the sites of dredging and dumping. (41 pages) Comments made by: DOC, USCG, EPA, and DOI (ELR Order No. 05008) (NTIS Order No. EIS 72 5008F)

Peyton Creek, Tex. The statement considers the enlargement of the Peyton Creek Channel and the construction of a diversion channel from Cottonwood Creek to Bucks Bayou, for the purpose of flood control. Approximately 82 acres of estuarine marsh would be committed to the project. (42 pages) Comments made by: USDA, EPA, HEW, DOI, and DOT (ELR Order No. 05006) (NTIS Order No. EIS 72 5006F)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386-6084.

Draft, August 1
Sabine Pass project, Texas. The statement considers the approval of an application by the Natural Gas Pipeline Company of America to construct and operate a 27-mile long 16-inch natural gas line from offshore Texas to the gulf coast line near Sabine Pass. The project may adversely affect the marshland it will cross as well as wildlife resources. (62 pages) (ELR Order No. 04993) (NTIS Order No. EIS 72 4993D)

Draft, August 2
Project No. 2715, Wisconsin, County: Outagamie. The statement refers to a request by the Green Bay and Mississippi Canal Co. for a license for the constructed project. The project consists of a dam and reservoir and several power units totaling 5,090 kw. As the project has been in existence since 1899, no further environmental impact is anticipated. (71 pages) (ELR Order No. 05005) (NTIS Order No. EIS 72 5005D)

Draft, August 3
Grandmother Falls Project No. 2180, Wisconsin, County: Lincoln. The statement considers an application for a renewal license by the Owens-Illinois Power Co. for its Grandmother Falls Project No. 2180. The project, located on the Wisconsin River, consists of a dam across the river; an integral powerhouse (with three generators rated at 1,000 kw. each); and a reservoir with a surface area of 758 acres. Since the project has been in existence for nearly 50 years, no additional adverse environmental impact is expected. (12 pages) (ELR Order No. 05027) (NTIS Order No. EIS 72 5027D)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202—343–6077.

Draft, August 2
Mitchell Air Force Base, N.Y., County: Nassau. The statement considers an exchange of land between the county of Nassau and the Federal Government. Approximately 55.42 acres of land at the former Air Force Base would be conveyed to the county in exchange for 38 acres of county-owned land. The stated reason for the exchange is that the land now owned by the Government is suitable for the development planned by the county and the land now owned by the county is better suited for the development planned by the Government. No significant and adverse effects upon the environment are foreseen. (14 pages) (ELR Order No. 05017) (NTIS Order No. EIS 72 5017D)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, 202—755–6186.

Draft, August 3
Goleta Water and Sewer Project, California, County: Santa Barbara. The statement considers the construction of a new 24 MGD water treatment plant, three new covered storage reservoirs, and 51,270 feet of aqueduct. At issue is the possibility of local population growth due to the project. (51 pages) (ELR Order No. 05013) (NTIS Order No. EIS 72 5013D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

Draft, August 3
Chattahoochee Palisades State Park, Ga., Counties: Cobb and Fulton. The statement considers Federal assistance of $1,898,250 in the acquisition by the State of Georgia of 377.04 acres of land along the Chattahoochee River for outdoor recreation purposes. No significant and adverse environmental impact is anticipated. (24 pages) (ELR Order No. 05016) (NTIS Order No. EIS 72 5016D)

BUREAU OF RECLAMATION

Final, August 4
South Gila Valley, Ariz., County: Yuma. The statement considers the concrete-lining of 8 miles of the main outlet drain into the Gila River pilot channel. The purpose of the action is the prevention of seepage of saline water into the Gila and into the ground water of the valley, and the improvement of the quality of water delivered to Mexico. There will be a temporary adverse effect upon the spawning habits of fish. (62 pages) Comments made by: USDA, EPA, DOI, IBWC, and STAT (ELR Order No. 05029) (NTIS Order No. EIS 72 5029F)

Final, August 2
Lyman-Torrington Transmission Line, Wyoming, County: Goshen. The statement considers the construction of 13.2 miles of 115 kw. transmission line from the Lyman Station to Torrington, as part of the Pick-Sloan Missouri Basin Program. The line will be an intrusion upon the landscape. (68 pages) Comments made by: USDA, COE, EPA, FPC, DOI, and DOT (ELR Order No. 05004) (NTIS Order No. EIS 72 5004F)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, August 3
Rock River, Wis. The statement considers the treatment of the waters of the Rock River drainage above the Indianford Dam with rotenone and antimycin, in order to remove carp and buffalo fish. The river will then be restocked with sport fish. Approximately 2,802 miles of stream are affected, along with 100,400 acres of marsh. All nontarget fish species and several species of clams will be lost throughout the project area. (213 pages) (ELR Order No. 05023) (NTIS Order No. EIS 72 5023D)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. James Tao, Office of the General Counsel, Room 5107, Washington, D.C. 20423, 202—343–3097.

Draft
Chicago, Rock Island & Pacific Railroad Co., Iowa. The statement considers the abandonment of 16 miles of railroad line, between Hills and Montezuma. No significant and adverse impacts are anticipated in the statement. (3 pages) (ELR Order No. 04989) (NTIS Order No. EIS 72 4948D)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, Room 6141, Washington, D.C. 20546, 202—755–8440.

Draft, July 31
Launch Vehicle and Propulsion Program. The statement considers the programs under which NASA's Office of Space Science is responsible for the launch of approximately 20 spacecraft per year. These are for NASA, other U.S. Government agencies, private organizations, foreign countries and international organizations. Environmental effects caused by the launch vehicles are considered to be insignificant. (87 pages) (ELR Order No. 04988) (NTIS Order No. EIS 72 4988D)

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, August 1
Logan International Airport, Mass. County: Suffolk. The statement considers the construction of the south dual taxiway system at the Airport. Among the points discussed in the statement are those of noise and air pollution. At issue is the extent to which the runways will lead to increased aircraft operations. (330 pages) Comments made by: USDA, COE, EPA, HEW, HUD, DOI, and DOT (ELR Order No. 04995) (NTIS Order No. EIS 72 4995F)

Final, August 2
Murdo Municipal Airport, S. Dak. County: Jones. The statement considers the construction of a new general aviation airport, including the following facilities: one 4400' x 150' runway, an access road, a parking lot, lighting, etc. The statement anticipates no adverse effects other than increased noise levels. Approximately 85 acres will be committed to the project. (43 pages) Comments made by: USDA, COE, EPA, HEW, HUD, DOI, and DOT (ELR Order No. 05009) (NTIS Order No. EIS 72 5009F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, August 4
Interstate 695. The statement considers the construction of six-lane I–695 which will connect I–66 with existing I–95. The project will be located almost entirely on section 4(f) land within West Potomac Park. As most of the proposed construction will be underground, some land from abandoned surface road will be returned for park use. Activities at the park will be disrupted during construction; between 40 and 65 cherry trees may be removed along the Tidal Basin. (140 pages) (ELR Order No. 05033) (NTIS Order No. EIS 72 5030D)

Draft, August 1
State Route 15, Florida. County: Putnam. The statement considers the reconstruction of two lane State Route 15 to four lanes from the north city limits of Palatka to State Route 209. Project length is 4.3 miles and will include replacing an existing bridge over Rice Creek. The amount of land required and the number of businesses and residences displaced will depend upon the route chosen. (50 pages) (ELR Order No. 04999) (NTIS Order No. EIS 72 4999D)

Draft, August 3
Indian River Bridge, Florida. County: Indian River. The statement considers construction of a two lane bridge and approaches between State Route 5 and State Route A1A over the Indian River. Project length is 2 miles. The number of displacements and the amount of land required for right-of-way will depend upon the route chosen. (98 pages) (ELR Order No. 05018) (NTIS Order No. EIS 72 5018D)

Draft, August 2
Supplemental Freeway 407, Illinois. County: Adams. The statement considers the construction of a Supplemental Freeway (F.A.P. 407) beginning south of State Route 96 and extending north to U.S. 24; approximately 10.9 miles in distance. Approximately 700 acres of agricultural land will be committed to the project. An unspecified number of families will be displaced. Soil erosion, water pollution and loss of vegetative cover will occur. (106 pages) (ELR Order No. 05012) (NTIS Order No. EIS 72 5012D)

Draft, August 3
Ponchatoula-Frenier Highway (I–55), Louisiana. Counties: Tangipahoa and St. John the Baptist. The statement considers the construction of 23.102 miles of highway on existing right-of-way, including bridges and interchanges. Temporary water pollution due to erosion and dredging and air pollution from exhaust emissions and dust will occur. (74 pages) (ELR Order No. 05025) (NTIS Order No. EIS 72 5025D)

Draft, August 2
North Carolina 24, North Carolina. Counties: Cumberland, Sampson, and Duplin. The statement considers a proposal to construct approximately 50 miles of new highway for N.C. 24 on new location. Approximately 2,500 acres of farmland and woodland will be committed to the action; 69 families and one business will be displaced. Some siltation from erosion of the streams crossed will occur. (52 pages) (ELR Order No. 05010) (NTIS Order No. EIS 72 5010D)

Draft, August 4
Cain Road, Ireland Drive, North Carolina. County: Cumberland. The statement considers the proposed construction of a 3-mile segment of the Cain Road, Ireland Drive thoroughfare. Four families and two businesses will be displaced; an unspecified amount of land will be required. Siltation and construction noise will occur. (26 pages) (ELR Order No. 05032) (NTIS Order No. EIS 72 5032D)

Draft, August 4
I–40, Tennessee. The statement considers the completion of the remaining 3.7 miles of I–40 beginning at Claybrook Street and continuing east through Overton Park to Bon Street. Approximately 125 acres of section 4(f) land from Overton Park will be committed to the action. An unspecified number of residences and businesses will be displaced. (157 pages) (ELR Order No. 05031) (NTIS Order No. EIS 72 5031D)

Draft, August 1
State Trunk Highway 23, Wisconsin. Counties: Fond du Lac and Sheboygan. The statement considers a proposal to construct a complete or partial relocation of approximately 35 miles of S.T.H. 23. The amount of land required and the number of displacements will depend upon the route chosen. Section 4(f) statements have been filed for lands that may be required from the Kettle Maraine State Forest and the Old Wode House State Park. (53 pages) (ELR Order No. 04998) (NTIS Order No. EIS 72 4998D)

Draft, July 31
County Trunk Highway B, Wisconsin. County: Jefferson. The statement considers the proposed reconstruction of 4.5 miles of road from the Jefferson County line to the junction of Rock Lake Road. An unspecified amount of land will be taken for right-of-way: a 4(f) statement will be filed as public park land would be affected. Removal of trees along the existing road and erosion may take place. (42 pages) (ELR Order No. 04987) (NTIS Order No. EIS 72 4987D)

Draft, August 2
Laramie Projects, Wyoming. County: Albany. This report encompasses three projects which are interrelated in that they form the principal westerly transportation artery for the city of Laramie. Projects "Laramie Centennial Road" (S–0103(9)) and "Laramie Street" (SU–0100(9)) are on new alignment while project "Laramie West Road" (S–0100(8)), follows the existing roadway. Total length of the projects is approximately 7 miles. (38 pages) (ELR Order No. 05011) (NTIS Order No. EIS 72 5011D)

Final, August 1
Effects of Highway Projects. The statement considers the promulgation of guidelines mandated by section 109(h) of title 23, U.S.C. concerning the economic, social, and environmental effects of highway projects. The guidelines are designed to consider these effects and to assure that final decisions are made in the best overall public interest. (121 pages) Comments made by: USDA, EPA, HEW, and HUD (ELR Order No. 04994) (NTIS Order No. EIS 72 4994F)

Final, August 3
C.S.A.H. No. 39, Minnesota. County: Norman. The statement considers the reconstruction of a segment of County State Aid Highway No. 39 east of Borup to the junction of Trunk Highways 32 and 113. Section 4(f) land from a Wildlife Management area will be encroached upon. (36 pages) Comments made by: USDA, CORE, EPA, HUD, OEO, and DOT (ELR Order No. 05021) (NTIS Order No. EIS 72 5021F)

Final, August 1
North Carolina. County: Haywood. The project is the reconstruction of approximately 5 miles of existing N.C. 110 from Cantor to U.S. 276. A 150-foot bridge will be constructed across the east fork of the Pigeon River, and culverts will be provided at crossings of all other streams. Adverse effects include the displacement of 17 families and three businesses. (45 pages) Comments made by: USDA, COE, DOC, GSA, HEW, HUD, DOI, TVA, and DOT (ELR Order No. 04997) (NTIS Order No. EIS 72 4997F)

Final, August 3
Interstate Highway 35E, Texas, Counties: Dallas and Denton. The statement considers the widening of 9.6 miles of four-lane I–35E to six lanes. Right-of-way will be required for relocation of frontage roads, which will be extended to cross the Elm Fork Trinity River. Two families and one business will be displaced by the action. (40 pages) Comments made by: USDA, EPA, HEW, OEO, and DOT (ELR Order No. 05019) (NTIS Order No. EIS 72 5019F)

U.S. 45, Wisconsin, County: Washington. The statement considers the construction of approximately 13 miles of U.S. 45 on new location. Approximately 650 acres, much of it agricultural, will be committed to the action; 40 acres of marshland will be encroached upon. Two businesses and 10 families will be displaced. Water pollution from highway runoff and soil erosion may occur. (60 pages) Comments made by: USDA, EPA, HUD, DOI, and DOT (ELR Order No. 05020) (NTIS Order No. EIS 72 5020F)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final, August 4
Golden Gate Corridor Ferry Service, California, County: Marin. The statement considers an application from the Golden Gate Bridge, Highway and Transportation District for a capital grant to assist in the construction of ferry terminals and purchase of three ferryboats. The purpose of the action is the expansion of ferry services between San Francisco and Marin County. Dredging at construction sites will affect marine biota. (106 pages) Comments made by: USDA, DOC, USCG, EPA, and DOI (ELR Order No. 05030) (NTIS Order No. EIS 72 5030F)

DEPARTMENT OF THE TREASURY

Contact: Mr. Donald L. Ritger, Office of the General Counsel, Room 3014, Washington, D.C. 20220, 202—964–5404.

Draft, August 1
Federal Law Enforcement Training Center, Maryland, County: Prince Georges. The statement, which replaces an earlier one which was challenged in litigation, is concerned with the construction of facilities for the Center in the town of Beltsville. Environmental impacts discussed include effects upon water supply, sewerage, and special problems such as noise from firing ranges. (334 pages) (ELR Order No. 05002) (NTIS Order No. EIS 72 5002D)

VETERANS' ADMINISTRATION

Draft, August 1
Veterans' Administration Hospital, Columbia, S.C., County: Richland. The statement considers the construction of a new 400-bed hospital building and a new clinic building at an existing hospital facility. Construction activities will be disruptive to the area. (12 pages) (ELR Order No. 04996) (NTIS Order No. EIS 72 4996D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–12937 Filed 8–15–72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TV GOVERNMENT ADVISORY GROUP SUBCOMMITTEE

Notice of September Meeting

AUGUST 11, 1972.

The Franchising Phase Subcommittee of the Cable Television Federal-State/local Advisory Committee will hold an open meeting September 7, 1972, at 10 a.m., in Room 847S at the FCC, 1919 M Street NW., Washington, DC.

The format for the meeting includes assigning members to specific tasks and establishing a schedule of future meetings.

The subcommittee was organized to evaluate areas of interest to the advisory committee including the possibility of framing standardized franchise terms, forms, and applications, as well as studying various construction timetables and the equitable development of service areas.

Mr. Holt Riddleberger, National Association of Educational Broadcasters, is chairman of the subcommittee.

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

[FR Doc.72-12947 Filed 8-15-72;8:49 am]

[Docket No. 19448, etc.; File No. BP-18331 etc.; FCC 72R-212]

DOWRIC BROADCASTING CO., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard Applications of Dowric Broadcasting Co., Inc., Brunswick, Ga.; James Harry Moye, Waycross, Ga.; Integrated Broadcasting Co., Inc., Jacksonville, Fla.; for construction permits, Docket No. 19448, File No. BP-18331; Docket No. 19449, File No. BP-18469; Docket No. 19450, File No. BP-18493.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission memorandum opinion and order, FCC 72-16, released February 24, 1972, 37 F.R. 4376, published March 2, 1972. Among the issues specified was a staffing issue against James Harry Moye (Moye).[1] Presently before the Review Board is a petition to enlarge issues, filed March 17, 1972, by Integrated Broadcasting Co., Inc. (Integrated), which seeks the addition of a § 73.37(a) overlap issue against Dowric Broadcasting Co., Inc. (Dowric) and a financial qualifications issue against Moye.[2]

SECTION 73.37 ISSUE

2. Section 73.37(a) of the Commission's rule provides that no application for a new standard broadcast station will be accepted if there would be overlap of the proposed 0.5 mv/m signal strength contour with the like contour of another station operating on a frequency separated by 10 kHz. According to the affidavit of Integrated's consulting engineer, Dowric's proposed 0.5 mv/m contour will overlap the like contour of standard broadcast Station WNMT, Garden City, Ga. This allegation is based on field intensity measurements taken on the N-186°-E radial of WNMT. This overlap, asserts petitioner, would be within 13 miles of Brunswick, Dowric's proposed city of license, and consists of approximately 97 square miles. In petitioner's view, an overlap issue is therefore required.

3. Dowric opposes the requested issue, urging that Integrated's measurements were taken on a radial only 11 miles of which constitutes solid ground; the remaining 34 miles of the signal path is entirely over salt marshes. It further submits that Integrated's more distant measurements were made in salt water rivers or creeks. Dowric next asserts that, according to its measurements, the 0.5 mv/m contour of WNMT does not encompass the area predicted by Integrated, and that, of the predicted 97 square miles of overlap, 57 square miles cover salt water marshes or other uninhabited areas. Finally, Dowric asserts that the abnormally high tide conditions which existed at the time Integrated's engineer measured the WNMT contour resulted in unrealistic measurements. In view of the foregoing and the fact that the only area of possible overlap is uninhabited, Dowric, citing Collier Broadcasting Co., 25 FCC 2d 867, 20 RR 2d 365 (1970), urges denial of the requested issue. The Broadcast Bureau is of the opinion that a substantial showing, warranting addition of the requested issue, has been made by Integrated that an adjacent channel overlap of the two 0.5 mv/m contours will occur, but adds that the asserted overlap area of 97 square miles cannot be supported on the basis of a single measured radial. In reply, Integrated argues that Dowric failed to rebut the allegation that there would be some overlap with WNMT's 0.5 mv/m signal, and, therefore that the question of prohibited overlap should be resolved at the evidentiary hearing.

4. The Board is of the opinion that the measurement data submitted by Integrated raises a substantial question as to whether Dowric's proposed 0.5 mv./m. contour overlaps the 0.5 mv./m. contour of WNMT in contravention of Rule 73.37. See TV Cable of Waynesboro, 18 FCC 2d 1055, 16 RR 2d 1093 (1969). Cf. George E. Worstell, 32 FCC 2d 280, 23 RR 2d 145 (1971). Dowric's contention that the salt water path accounts for the overlap can best be considered in the hearing in conjunction with the Commission's holding in Cape Cod Broadcasting Corp., 3 FCC 2d 695, 7 RR 2d 509 (1966). Moreover, Dowric's measurements were not made in substantial compliance with Section 73.186 of the Commission's rules and are therefore unacceptable. See Lake-Valley Broadcasters, 38 FCC 622, 4 RR 2d 913 (1965). Respondent has neither submitted population data to substantiate its claim that the overlap area would affect only a few persons nor has it alleged any other "unusual circumstances" to justify a waiver of Rule 73.37. See Collier Broadcasting Co., supra; Larson-Irwin Enterprises, 6 FCC 2d 613, 9 RR 2d 553 (1967). See also Frank M. Cowles, 21 FCC 2d 165 (1970).

FINANCIAL ISSUE AGAINST MOYE

5. Integrated next requests that a financial qualifications issue be added against Moye to determine whether he has available sufficient funds to construct and operate his proposed station. According to a June 4, 1971, amendment to his application, Moye's projected construction and first year operating costs are estimated as follows:

Down payment	$1,542.48
Lease payments due during first year ($771.24 per month)	8,483.64
Costs of construction of buildings	$6,000.00
Professional fees	2,000.00
Cost of first year's operations	51,250.00
Total funds needed for construction and operation for 1 year without revenues	69,276.12

To meet these expected costs, Moye relied on the following available funds:

Cash on hand	$13,650.00
Cash value of life insurance	7,950.00
Loan from United Federal Savings & Loan Association (net of $5,000.00 estimated first year's debt service)	85,000.00
Funds available for construction and operating costs the first year	106,600.00

In addition, Moye's balance sheet as of May 18, 1971, indicates the following:

ASSETS

Cash on hand	$13,650.00
Commissions receivable	7,650.00
Savings (security pledges)	3,287.76
Cash value—life insurance	7,950.00
Vehicles—3 cars, 1 pickup, 1 tractor, 1 mobile home	13,800.00
Livestock	700.00
Payments and expense—radio station application	5,979.20
Deferred notes receivable	14,038.50
Current notes receivable	22,000.00
Real estate—Schedule 1	427,000.00
	487,055.46

LIABILITIES AND NET WORTH

Accounts payable	2,025.00
Notes payable and mortgages	62,559.00
Note payable to Mr. A. V. Kennedy (open)	10,000.00
Notes payable—cars, G.M.A.C.	5,880.00
Mobile home—Midland-Guardian	1,656.60
J. Harry Moye—net worth	414,934.86
	487,055.46

Integrated alleges that Moye has overstated his available funds and understated his cost estimates. Both Moye and the Bureau oppose addition of the requested financial issue.

6. In view of Moye's adequate financial showing, the Review Board is of the opinion that Integrated's petition does not warrant the addition of either a funds availability issue or a cost estimates issue.[3] First, Integrated argues that Moye's available funds will be only $84,878, rather than the $106,600 figure listed. Petitioner reaches this lower figure by reducing Moye's total by $2,025 for accounts payable; $10,000 for the open note payable to A. V. Kennedy, which, Integrated asserts, may be due during construction or during the first year of operation; $3,325, $700, and $350 for closing costs, commitment, and extension fees, respectively; and $10,321.76 for

[1] The issue reads: "To determine whether the staff proposed by J. Harry Moye is adequate to effectuate his proposal."

[2] Also before the Board are: (a) Opposition, filed Apr. 17, 1972, by Dowric; (b) opposition, filed Apr. 18, 1972, by Moye; (c) comments, filed Apr. 18, 1972, by the Broadcast Bureau and (d) reply, filed Apr. 27, 1972, by Integrated.

[3] We note that, while not requesting a cost estimates issue, as such, Integrated does raise several questions relating to Moye's cost estimates. However, since both Moye and the Bureau have addressed themselves to these questions, the Board will rule on the merits of Integrated's allegations, and will not dismiss them, as Moye requests.

payment of the first year's principal and interest on the $90,000 loan. Moye does not contest the deduction of $2,025 for accounts payable and we agree with Integrated that this amount should be deducted from Moye's total available funds. However, regarding the Kennedy note of $10,000, Moye, in his opposition, has stated that in listing his available liquid resources, he omitted $10,000 since he was aware that this note would soon be due, and, in fact, it has recently been paid without depleting Moye's available cash. In view of Moye's uncontested statement, we find no basis for subtracting the $10,000 from Moye's liquid assets. Next, regarding the commitment and extension fees, we note that, in Moye's commitment letter from the United Federal Savings and Loan Association, Waycross, Ga., McGregor Mays, executive vice president of the association, states that: "Any commitment fees paid to be refunded upon the closing of a loan under the terms and conditions set out above and within the time specified in this commitment". Consequently, the $700 Commitment fee and the $350 extension fee will be refunded once the loan is finalized; however, the $3,325 fee for closing costs will have to be deducted from Moye's available resources. The first year's payment of principal and interest on the loan also diminishes Moye's available resources; therefore, his net proceeds from the $90,000 loan will be $76,354.44 and his total available funds will be $95,929.44.[4]

7. Next, Integrated asserts that Moye has underestimated several of his expenses. First, petitioner argues that Moye's budget for professional fees, in the amount of $2,000, is inordinately low, especially in light of Moye's most recent balance sheet where he lists payments and expenses in connection with his application at approximately $6,0000.[5] This argument is unpersuasive because petitioner has not supplied an affidavit of a person with personal knowledge as to how much the reasonable expenses should be. See § 1.229(c) of the Commission's rules; and our prior memorandum opinion and order in this proceeding, FCC 72R-170, 24 RR 2d 735, 736. See also Howard L. Burris, 29 FCC 2d 462, 21 RR 2d 1093 (1971); and Lorain Community Broadcasting Co., 5 FCC 2d 810, 8 RR 2d 1141 (1966).[6] Second, in view of the designated staffing issue against Moye,[7] and his intent to operate the station 84 hours a week with only three persons, Integrated argues that it is likely Moye will incur additional expenses in order to effectuate his programing proposals. Again, Integrated offers no documentation to support its argument, and, as both Moye and the Bureau point out, a satisfactory resolution of the staffing issue will not necessarily entail the employment of additional personnel or expense.

8. Next, Integrated attacks Moye's estimate of $6000 for acquiring, remodeling and constructing his transmitter and studio buildings. However, we believe that Moye's opposition pleading satisfactorily counters Integrated's contention. Moye explains that he currently owns a structure which was built with the intention of converting it to house his broadcast station; that the 800 square feet building is fully equipped with heating and air-conditioning facilities and other fixtures necessary for his proposed station; and that the building can be moved to his transmitter and studio site at a cost of $500 where an addition of 480 square feet is planned at a cost of approximately $4000.[8] Finally, based on broadcast industry financial data in the AM-FM Broadcast Financial Data-1970, FCC Memo 78309, relesed January 6, 1972, Integrated claims that average yearly operating expenses for stations in markets comparable to Waycross, Ga.,[9] are almost $100,000, which is substantially greater than Moye's estimated $69,000. Integrated illustrates its point by using figures from three broadcast stations located in Dalton, Ga., whose total operating expenses were $295,026 or $98,342 per station. However, it is clear that such comparison, without more, is invalid. Eastern Broadcasting Corp., 28 FCC 2d 28, 30, 21 RR 2d 417, 419 (1971). See Moline Television Corp. (WQAD-TV), 12 FCC 2d 770, 13 RR 2d 77 (1968). Thus, we agree with the Bureau that the Commission is concerned with whether Moye, and not some other broadcaster in a different market, has sufficient funds to construct and operate his proposed station. Furthermore, Integrated's average offers no basis for comparison since two of the Dalton stations operate daytime-only and the other is a full-time station. In sum, we conclude that Integrated's arguments concerning Moye's cost estimates are too speculative to warrant an issue.

9. Accordingly, *it is ordered*, That the petition to enlarge issues, filed March 17, 1972, by Integrated Broadcasting Co., Inc., is granted to the extent indicated below, and is denied in all respects; and

10. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether the 0.5 mv./m. contour of the proposed operation of Dowric Broadcasting Co., Inc., will overlap the 0.5 mv./m. contour of standard broadcast Station WMNT, Garden City, Ga., in contravention of § 73.37 of the Commission's rules.

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Dowric Broadcasting Co., Inc.

Adopted: August 7, 1972.

Released: August 9, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-12946 Filed 8-15-72;8:49 am]

[4] This figure includes the $76,354.44 plus $19,575 (cash on hand plus cash value of life insurance policy minus $2,025 for current liabilities).

[5] This figure was taken from Moye's balance sheet where, under assets, he lists $5,979.20 for expenses connected with the radio station application. This specific figure is not contested by Moye.

[6] Moreover, in view of Moye's substantial net worth, we see no reason why he could not meet current expenses with out-of-pocket payments. Cf. Central Westmoreland Broadcasting Co., 27 FCC 2d 298, 20 RR 2d 1267 (1971).

[7] See note 1, supra.

[8] Integrated's reply adds nothing to its claim. It states it is unlikely that the necessary power lines have already been placed in the building and that, if the building can be moved as is, it will not physically be able to support broadcast equipment. However, these arguments still fail to raise a substantial question as to whether Moye's costs will be increased by an significant amount.

[9] Waycross is Moye's proposed city of license.

[10] Board member Nelson absent.

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDERS

License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Continental Freight Forwarding, Inc., 11774 Southwest 32d Street, Miami, FL 33165.

OFFICERS

Robert Hasmi, president.
Luisa Hasmi, vice president.
Ana Vilanova, secretary/treasurer.
Century Marine, Inc., 152-50 Rockaway Boulevard, Jamaica, NY 11434.

James Cirami, president.
Benito De Jesus.
Samuel Berko-Sky.
Oahu Consolidators Co., 4430 Sheila Street, Los Angeles, CA 90023.

PARTNERSHIP

Richard C. Eidson.
Robert E. Eidson.
A. R. Pradillo, 814 Hibernia Bank Building, New Orleans, La. 70112.
J. Cardona & Sons Shipping Co., 21 Bloomfield Avenue, Newark, NJ 07104.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: August 10, 1972.

[FR Doc.72-12969 Filed 8-15-72;8:51 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section

14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

M. J. Parke, Secretary, North Atlantic Westbound, Freight Association, 74 St. James's Street, London SW1A 1PS, England.

Agreement No. 5850–DR–4 modifies the association's merchant's freight contract (1) by changing the name and address of the association secretariat and the place for arbitration of disputes and (2) by enlarging its application to cargo originating at inland points in the United Kingdom by deleting language from a clarifying addendum which presently limits such application to cargo destined to U.S. North Atlantic ports.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: August 11, 1972.

[FR Doc.72–12967 Filed 8–15–72;8:51 am]

[Docket No. 72–31; Special Permission 5528]

ATLANTIC LINES, LTD.

General Increase in U.S. Atlantic/Gulf to Virgin Islands Trade Rates; Second Supplemental Order

By the original order in this proceeding served July 19, 1972, and first supplemental order, served August 4, 1972, the Commission placed under investigation a general rate increase of the subject carrier and suspended to and including November 18, 1972, various pages to Tariff FMC–F No. 5. The Commission's orders prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless changes result in a reduction in rates or charges or as otherwise ordered by the Commission.

By Special Permission Application No. 2–72 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original and first supplemental order in this proceeding to permit Atlantic Lines, Ltd., to file on less than statutory notice a supplement to increase the rates held in effect by reason of suspension in said docket, by 9 percent, to expire November 18, 1972.

An investigation of the matters involved in the application having been made, which application is hereby referred to and made a part thereof:

It is ordered, That authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the orders in Docket No. 72–31 to make the changes in rates and provisions as set forth in Special Permission Application No. 2–72, said changes to become effective on not less than 1 day's notice, is hereby granted;

It is further ordered, That the authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933;

It is further ordered, That publications issued and filed under this authority shall bear the following notation: "Issued under authority of second supplemental order in Docket No. 72–31 and Federal Maritime Commission Special Permission No. 5528";

It is further ordered, That this special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–12970 Filed 8–15–72;8:51 am]

SURFACE CARGO SPECIALISTS, INC., AND G. KARMEL FORWARDING, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. George Karmel, G. Karmel Forwarding, Inc., 11 Broadway, New York, NY 10004.

Agreement No. FF 72–5 between Surface Cargo Specialists, Inc., and Mr. George Karmel of G. Karmel Forwarding, Inc. (FMC No. 1003), is an arrangement which will allow Mr. Karmel, president of G. Karmel Forwarding, Inc., to devote part of his time for a remuneration in the employ of Surface Cargo Specialists, Inc., independently and separately from his duties with G. Karmel Forwarding, Inc.

Dated: August 10, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–12968 Filed 8–15–72;8:51 am]

FEDERAL POWER COMMISSION

[Dockets Nos. E–7676, E–7696]

CITY OF LAFAYETTE, LA., ET AL.

Order Accepting Rate Schedules for Filing, Waiving Notice Requirements, Granting Intervention, Granting Late Petition To Intervene and Consolidating Proceedings

AUGUST 7, 1972.

On October 12, 1971, Gulf States Utilities Co. (GSU) submitted for filing an interim agreement dated August 3, 1971, among GSU, Central Louisiana Electric Co., Inc. (CLECO), Louisiana Power & Light Co. (LP&L) and Louisiana Electric Cooperative, Inc. (LEC), providing for exchange of startup and test power and energy and initial scheduling of output with respect to LEC's 200 mw. New Roads Plant. GSU further requests waiver of notice requirements allowing the tendered rate schedules to become effective as of September 13, 1971.

LEC is a generating cooperative operating a 200 mw. steam generating plant financed by an REA loan. LEC's generating plant was scheduled for commercial operation by March 1, 1972. GSU, CLECO, and LP&L (Companies) have extended their transmission facilities in order to provide transmission services for the new plant.

The August 3, 1971, interim agreement provides for the Companies to supply LEC with startup power and energy during the testing of the new plant. During the testing period and until a long-term agreement is reached, the Companies will receive all power and energy generated by the new plant. During the testing period, the Companies will pay LEC 1.5 mills per kw.-hr. for the net energy received.

Upon initiation of commercial operations of the new plant, the Companies will pay amounts, specified in the agreement including amounts for interest, depreciation, and operation and maintenance costs. The Companies will schedule the total output, sharing their costs and benefits in the following proportions: CLECO 6 percent, GSU 53 percent, and LP&L 41 percent. Facilities charges for the transmission facilities installed by the Companies have not yet been determined. With GSU acting as operating agent, the Companies will share transmission costs using estimated facilities charges subject to adjustment when actual charges are determined. Any adjustment shall bear interest at 6½ percent per annum. It is noted that facilities charges provided for under § 6.2 of the agreement are yet to be determined. You are advised that upon completion of negotiations, such facilities charges should be filed with the Commission.

Written notice of the application has been given to the Texas Railroad Commission, the Louisiana Public Service Commission, and to the Governors of each of those States. Notice has also been given by publication in the FEDERAL REGISTER on February 1, 1972 (37 F.R. 2468), stating that any person desiring to be heard or make any protest with reference to the application should on or before February 10, 1972, file a petition of protest with the Federal Power Commission, Washington, D.C. 20426.

Pursuant to the publication of notice in the FEDERAL REGISTER, three petitions for intervention were filed. On February 8, 1972, Dow Chemical Co. (DOW) filed a petition for leave to intervene. On February 10, 1972, the cities of Lafayette and Placquemine, La. (Cities) filed a protest, petition to intervene, and motion to reject or grant alternative relief. On February 11, 1972, Louisiana Electric Cooperative, Inc., filed a late petition for leave to intervene.

The February 8, 1972, and February 10, 1972, interventions of Dow and the Cities include allegations previously presented to the Commission in their prior interventions filed in Dockets Nos. E–7567, E–7663, E–7682.

The issues joined in Docket No. E–7567 were considered by the Court of Appeals for the District of Columbia Circuit, City of Lafayette, Louisiana et al., the Securities and Exchange Commission et al., 454 F. 2d 941. On May 30, 1972, the Supreme Court of the United States granted GSU a writ of certiorari for the purpose of reviewing the decision of the Appellate Court.

The issues joined in Dockets Nos. E–7663 and E–7682, were accepted as complaints under the Federal Power Act and were set for hearing in Docket No. E–7676 which is currently pending before the Commission subject, however, to the Commission's order of June 1, 1972, staying the proceeding until the Supreme Court has entered its decision in the City of Lafayette case, supra.

In general, the petitions to intervene allege that the Companies engaged in a conspiracy to suppress and defeat an interconnection and pooling agreement between the Cities, Dow Chemicals, and Louisiana Electric Cooperative.

More specifically, the allegations state that in September of 1964, the REA made a 56.5 million dollar loan to LEC for construction of a 200-megawatt generating station with 1,611 miles of transmission lines through which the LEC could serve eight of its 12 member cooperatives. Prior to this time, the three companies had been selling power to these cooperatives. The petitions allege that the Companies succeeded in delaying the actual use of the funds thus provided for more than 5 years, through a series of lawsuits filed by the Companies themselves and by the Companies' attorneys on behalf of other putative plaintiffs.

Further allegations state that in August 1968, the Cities, Dow Chemical Co., and LEC executed an interconnection and pooling agreement providing for the interconnection of their coordination agreement, with a minimum term of 10 years. The agreement approved by the REA administrator on November 19, 1968, provided for combined planning of load requirements for the Cities, LEC members, and Dow. According to the allegations, this meant insurance of a market for all surplus capacity and secondary energy, as well as coordination, and substantial savings in the construction of new generators in some economies of scale, plus benefits in the form of backup for each system and energy interchanges.

Petitioners allege that by engaging in frivolous and repetitive litigation, and by mounting a public relations drive and lobbying effort against LEC, the three Companies were able to hold up disbursement of the loan money until January 1969, when a new REA administrator was sworn into office. This prevented the members of the new pool from going ahead with their agreement. Furthermore, a rise in costs during the 5-year delay raised a serious question whether the original loan would suffice to finance all of LEC's generation and transmission needs. Therefore, the new administrator advanced funds only for the LEC generating station, but not for transmission lines, and LEC was left to negotiate with the three companies for use of their transmission lines.

The allegations contend that these actions constitute a conspiracy which continued during the negotiation for the use of transmission lines. The petitioners' allegations further contend that the Companies, while willing to supply transmission of power to some of the LEC members, refused to supply transmission service between pool members. They further state that the Companies demanded that LEC limit its power capacity to the 200 mw. already planned, and that the Company supply all further power needs of the 12 cooperatives, thus precluding further LEC expansion to serve its members' expanding load.

The Cities', February 10, 1972, petition moves the Commission to reject the tendered interim agreement in its entirety or in the alternative, that the Commission suspend the effective date of the agreement for 5 months; that a hearing be held concerning the lawfulness of the tendered agreement; and that acceptance be conditioned on exclusion of all provisions pertaining to Exhibits C–1 and C–2 (amendatory agreements to the interim agreement) and upon imposing an obligation upon the Companies to transmit power between the parties to the 1968 pool. Cities further request that the Commission schedule an on-the-record conference to protect LEC's immediate financial interest.

GSU and CLECO presently supply the electric requirements of three member cooperatives to LEC under designated rate schedules. Exhibits C–1 and C–2 of the interim agreement of August 3, 1971, are copies of amendatory agreements providing for termination of the above-mentioned rate schedules to coincide with cancellation or termination of the interim agreement.

The Dow petition of February 8, 1972, in addition to previously mentioned allegations, contends that LEC entered in the subject 1971 agreement with the Companies only because of economic duress and that the obligations assumed by LEC in the August 3, 1971, agreement are clearly inconsistent with its obligations under the 1968 pooling agreement, thus constituting a violation of Dow's contractual rights. Dow requests that the rights of the parties to the 1968 agreement be recognized and protected by conditioning acceptance by the Commission upon a requirement that the Companies wheel energy for the parties to the 1968 pool at a rate reflecting the actual cost and that the matter be set for immediate hearing under sections 205, 206, and 307 of the Federal Power Act.

LEC's petition for leave to intervene filed on February 11, 1972, indicates that as a party to the agreement dated August 3, 1971, LEC has an interest which may be directly affected by this proceeding and therefore requests that they be granted intervention in order to be represented and protect its interests.

On February 22, 1972, GSU and CLECO each filed separate answers in opposition to the petitions to intervene of Dow and the Cities. GSU and CLECO deny each and every antitrust allegation

and maintain that all activities in opposition to the REA loan were entirely lawful and such loan was improvident and unlawful. In support of their motion, to reject the petitions of Dow and the Cities, the two companies state the following:

(1) Permitting intervention in this docket will in effect duplicate existing proceedings, the same issues and interests already being fairly represented in Docket No. E–7676.

(2) The alleged violation of contractual rights under the 1968 pooling agreement are unfounded in view of § 11.05 of such agreement, which states, "it is distinctly understood and agreed that this agreement in no way obligates any party to receive electric service except as may be provided in a supplemental agreement."

(3) The subject interim agreement was approved by the Administrator after consultation with the Department of Justice.

(4) The Commission has no authority to condition acceptance upon wheeling by the companies per City of Paris, Kentucky v. Kentucky Utilities Company, Opinion No. 554, issued January 16, 1969.

(5) Exhibits C–1 and C–2 amend existing contracts between the companies and LEC members by extending the terms which would otherwise expire upon the New Roads Plant attaining commercial operation.

(6) Repeated oppositions by Dow and the Cities (inter alia, Dockets E–7567, E–7663, E–7676, E–7682, E–7695, and E–7696) have been used to harass and deter the use of administrative proceedings.

The Commission has reviewed the contentions as set forth in the petitions to intervene by Dow, the Cities, and LEC in the light of its overall responsibilities under the Federal Power Act. The Commission is aware of its responsibilities with regard to interconnection and coordination of facilities, for purposes of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources. Further, the Commission is aware of its responsibilities to enchance optimum interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capability. All of these Commission responsibilities are directed towards safeguarding costs, rates and reliability.

Based upon similar allegations by Dow and the Cities in Dockets Nos. E–7663 and E–7682, the Commission found that they were unable to determine either the merits of the contentions or their authority to grant relief without further proceedings and therefore instituted a separate proceeding in Docket No. E–7676 for purposes of providing a hearing in which evidence would be presented and authority to grant relief would be cited.

We feel inasmuch as the allegations presented by Dow and the Cities in this proceeding are the same as those to be considered in Docket No. E–7676 it is appropriate to consolidate the issues here presented with those in the previous docket.

The Commission further finds that the public interest would not be best served by the rejection of the tendered filing pending final determination of the issues set for hearing in Docket No. E–7676.

The Commission further finds:

(1) Sufficient good cause exists for granting Louisiana Electric Cooperative, Inc., leave to file a late protest and petition to intervene.

(2) Interventions by the cities of Lafayette and Placquemine, La., Dow Chemical Co. and Louisiana Electric Cooperative, Inc., may be in the public interest for purposes of Commission consideration of the petitions.

(3) The matters asserted and the activities alleged in the filed protest and petitions to intervene by the cities of Lafayette and Placquemine, La., Dow Chemical Co. and Louisiana Electric Cooperative raise issues which should be heard in a proceeding separate from this docket.

(4) The protests and petitions to intervene filed in this docket by the cities of Lafayette and Placquemine, La., Dow Chemical Co., and Louisiana Electric Cooperative, Inc., should be considered as complaints under Section 306 of the Federal Power Act.

(5) The protests and petitions to intervene filed in this docket by Lafayette and Placquemine, La., Dow Chemical Co. and Louisiana Electric Cooperative, Inc., raise issues which are similar to those being considered in Docket No. E–7676, a complaint proceeding now before the Commission, and it is therefore appropriate that the complaints filed in this docket should be consolidated with Docket No. E–7676 for purposes of hearing and decision.

(6) Sufficient good cause has been shown that the 30-day-notice period provided for in section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder be waived with respect to Gulf States Utilities Co. Rate Schedule FPC No. 102, Central Louisiana Electric Cc., Inc. Rate Schedule FPC No. 27 and Louisiana Power & Light Co. Rate Schedule FPC No. 46, and that such designated rate schedules be accepted for filing and allowed to take effect as of September 13, 1971.

(7) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Dow Chemical Co., the cities of Lafayette and Placquemine, La., and Louisiana Electric Co., Inc., are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission. *Provided, however,* the admission of the aforementioned petitioners shall not be construed as recognition of the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 202, 205, 206, 306, and 307 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the protests and petitions to intervene by the cities of Lafayette and Placquemine, La., Dow Chemical Co. and Louisiana Electric Cooperative, Inc., and, if necessary to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(C) All further proceedings in this docket shall be consolidated with the complaint proceeding previously instituted in Docket No. E–7676.

(D) The 30-day notice period provided for in section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder is hereby waived with respect to the rate schedule filings referred to in finding (6) above and they are hereby accepted for filing and allowed to take effect as of September 13, 1971.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72–12892 Filed 8–15–72;8:45 am]

[Docket No. E–7760]

IOWA PUBLIC SERVICE CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 8, 1972.

Take notice that Iowa Public Service Co. (IPS) on August 2, 1972, tendered for filing proposed changes in its FPC Rate Schedules Nos. 20–25, 27–29, 31, and 33–35 to become effective October 1, 1972. The proposed changes would increase IPS's revenues from wholesale electric customers by $102,238 based on test year 1971 revenues.

In support of its filing, IPS states that the reason for its filing is to enable it to recover operating expenses and depreciation and some recovery of capital costs. IPS states that it showed a deficiency of $13,924 in revenues just to recover operating expenses and depreciation for the test year 1971.

Copies of this filing were served on 12 customers of IPS.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 5, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72–12893 Filed 8–15–72;8:45 am]

[Docket No. CI73-91]

MIDWEST OIL CORP.

Notice of Application

AUGUST 11, 1972.

Take notice that on August 4, 1972, Midwest Oil Corp. (applicant), 1700 Broadway, Denver, CO 80202, filed in Docket No. CI73-91 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the West Mermentau Field, Jefferson Davis Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 4,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a. for 36 months from the date of initial delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.72-12942 Filed 8-15-72;8:49 am]

[Docket No. E-7759]

PUBLIC SERVICE CO. OF COLORADO

Notice of Proposed Changes in Rates and Charges

AUGUST 8, 1972.

Take notice that Public Service Co. of Colorado (Colorado) on July 31, 1972, tendered for filing proposed supplements to its FPC Nos. 3, 6, 9, 11, and 12 in the form of five modification agreements for wholesale electric service to become effective on August 31, 1972. In addition, Colorado requests waiver of the time requirements of § 35.13(b) (4)(i) and (5)(i) for filing the subject material before the effective date.

In support of its filing, Colorado states that the principal reasons for its increases are (1) to produce an estimated 4.5-percent return in its jurisdictional rate base, and (2) to combat environmental requirements. Colorado further states that no facilities will be installed or modified in conjunction with the change in rates tendered for filing.

Copies of this filing were served on Colorado's interested parties and State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12891 Filed 8-15-72;8:45 am]

[Docket No. CI73-80]

SUN OIL CO.

Notice of Application

AUGUST 11, 1972.

Take notice that on August 4, 1972, Sun Oil Co. (Applicant), Post Office Box 2880, Dallas, TX 75221, filed in Docket No. CI73-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from the Humphries Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to Transco on July 25, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.72-12943 Filed 8-15-72;8:49 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank

First Banc Group of Ohio, Inc., 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 the successor by merger to The Liberty National Bank, Fremont, Fremont, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition

of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as a proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in Ohio, controls 11 banks with aggregate deposits of approximately $823 billion, representing about 3.5 percent of deposits of commercial banks in the State.[1] Consummation of the proposal herein would increase Applicant's share of deposits by only 0.1 percentage point and would not change its statewide ranking nor result in a significant increase in the concentration of banking resources in Ohio.

Bank (about $24 million in deposits) is the third largest of five banking organizations in the Sandusky County area and controls approximately 19 percent of area deposits. There is no significant existing competition between Applicant and Bank nor is there a reasonable probability of competition developing in the future since the Sandusky County area is not attractive for de novo entry with a population per banking office somewhat lower than the statewide average. Additional reasons that mitigate against the possibility of future competition developing between Applicant and Bank are the distance separating Applicant's banking subsidiaries and Bank, and Ohio law regarding branching. The Board concludes that competitve considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as generally satisfactory. Applicant proposes to provide additional management depth to Bank so that banking considerations lend weight for approval of the application. Applicant also proposes to provide certain new services such as a 24-hour automated teller and educational loans, which Bank is not presently providing. Consequently, considerations relating to the convenience and needs of the community lend weight for approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12897 Filed 8-15-72;8:45 am]

[1] All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through June 30, 1972.

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank

First Banc Group of Ohio, Inc., 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 the successor by merger to The First National Bank & Trust Co. of Ravenna, Ravenna, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application, and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 12 banks with deposits of about $847 million representing approximately 3.6 percent of total deposits of commercial banks in Ohio, and is the seventh largest banking organization in the State.[1] Acquisition of Bank (deposits of about $57 million) would increase Applicant's share of deposits in the State by only 0.2 percentage points and would not alter its State ranking nor result in a significant increase in the concentration of banking resources in Ohio.

Bank is the seventh largest organization operating in the Akron banking market and has only 3.9 percent of market deposits. There is no substantial existing competition between Applicant and Bank, and there is little probability of competition developing in the future because of the distances separating Bank and Applicant's banking subsidiaries and Ohio branching laws. On the other hand, the entry by Applicant into the Akron market through a "foothold" acquisition such as that of Bank may enable Bank to provide increased competition for the larger organizations in the market. The Board concludes that competitive considerations are consistent with approval of the application.

Considerations relating to the financial condition, managerial resources and prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory. Applicant proposes to provide Bank with additional management depth so that banking considerations give weight for approval of the application. Considerations relating to the convenience and needs of the community to be served lend weight for approval of the application since Applicant plans to provide educational loans and automatic 24-hour teller service which Bank does not presently provide for its customers. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12898 Filed 8-15-72;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

[1] Banking data are as of Dec. 31, 1971, and reflect holding company formations and acquisitions approved by the Board through June 30, 1972. Data also reflect the Board's approval of this date of Applicant's acquisition of The Liberty National Bank of Freemont, Freemont, Ohio.

FIRST UNION, INC.

Order Denying Acquisition of Bank

First Union, Inc., St. Louis, Mo., 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 The Bank of Taney County, Forsyth, Mo. (Forsyth Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement[1] of this date.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

[1] 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 St. Louis.

By order of the Board of Governors,[2] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12899 Filed 8-15-72;8:45 am]

FIRST UNION, INC.

Order Approving Acquisition of Banks

First Union, Inc., St. Louis, Mo., 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 The Peoples Bank and Trust Company of Branson, Branson, Mo. (Branson Bank), and The Bank of Crane, Crane, Mo. (Crane Bank).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the applications are approved for the reasons set forth in the Board's Statement[1] of this date.[2] The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12900 Filed 8-15-72;8:45 am]

NEW JERSEY NATIONAL CORP.

Order Approving Acquisition of Bank

New Jersey National Corp., Trenton, N.J., 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 New Jersey National Bank of Princeton, Princeton Borough, N.J. (New Bank), a proposed new 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 the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, New Jersey National Bank, Trenton, N.J. (Bank), with deposits of $578.7 million, representing 3.4 percent of the aggregate commercial bank deposits for the State of New Jersey. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved by the Board through May 31, 1972.) Bank holds the largest percentage of deposits in the Second New Jersey Banking District and also in the Trenton Banking Market, but is the second largest New Jersey banking organization represented in this market area. The acquisition by Applicant of the proposed new bank would have no immediate impact on the concentration of banking resources in any areas.

The proposed location of New Bank would be in Princeton Borough, a distance of 8.8 miles from the nearest office of Bank. Bank is prohibited by State law from branching into this area where subsidiaries of two banking organizations, with $1.1 billion and $447 million in deposits, respectively, presently operate six offices. Branch offices of three Trenton market banks are also located in the outlying area. The establishment of New Bank in Princeton Borough would not adversely affect competition in any relevant areas, but, conversely, would have a procompetitive effect by providing another source of full banking services to the Princeton Borough area. Competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are considered to be generally satisfactory and their prospects appear favorable. New Bank would also appear to have favorable prospects for future development and growth. Banking factors are consistent with approval of the application. Although the major banking needs of the Trenton market are presently fulfilled by its 25 banking organizations, New Bank would provide alternative banking facilities to an area of 27,500 inhabitants which area appears to have good potential for growth and economic expansion. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after that date, and (c) New Jersey National Bank of Princeton, Princeton Borough, N.J., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-12902 Filed 8-15-72;8:46 am]

NORTH SHORE CAPITAL CORP.

Order Denying Formation of Bank Holding Company

North Shore Capital 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)) of formation of a bank holding company through acquisition of 50.1 percent or more of the voting shares of The North Shore National Bank of Chicago, Chicago, Ill. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a newly formed organization and has no operating history. Upon acquisition of Bank ($102.2 million of deposits), Applicant would control 0.3 percent of the commercial bank deposits in Illinois. (All banking data are as of June 30, 1971.) Bank is the fourth largest of 18 banks competing in its service area and holds approximately 9 percent of area deposits. The Board notes that the principals of Applicant are also principals of four other one-bank holding companies in Illinois, which hold deposits of $51, $38, $22, and $7 million, respectively. However, consummation of the proposed transaction is not likely to adversely affect existing competition in that the service areas of the other banks controlled by these principals do not appear to overlap with that of Bank. The nearest of these, Citizen's National Bank of Chicago, is approximately 12 miles distant from Bank.

Applicant will incur substantial debt in order to acquire shares of Bank and has projected retirement of this debt in 8½ years from dividends to be declared by Bank. Although, on occasion, the Board has approved acquisitions involving similar or even greater relative

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

[1] 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 St. Louis.

[2] The Statement also reflects Board action of this date denying an application by First Union, Inc., to acquire 90 percent or more of the voting shares of The Bank of Taney County, Forsyth, Mo.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

amounts of debt, payable over a lengthier period, those cases involved the transfer of ownership of small rural banks generally through the formation of small one-bank holding companies. In each such case, the adverse effects deriving from leverage were outweighed by public benefits deriving from the facilitation of the otherwise-difficult task of transferring ownership of those banks and the promotion of local ownership and management. Those benefits are absent where, as here, the bank, whose shares are sought to be acquired, is a large bank located in an urban center. The amount of debt Applicant will assume and the length of time contemplated to retire that debt are considered excessive for the financing of a bank of this size.

Although Bank's asset condition is satisfactory, an infusion of capital is necessary to raise Bank's capital to what the Board deems to be an acceptable level. The Board generally expects a bank holding company to assist its subsidiary banks especially where those banks are in need of increased capitalization. However, Applicant, apparently due to the debt-servicing obligations it would incur upon consummation of the proposed transaction, has been unreceptive to suggestions that it increase Bank's capital. The fact that Bank's earnings have been below the average earnings of similarly sized banks suggests that consummation would foreclose capital improvement in Bank, and that Applicant may even be unable to service its debt without unduly straining Bank's earnings, retention of which are necessary to strengthen Bank's capital position.

Applicant's projected income includes an annual "cousulting" fee of $24,000 to be extracted from Bank in order to enable Applicant to service its acquisition debt. In return, directors and officers of Applicant would, as directors and officers of Bank, provide services to Bank normally provided by such bank management; Applicant will not have a servicing staff. This consulting fee therefore appears to be unjusified and a means by which a portion of Bank's income would be distributed to Applicant without a similar pro rata distribution to Bank's minority stockholders.

The instant proposal contemplates the use of excessive leverage and, if consummated, could impede Bank's future capital growth and unduly operate to the detriment of Bank's minority shareholders. These factors weigh heavily against approval of this application.

The convenience and needs of the communities to be served are already adequately being served and there is no evidence that consummation of the proposed acquisition would give rise to any significant public benefits, other than those derived from the added flexibility inherent in a holding company structure. Considerations relating to the convenience and needs of the communities to be served therefore lend slight weight for approval.

Under all the circumstances of this case, the Board concludes that the leverage contemplated, the potentially unfulfilled capital need of Bank and unfair treatment of minority shareholders involved in this proposal present adverse circumstances bearing on the financial condition, managerial resources, and future prospects of Applicant and Bank. These circumstances are not outweighed by any procompetitive factors or by considerations relating to the convenience and needs of the communities to be served. Accordingly, approval of this application is not in the public interest and it should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] effective August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12901 Filed 8-15-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

AUGUST 9, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., 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 10, 1972 through August 19, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12916 Filed 8-15-72;8:47 am]

[70-5224]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Trust Department of a Bank

AUGUST 9, 1972.

Notice is hereby given that Michigan Consolidated Gas Co. (Michigan Consolidated), 1 Woodward Avenue, Detroit, MI 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and rules 50(a)(2) and 42(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Consolidated proposes to issue and sell, as funds are required, commencing in September 1972, pursuant to lines of credit, its unsecured promissory notes in an aggregate face amount not exceeding $30 million outstanding at any one time to the following banks in the respective amounts shown:

National Bank of Detroit, Michigan	$10,000,000
First National City Bank, New York, N.Y.	8,000,000
The Chase Manhattan Bank, New York, N.Y.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Manufacturers National Bank of Detroit, Michigan	1,500,000
The Detroit Bank & Trust Co., Michigan	1,500,000
Total	30,000,000

Each note will be dated as of the date of issue, will mature August 31, 1973, and will bear interest at the prime rate in effect at the lending bank on the date of each borrowing, which interest rate will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of borrowing and at maturity. There is no commitment fee, and the notes may be prepaid at any time without penalty. In connection with the lines of credit, Michigan Consolidated is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately 1 percent above the prevailing prime rate.

Michigan Consolidated also proposes, in lieu of the issuance and sale of promissory notes to the above listed banks, to issue and sell its promissory notes, to the extent funds are available, up to a maximum of $12 million outstanding at any one time to the Trust Department of National Bank of Detroit, Michigan (Trust Department), which administers, as Trustee, pension and other funds of many corporations. It is stated that the Trust Department has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations through its nominee, Trussal & Co. The interest rate on the proposed notes under this arrangement will be equivalent to the highest rate paid daily by General Motors Acceptance Corp. on its commercial paper with a maturity of 30 to 180 days. Michigan Consolidated will be notified by the Trust Department of any change in the interest rate. The notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature January 1 of the following year. The Trust Department will have the right, however, to demand payment at

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

any time of all or any part of the principal of the note or notes outstanding; Michigan Consolidated will have the right to prepay the notes at any time without penalty.

Michigan Consolidated anticipates, under the proposed arrangement with the Trust Department, that it will be able to borrow money at a lower cost than borrowing from banks under lines of credit. It states as an example that during June 1972 the interest rate from the Trust Department would have ranged from a high of 4.87 percent to a low of 4.47 percent compared with a prime rate of 5.00 percent to June 26, 1972 and 5.25 percent thereafter.

In July 1972 Michigan Consolidated sold $35 million principal amount of First Mortgage Bonds and retired $29 million of outstanding bank loans due August 31, 1972 (See Holding Company Act Release No. 17629, June 28, 1972). The remaining net proceeds from that transaction, together with the amounts borrowed on the notes herein proposed, will be used to partially finance Michigan Consolidated's 1972 construction program (estimated at $72 million). It is anticipated that funds required to retire the proposed notes will ultimately be obtained from additional long-term financing and funds generated internally. Michigan Consolidated also intends to make additional borrowings up to $25 million from banks pursuant to the exemption provided by section 6(b) of the Act; such funds will be used to partially finance current inventory of gas placed in underground storage. Such borrowings will be paid as inventory gas is sold.

Michigan Consolidated also requests authority to file certificates of notification, required by Rule 24, with respect to the proposed transactions on a quarterly basis.

Fees and expenses incident to the proposed transactions are estimated at $3,500, including counsel fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12917 Filed 8-15-72;8:47 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 142 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178).

TAR [1] AND NICOTINE [2] CONTENT OF ONE-HUNDRED FORTY-TWO (142) VARIETIES OF DOMESTIC CIGARETTES

FEDERAL TRADE COMMISSION

Brand	Type	TPM dry Tar [1] (mg./cig.)	Nicotine [2] (mg./cig.)
Adam	King size, filter	18	1.3
Alpine [4]	King size, filter, menthol.	15	1.1
American Brand	King size, filter (hard pack).	19	1.3
Do	King size, filter	21	1.4
Belair	King size, filter, menthol.	17	1.4
Do	100 mm., filter, menthol.	18	1.4
Benson & Hedges. [3]	Regular size, filter (hard pack).	12	0.9
Do	King size, filter (hard pack).	16	1.2
Benson & Hedges 100's.	100 mm., filter	19	1.4
Do	100 mm., filter, menthol.	20	1.4
Bull Durham	King size, filter	30	2.0
Camel	Regular size, nonfilter.	25	1.6
Do	King size, filter	20	1.4
Camel Talls	100 mm., filter	20	1.4
Carlton 70's [3]	Regular size, filter	1	0.2
Carlton	King size, filter	3	0.3
Do	King size, filter, menthol.	4	0.3
Chesterfield	Regular size, nonfilter.	25	1.6
Do	King size, nonfilter	28	1.8
Do	King size, filter	19	1.4
Do	King size, filter, menthol.	18	1.2
Do	101 mm., filter	19	1.4
Domino	King size, nonfilter	26	1.4
Do	King size, filter	21	1.2
Doral	do	15	1.1
Do	King size, filter, menthol.	15	1.1
DuMaurier	King size, filter (hard pack).	16	1.2
Edgeworth Export.	do	17	1.1
Do	100 mm., filter	17	1.3

Footnotes at end of table.

TAR [1] AND NICOTINE [2] CONTENT OF ONE-HUNDRED FORTY-TWO (142) VARIETIES OF DOMESTIC CIGARETTES—Continued

FEDERAL TRADE COMMISSION

Brand	Type	TPM dry Tar [1] (mg./cig.)	Nicotine [2] (mg./cig.)
English Ovals	Regular size, nonfilter (hard pack)	23	1.8
Do	King size, nonfilter (hard pack).	28	2.4
Eve	100 mm., filter	18	1.3
Do	100 mm., filter, menthol.	17	1.2
Fatima	King size, nonfilter	29	1.8
Frappe	King size, filter, menthol.	9	0.4
Galaxy	King size, filter	20	1.5
Half & Half	do	24	1.7
Herbert Tareyton.	King size, nonfilter.	29	1.7
Home Run	Regular size, nonfilter.	18	1.4
Kent	Regular size, filter	10	0.6
Do	King size, filter (hard pack).	16	1.0
Do	King size, filter	17	1.1
Do	King size, filter, menthol.	18	1.1
Do	100 mm., filter	19	1.3
Do	100 mm., filter, menthol.	19	1.3
King Sano	King size, filter	7	0.3
Do	King size, filter, menthol.	6	0.3
Kool	Regular size, nonfilter, menthol.	20	1.5
Do	King size, filter, menthol.	18	1.5
Do	100 mm., filter, menthol.	18	1.4
L & M	King size, filter (hard pack).	17	1.2
Do	King size, filter	19	1.4
Do	100 mm., filter	19	1.5
Do	100 mm., filter, menthol.	18	1.3
Lark	King size, filter	17	1.2
Do	100 mm., filter	18	1.2
Life	do	10	0.6
Lucky Strike	Regular size, nonfilter.	27	1.6
Lucky Filters	King size, filter	21	1.5
Do	100 mm., filter	22	1.6
Lucky Ten	King size, filter	10	0.7
Lyme	King size, filter, lime/menthol.	15	0.9
Mapleton	Regular size, nonfilter.	27	1.2
Do	King size, filter	24	1.4
Marlboro	King size, filter (hard pack).	18	1.3
Do	King size, filter	18	1.3
Do	King size, filter, menthol.	16	1.1
Do	100 mm., filter (hard pack).	19	1.4
Do	100 mm., filter	19	1.5
Marlboro Lights	King size, filter	13	1.0
Marvels	Regular size, filter	3	0.2
Do	King size, nonfilter.	24	0.9
Do	King size, filter	5	0.3
Do	King size, filter, menthol.	4	0.2
Maryland	100 mm., filter, menthol.	20	1.4
Maverick	King size, filter	20	1.6
Mermaid	100 mm., filter, menthol.	20	1.5
Montclair	King size, filter, menthol.	18	1.4
Multifilter	King size, filter (plastic box).	15	1.1
Do	King size, filter, menthol (plastic box).	11	0.9
Newport	King size, filter, menthol (hard pack).	19	1.1
Do	King size, filter, menthol.	19	1.2
Do	100 mm., filter, menthol.	22	1.3
Do	King size, CA. filter, menthol (hard pack).	19	1.4
Do	King size, CA. filter, menthol.	18	1.3
Do	100 mm., CA. filter, menthol.	24	1.7
Oasis	King size, filter, menthol.	19	1.2

TAR [1] AND NICOTINE [2] CONTENT OF ONE-HUNDRED FORTY-TWO (142) VARIETIES OF DOMESTIC CIGARETTES—Continued

FEDERAL TRADE COMMISSION

Brand	Type	TPM dry Tar [1] (mg./cig.)	Nicotine [2] (mg./cig.)
Old Gold Straights.	Regular size, nonfilter.	20	1.2
Do	King size, nonfilter	26	1.5
Old Gold Filters	King size, filter	20	1.3
Do	100 mm., filter	25	1.6
Pall Mall	King size, nonfilter	27	1.7
Do	King size, filter (hard pack).	18	1.3
Do	King size, filter	20	1.4
Do	100 mm., filter (hard pack).	18	1.3
Do	100 mm., filter, menthol (hard pack).	18	1.4
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol.	18	1.3
Parliament	King size, filter (hard pack).	15	1.1
Do	King size, filter	16	1.1
Parliament 100's	100 mm., filter	19	1.4
Parliament	King size, charcoal filter (hard pack).	16	1.1
Do	King size, charcoal filter.	15	1.1
Peter Stuyvesant. [3]	King size, filter	20	1.5
Do [3]	100 mm., filter	20	1.6
Philip Morris	Regular size, nonfilter.	24	1.5
Philip Morris Commander.	King size, nonfilter	29	2.0
Picayune	Regular size, nonfilter.	19	1.5
Piedmont	do	23	1.5
Pinnacle	King size, filter	10	0.7
Players	Regular size, nonfilter (hard pack).	34	2.4
Raleigh	King size, nonfilter	26	1.8
Do	King size, filter	17	1.3
Do	100 mm., filter	19	1.5
St. Moritz	do	22	1.6
Do	100 mm., filter, menthol.	20	1.5
Salem	King size, filter, menthol.	20	1.4
Do	100 mm., filter, menthol.	20	1.4
Sano	Regular size, nonfilter.	16	0.6
Do	Regular size, filter	3	0.2
Silva Thins	100 mm., filter	16	1.1
Do	100 mm., filter, menthol.	16	1.1
Spring	do	20	1.2
Stratford	King size, nonfilter	27	1.1
Do	King size, filter	18	0.8
Tareyton	do	21	1.4
Do	100 mm., filter	20	1.4
Tempo	King size, filter	12	0.9
True	do	12	0.8
Do	King size, filter, menthol.	12	0.7
Vantage	King size, filter	12	0.9
Do	King size, filter, menthol.	12	0.9
Viceroy	King size, filter	18	1.3
Do	100 mm., filter	19	1.5
Virginia Slims	do	17	1.2
Do	100 mm., filter, menthol.	18	1.3
Vogue (black)	King size, filter (hard pack).	28	1.1
Vogue (colors)	do	21	0.9
Winston	do	20	1.3
Do	King size, filter	21	1.4
Do	100 mm., filter	21	1.4
Do	100 mm., filter, menthol.	20	1.4

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.
[4] Cigarettes with and without perforations smoked together.
[5] Cigarettes marketed with filters of different lengths.

By the direction of the Commission dated August 2, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-12851 Filed 8-15-72;8:45 am]

PRICE COMMISSION

ASSISTANT DIRECTORS OF PROGRAM OPERATIONS

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4 (37 F.R. 7552), I hereby delegate authority to each Assistant Director of Program Operations to—

(a) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments involving a dollar impact of less than $1 million; and

(b) Conduct investigations, conferences, or hearings with respect to the foregoing, and take such further action as may appear necessary in connection therewith.

Issued in Washington, D.C., on August 11, 1972.

DON I. WORTMAN,
Director, Program Operations.

[FR Doc.72-12984 Filed 8-15-72;8:52 am]

DEPUTY DIRECTOR OF PROGRAM OPERATIONS

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4 (37 F.R. 7552), I hereby delegate authority to the Deputy Director of Program Operations to—

(a) Make decisions and issue orders with respect to individual requests for price increases of adjustments involving a dollar impact of less than $10 million and a percentage of price increase on sales of less than 5 percent, and those involving less than $5 million, regardless of the percentage of price increase on sales;

(b) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto; and

(c) Conduct investigations, conferences, or hearings with respect to the foregoing, and take such further action as may appear necessary in connection therewith.

Issued in Washington, D.C., on August 11, 1972.

DON I. WORTMAN,
Director, Program Operations.

[FR Doc.72-12985 Filed 8-15-72;8:53 am]

[Notice 27]

CERTAIN REGULATORY AGENCIES

Notice of Issuance of Compliance Certificate

Section 300.16a(d) of the regulations of the Price Commission provides for the issuance by the Price Commission of certificates of compliance to State and Federal regulatory agencies whose rules for implementing the economic stabilization program, with respect to public utilities, have been approved by the Price Commission. In accordance with the Commission's policy, this notice is issued on a biweekly basis, to inform all interested persons of those regulatory agencies that have been certified by the Commission.

As of August 10, 1972, certificates of compliance have been issued to the following agencies:

FEDERAL

Civil Aeronautics Board
Interstate Commerce Commission

STATE

California Public Utilities Commission
Colorado Public Utilities Commission
District of Columbia Public Service Commission
Indiana Public Service Commission
Michigan Public Service Commission
New York Public Service Commission
North Carolina Utilities Commission
Virginia State Corporation Commission
Washington Utilities and Transportation Commission

Issued in Washington, D.C. on August 11, 1972.

JAMES B. MINOR,
General Counsel,
Price Commission.

[FR Doc. 72-12940 Filed 8-15-72;8:49 am]

TENNESSEE VALLEY AUTHORITY

USE AND NONUSE OF OFF-ROAD VEHICLES

Designation of Areas and Trails in Land Between Lakes

Notice is hereby given that the Tennessee Valley Authority, pursuant to section 3 of Executive Order 11644, will designate in accordance with the criteria set forth in that order specific areas and trails in Land Between the Lakes, the Tennessee Valley Authority's recreation and conservation demonstration area in Trigg and Lyon Counties, Ky., and Stewart County, Tenn., a specific area or areas and trails on which the use of off-road vehicles may be permitted and areas in which use of off-road vehicles may not be permitted. Because Land Between the Lakes, the only land in TVA custody affected by Executive Order 11644, is under the management of a single administrative head, the Director of Land Between the Lakes, it has been determined that the order's requirement of general regulations providing for such designation is inapplicable to the Tennessee Valley Authority.

Interested persons may submit written data, views, arguments, comments, or objections in regard to the designation of areas and trails in Land Between the Lakes for the purposes stated above, preferably in duplicate to the Tennessee Valley Authority, Land Betwen the Lakes, Golden Pond, Ky. All relevant material received not later than 30 days after publication of this notice in the FEDERAL

REGISTER will be considered prior to final designation.

Dated: August 9, 1972.

LYNN SEEBER,
General Manager.

[FR Doc.72-12927 Filed 8-15-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 54]

ASSIGNMENT OF HEARINGS

AUGUST 11, 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-136109, Hetem Bros., Inc., is continued to October 17, 1972 (4 days), at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 247, Schneider Transport, Inc., assigned September 11, 1972, MC 107295 Sub 595, Pre-Fab Transit Co., assigned September 12, 1972, MC 125708 Sub 125, Thunderbird Motor Freight Lines, Inc., assigned September 13, 1972, MC 109612 Sub 31, Lee Motor Lines, Inc., assigned September 14, 1972, and MC 136428, Evanston Bus Co., assigned September 18, 1972, at Chicago, Ill., will be held in Room 905A, Federal Building, 536 South Clark Street.

MC 112801 Sub 132, Transport Service Co., assigned September 25, 1972, MC 116273 Sub 150, D & L Transport, Inc., assigned September 26, 1972, MC 107295 Sub 605, Pre-Fab Transit, assigned September 28, 1972, MC 4405 Sub 490, Dealers Transit, Inc., assigned October 2, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 116273 Sub 152, D & L Transport, Inc., assigned September 11, 1972, MC 124070 Sub 25, Chemical Haulers, Inc., assigned September 11, 1972, MC 118959 Sub 100, Jerry Lipps, Inc., assigned September 13, 1972, MC 114273 Sub 114, Cedar Rapids Steel Transportation, Inc., assigned September 15, 1972, MC 117119 Sub 448, Willis Shaw Frozen Express, Inc., assigned September 18, 1972, MC 114457 Sub 124, Dart Transit Co., assigned September 19, 1972, MC 128256 Sub 9, O. W. Blosser, doing business as Blosser Trucking, now assigned September 20, 1972, at Chicago, Ill., will be held in Room 672, Federal Building, 536 South Clark Street.

MC 114211 Sub 160, Warren Transport, Inc., assigned September 11, 1972, will be held in Room 1430, MC 114211 Sub 165, Warren Transport, Inc., assigned September 12, 1972, will be held in Room 286, MC 123048 Sub 208, Diamond Transportation System, Inc., assigned September 12, 1972, will be held in Room 286, MC 114273 Sub 109, Cedar Rapids Steel Transportation, assigned September 13, 1972, will be held in Room 286, MC 117815 Sub 181, Pulley Freight Lines, Inc., assigned September 14, 1972, will be held in Room 1430, MC 124211 Sub 209, Hilt Truck Line, Inc., assigned September 18, 1972, will be held in Room 204A and September 20, 1972, in Room 286, at Chicago, Ill., in the Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-42092 Sub 2, Acme Cartage Co., now being assigned hearing September 18, 1972 (3 days) at the Washington Utilities & Transportation Commission, 1231 Andover Park, East, Seattle, Wash.

MC-115826 Sub 238, W. J. Digby, Inc., now assigned August 18, 1972, at Omaha, Nebr., is canceled and the application, dismissed.

MC 83835 Sub 87, Wales Transportation, Inc., assigned September 18, 1972, at Pittsburgh, Pa., will be held in Courtroom No. 14, Fifth Floor, Post Office and Courthouse Building, Seventh and Grant Street.

MC 41432 Sub 122, East Texas Motor Freight Lines, Inc., application dismissed.

MC 127834 Sub 70, Cherokee Hauling & Rigging, Inc., now assigned September 11, 1972, at Pittsburgh, Pa., hearing will be held in Courtroom 14, Fifth Floor, Post Office and Courthouse Building, Seventh and Grant Street, Pittsburgh, Pa.

MC 83539 Sub 321, C & H Transportation Co., Inc., now assigned September 11, 1972, at Los Angeles, Calif., hearing will be held in the Biltmore Hotel, 515 South Olive Street, Los Angeles, Calif.

MC 116110 Sub 10, P. C. White Truck Line, Inc., continued to August 28, 1972, at the Midtown Holiday Inn, Montgomery, Ala.

Ex Parte No. 270 Sub 1A, Investigation of Railroad Freight Rate Structure Export-Import Rates and Charges, now assigned September 25, 1972, at San Francisco, Calif., will be held in Room 13025, Federal Building, 450 Golden Gate Avenue.

Ex Parte No. 270 Sub 1B, Investigation of Railroad Freight Rate Structure Export-Import Rates and Charges, now assigned October 30, 1972, at Chicago, Ill., will be held in Room 1743 (U.S. Tax Court Room), Everett McKinley Dirksen Building, 219 South Dearborn Street.

I&S No. 8675, Newsprint Paper and Woodpulp, Tupper, Nova Scotia to the U.S., Fourth Section Application No. 42272, Woodpulp, Woodpulp Screenings and Newsprint to Official Territory, assigned September 19, 1972, is postponed until October 4, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11358, Cedar Rapids Steel Transportation, Inc.—Purchase (portion)—Lee Bros., Inc., now assigned August 15, 1972, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12957 Filed 8-15-72;8:50 am]

[Ex Parte No. 241; Second Revised Exemption 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Co., Reporting marks: ATW.

Louisville, New Albany & Corydon Railroad Co., Reporting marks: LNAC.

[1] Richmond, Fredericksburg and Potomac Railroad Co., Reporting marks: RFP.

Vermont Railway, Inc. Reporting marks: Rut or VTR.

Effective August 10, 1972, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., August 10, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12956 Filed 8-15-72;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 11, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42504—*Lumber and lumber articles from Nathan, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 473), for interested rail carriers. Rates on lumber and lumber articles, in carloads, as described in the application, from Nathan, Mont., to points in western trunkline and Illinois territories.

Grounds for relief—Market and carrier competition.

Tariffs—Supplements 3 and 138 to Trans-Continental Freight Bureau, Agent, tariffs ICC 1847 and 1750, respectively. Rates are published to become effective on September 11, 1972.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12958 Filed 8-15-72;8:50 am]

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[1] Addition.

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 11, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules-motor carriers of passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 623) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed August 3, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Savannah, Ga., over Interstate Highway 16 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17, approximately 1 mile south of Richmond Hill, Ga., and (2) from junction Interstate Highway 95 and U.S. Highway 17, approximately 1 mile south of Newport, Ga., over Interstate Highway 95 to junction Georgia Highway 251, thence over Georgia Highway 251 to junction U.S. Highway 17, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Savannah, Ga., and Darien, Ga., over U.S. Highway 17.

No. MC-1515 (Deviation No. 624) (Cancels Deviation No. 293), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed August 3, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to Louisville, Ky., with the following access roads (1) from Franklin, Ind., over Indiana Highway 44 to junction Interstate Highway 65, (2) from Edinburg, Ind., over Indiana Highway 252 to junction Interstate Highway 65, (3) from Taylorsville, Ind., over U.S. Highway 31 to junction Interstate Highway 65, (4) from Columbus, Ind., over Indiana Highway 46 to junction Interstate Highway 65, (5) from Seymour, Ind., over Alternate U.S. Highway 31 to junction Interstate Highway 65, (6) from Seymour, Ind., over U.S. Highway 50 to junction Interstate Highway 65, (7) from Uniontown, Ind., over Indiana Highway 250 to junction Interstate Highway 65, (8) from Austin, Ind., over U.S. Highway 31 to junction Interstate Highway 65, (9) from Austin, Ind., over Indiana Highway 256 to junction Interstate Highway 56 to junction Highway 65, (10) from Scottsburg, Ind., over Indiana Highway 56 to junction Interstate Highway 65, (11) from Henryville, Ind., over Indiana Highway 160 to junction Interstate Highway 65, and (12) from Sellersburg, Ind., over U.S. Highway 31W to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E to Louisville, Ky., and return over the same route.

No. MC-29957 (Deviation No. 16), CONTINENTAL SOUTHERN LINES, INC., Post Office Box 8435, Jackson, MS 39204, filed July 21, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Cape Girardeau, Mo., over U.S. Highway 61 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and (2) from Cape Girardeau, Mo., over U.S. Highway 61 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 61 (near Fruitland, Mo.), thence over U.S. Highway 61 to junction Interstate Highway 55 (near Brewer, Mo.), thence over Interstate Highway 55 to St. Louis, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cape Girardeau, Mo., over Missouri Highway 74 to the Mississippi River, thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis, Ill., thence over Eads Bridge to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12960 Filed 8-15-72;8:51 am]

[Notice 25]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 11, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification, and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-41421 (Deviation No. 18) (Correction), East TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207, filed July 25, 1972, corrected July 31, 1972. The summary of this deviation route published in the FEDERAL REGISTER on August 9, 1972, should be corrected to show the description of the deviation route as follows: From Memphis, Tenn., over U.S. Highway 61 to St. Louis, Mo., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 (or U.S. Highway 30) to Salt Lake City, Utah, thence over U.S. Highway 89 to Ogden, Utah, thence over Interstate Highway 80-N (or U.S. Highway 30) to Portland, Oreg., and return over the same route, for operating convenience only.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12961 Filed 8-15-72;8:51 am]

[Notice 65]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 11, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 127300 (Sub-No. 1) (Republication), filed November 2, 1970, published in the FEDERAL REGISTER issue of December 17, 1970, and republished this issue. Applicant: MOUNT KISCO BUS LINES, INC., Union Valley Road, Rural Delivery 2, Lake Mahopac, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. An order of the Commission, Operating Rights Board, dated June 22, 1972, and served July 17, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage in the same vehicle with passengers, between White Plains, N.Y., and Mahopac, N.Y., from White Plains over Interstate Highway 287 to junction with Interstate Highway 87; thence over Interstate Highway 87 to the New York-Connecticut State line, thence over Interstate Highway 287 to the New York-Connecticut State line, thence over Interstate Highway 87 to junction with Interstate Highway 684, thence over Interstate Highway 684 to junction with New York Highway 35, at or near Katonah, N.Y., thence over New York Highway 6 to Mahopac, N.Y., and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene setting forth the manner in which it has been prejudiced.

NOTICE FOR FILING OF PETITIONS

No. MC–113908 (Sub-No. 211 and 215) (Notice of Filing of Petition for Modification of Certificates), filed July 11, 1972. Petitioner: ERICKSON TRANSPORT CORPORATION, Springfield, Mo. 65806. Petitioner's representative: Turner White, White and Dickey, 805 Woodruff Building, Springfield, Mo. 65806. Petitioner presently holds Certificate No. MC–113908 (Sub-No. 211) authorizing operation as a common carrier by motor vehicle, over irregular routes, of liquid chemicals, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Arkansas, Kansas, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Oklahoma, and Texas (except points in Harris County). Petitioner also holds Certificate No. MC–113908 (Sub-No. 215) authorizing operation as a common carrier by motor vehicle, over irregular routes, of liquid chemicals, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Washington. Petitioner states that the chemicals which are the subject of the two mentioned certificates are utilized in the production of animal and poultry feeds and are manufactured by Hoffman-Taff, Inc., with plants at the two mentioned origin points. Petitioner states that the applications for the mentioned certificates were both supported by Hoffman-Taff, Inc., and that petitioner is informed by Hoffman-Taff, Inc., that its users of the products within the commodity description are changing their operations from liquid to dry product. Applicant therefore seeks amending of the certificates to delete the word "liquid" so that such certificates as amended will provide for a commodity description of "chemicals, in bulk, in tank vehicles". Interested persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–128575 and No. MC–128575 (Sub-No. 2), Notice of filing of petition to modify permits by naming Portland, Oreg. as an origin point and the addition of new shippers (Correction), filed July 10, 1972, published in the FEDERAL REGISTER issue of August 9, 1972, and republished as corrected this issue. Petitioner: Golden West Trucking Co., Eugene, Oreg. Petitioner's representative: Lawrence V. Smart, Jr., 419 Northwest 23 Avenue, Portland, OR 97210. The purpose of this republication is to correct the docket number to No. MC–128575 in lieu of MC–128275.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11602 (Correction). Authority sought for purchase by ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley CA 94710, of a portion of the operating rights of DOUDELL TRUCKING COMPANY, 547 Queen's Row, Post Office Box 842, San Jose CA 95106, and for acquisition by JOHN A. PIFER, also of Berkeley, Calif. 94710, of control of such rights through the purchase. Applicants' attorneys: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104, and Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, except commodities in bulk, used household goods as described in 17 M.C.C. 467, wood chips, wood shavings and boats, as a *common carrier*, over regular routes, between Redlands, Calif., and the California-Arizona State line, serving all intermediate points; between Coachella, Calif., and El Centro, Calif., serving all intermediate points; between El Centro, Calif., and Winterhaven, Calif., serving all intermediate points; between junction Interstate Highway 10 and California Highway 111, near White Water, Calif., and Calexico, Calif., serving all intermediate points: between El Centro, Calif., and a point 20 miles west of El Centro on Interstate Highway 8, serving all intermediate points; between Brawley, Calif., and Glamis, Calif., serving all intermediate points; between Blythe, Calif., and Palo Verde, Calif., serving all intermediate points; serving off-route points on the routes specified herein as follows: All points in Riverside County, Calif. Vendee is authorized to operate as a *common carrier in California*. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11618. Authority sought for purchase by O'DONNELL'S EXPRESS, 5 Davis Street, Presque Isle, ME 04769, of a portion of the operating rights of E. J. SCANNELL, INC., 151 Linwood Street, Somerville, MA 02143, and for acquisition by NORTHERN NATIONAL BANK, also of Presque Isle, Maine, and, in turn, by JOSEPH H. O'DONNELL, 251 Corporation Way, Medford, MA, Trustees for Benefit of Children of GEORGE C. O'DONNELL, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, MA 02109, and J. Thomas Schneider, 1819 H Street NW., Washington, DC 20006. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Boston, Mass.,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

and points within 12 miles of Boston on the one hand, and, on the other, points in Connecticut and Rhode Island. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11619. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Springfield, MO 65801, of the operating rights and property of BARTZ CARTAGE COMPANY, INC., 2611 South Memorial Drive, Racine, WI 53403, and for acquisition by F. G. CAMPBELL, also of Springfield, Mo. 65801, of control of such rights through the purchase. Applicants' attorney: Phineas Stevens, Post Office Box 22567, Jackson, MS 39205. Operating rights sought to be transferred: *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, those injurious or contaminating to other lading, and cement and mortar, as a *common carrier*, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in Racine and Kenosha Counties, Wis. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11621. Authority sought for control by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland, OH 44122, of GYPSUM HAULAGE, INC., 1200 South Ponca Street, Baltimore, MD 21224, and for acquisition by W. J. O'Neill and F. J. O'Neill, both of Cleveland, Ohio 44122, of control through the acquisition by LEASEWAY TRANSPORTATION CORP. Applicant's attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004; William P. Sullivan, 1819 H Street NW., Washington, DC 20006; and J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Operating rights sought to be controlled: *Plaster, plaster products, gypsum, gypsum products, fiberboard, tape, tape joint systems, iron and steel arches, steel bead, steel channels, steel lathing, steel ribbing, steel plaster grounds, steel rods, steel wall ties, insulating materials, paint, lime,* and *limestone,* as a *contract carrier,* over irregular routes, from Baltimore, Md., to points in Pennsylvania, New Jersey, Virginia, Maryland, Delaware, and the District of Columbia, located within 150 miles of Baltimore, Md., from the site of National Gypsum Co. plant, located approximately 3 miles from Burlington, N.J., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia within 150 miles of the plantsite, and the District of Columbia;

Pulpboard, rock wool, paper tape, paint, aluminum sulphate, ammonium sulphate, silicate of sand, lime, and *soap chips,* from points in Pennsylvania, New Jersey, Virginia, and Delaware, located within 150 miles of Baltimore, to Baltimore, Md.; *Building materials, gypsum rock,* and *lime,* other than liquid commodities, in bulk, in tank vehicles, from Baltimore, Md., and from the site of the National Gypsum Co.'s plant to points in Delaware, New Jersey, Maryland, Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, Conn., Broome, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester, Bronx, Queens, Kings, Richmond, and New York Counties, N.Y., that part of Pennsylvania in, east, and south of Bradford, Lycoming, Clinton, Clearfield, Indiana, Westmoreland, Allegheny, Washington, and Greene Counties, Pa., that part of West Virginia in, east, and north of Monongalia, Marion, Taylor, Barbour, Randolph, and Pendleton Counties, W. Va., that part of Virginia in and east of Augusta, Nelson, Amherst, Campbell, and Pittsylvania Counties, and in and north of Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Nansemond, and Norfolk Counties, Va., and the District of Columbia, with restriction;

General commodities, except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require the use of special equipment, between points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, with restriction. LEASEWAY TRANSPORTATION CORP. is a holding company not engaged in motor carrier transportation, is affiliated with Anchor Motor Freight, Inc., Signal Delivery Service, Inc., Sugar Transport, Inc., Pep Lines Trucking Co., Mitchell Transport, Inc., and Refiners Transport & Terminal Corp., all motor carriers. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11622. Authority sought for purchase (1) by Gra-Bell Truck Line, Inc., 679 Lincoln Avenue, Holland, MI 49423, of a portion of the operating rights of Hi-Way Dispatch, Inc., 1401 West 26th Street, Marion IN 46952, and for acquisition by M. Van Wyk, also of Holland, Mich. 49423, of control of such rights through the purchase; and (2) by Hi-Way Dispatch, Inc., of Marion, Ind. 46952, of a portion of the operating rights of Gra-Bell Truck Line, Inc., of Holland, Mich. 49423, and for acquisition by Frank A. Bove, also of Marion, Ind. 46952, of control of such rights through the purchase. Applicants' attorney: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit Mich. 48226. Operating rights sought to be transferred in (1) above: *Glass containers and closures therefor,* and *fiberboard boxes,* as a *common carrier,* over irregular routes, from the plantsite and facilities of Obear-Nester Glass Co. at Lincoln, Ill., to points in the Lower Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the plantsite and facilities of Obear-Nester Glass Co. at Lincoln, Ill. Operating rights sought to be transferred in (2) above: *Glass containers, closures, caps, covers* and *accessories* for glass containers, and *fiberboard boxes* when moving in mixed shipments with glass containers, as a *common carrier,* over irregular routes, from Plainfield, Ill., to points in Indiana, with no transportation for compensation on return except as otherwise authorized. NOTE: Parties have agreed to the elimination of any duplicating operating authority in connection with the proposed transfer. Vendee (Gra-Bell) is authorized to operate as a common carrier in Alabama, Indiana, Iowa, Illinois, Ohio, Michigan, Missouri, Kentucky, New York, Maryland, Pennsylvania, Texas, Wisconsin, West Virginia, and District of Columbia. Vendee (Hi-Way) is authorized to operate as a common carrier in Illinois, Indiana, Kentucky, Missouri, Michigan, Ohio, Pennsylvania, Wisconsin, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11623. Authority sought for purchase by FEED TRANSPORTS, INC., Pullman Road, Amarillo, Tex. 79105, of the operating rights of LARRY M. HAYS, Post Office Box 462, Spearman, TX 79081, and for acquisition by GAIL JOHNSON, also of Amarillo, Tex. 79105, of control of such rights through the purchase. Applicants' attorney: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Operating rights sought to be transferred: *Household goods* as defined by the Commission, *livestock,* livestock feeds, and agricultural implements, as a *common carrier,* over irregular routes, between points in that part of Texas north of the southern boundaries of Deaf Smith, Randall, Armstrong, Donley, and Collingsworth Counties, Tex., on the one hand, and, on the other, points in that part of Oklahoma on and west of U.S. Highway 77, and those in that part of Kansas on and west of U.S. Highway 81. Vendee is authorized to operate as a common carrier in Arkansas, Colorado, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a(b).

NOTICE

F.D. 27149–St. Louis-San Francisco Railway Co. and the Texas and Pacific Railway Co. seek authority under section 5(2) of the Interstate Commerce Act and any other pertinent section, for approval and authorization for the exchange of trackage rights, and for the relocation of connections at Muskogee, Muskogee County, Okla., a distance of 4 miles, more or less.

Applicants' attorneys are:

Wm. R. McDowell, The Texas and Pacific Railway Co., Fidelity Union Tower, Dallas, Tex. 75201, 214—784–8181.

J. S. Bowie, St. Louis-San Francisco Railway Co., Suite 1023 Frisco Building, 906 Olive Street, St. Louis, MO 63101, 314—241–7800, Ext. 3244.

The applicants jointly seek approval and authorization for a reciprocal exchange of trackage rights at Muskogee, Muskogee County, Okla., including approval and authorization for the relocation of connections between applicants at Muskogee. To effect such relocation of the point of connection, applicants seek approval and authority to grant trackage rights to each other and to construct necessary track connections, to wit:

(A) Frisco would grant to T&P the use of that section of Frisco's main trackage and connections between Frisco's and T&P's common right-of-way line near Fremont Avenue and Seventh Street (Division Boulevard) and the end of the long switch ties of connecting track from point of switch at Frisco's Engineer Chainage Station 2408+36, such trackage consisting of:

(i) New connection, 233 feet in length, to be constructed to connect with Frisco's main track west of Seventh Street (Division Boulevard) from point of switch located at Frisco's Engineer Chainage Station 24116+16;

(ii) Existing main track between Frisco's Engineer Chainage Station 24116+16 and point of switch located east of M–K–T crossing at Frisco's Engineer Chainage Station 24086+36, a distance of 2,980 feet; and

(iii) New connection, 87 feet in length, to be constructed to connect with T&P's main track east of M–K–T crossing, from point of switch at Frisco's Engineer Chainage Station 24086+36;

all said trackage of Frisco, new and existing, having a total length of 3,300 feet (0.62 mile).

(B) T&P would grant to Frisco the use of that section of T&P's main trackage and connections between T&P's Engineer Chainage Station 265+13.1 and the common right-of-way line of T&P and Frisco near Fremont Avenue and Seventh Street (Division Boulevard), such trackage consisting of:

(i) Existing main track of T&P on its Oklahoma Subdivision from T&P's Engineer Chainage Station 265+13.1 to Engineer Chainage Station 247+81.7;

(ii) Existing connection between T&P's Oklahoma Subdivision and its Midland Valley Subdivision between T&P's Engineer Chainage Station 247+81.7 and Engineer Chainage Station 1006+03;

(iii) Existing main track of T&P on its Midland Valley Subdivision from T&P's Engineer Chainage Station 1006+03 to Engineer Chainage Station 78+45; and

(iv) New connection, 275 feet in length, to be constructed to connect with Frisco's new connection west of Seventh Street (Division Boulevard) from point of switch located at T&P's Engineer Chainage Station 78+45;

all of said trackage of T&P, new and existing, having a total length of 16,565.5 feet (3.14 miles).

Operations over the affected lines will, under the instant proposal, continue as currently in effect.

In the opinion of the applicants the proposed transaction is not a major Federal action significantly affecting the quality of the human environment.

The proceeding assigned F.D. 27149 will be handled without public hearing unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Interstate Commerce Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–12962 Filed 8–15–72;8:51 am]

[Notice 104]

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–73798. By order of August 9, 1972, the Motor Carrier Board approved the transfer to Charles Odell Greene, Zionville, N.C., of the operating rights in Permit No. MC–127674 issued August 11, 1966, to Owen Mickey Little, doing business as Owen M. Little, Zionville, N.C., authorizing the transportation of gravel and sand from Dante, Va., to Boone, N.C. John H. Bingham, Watauga Savings & Loan Building, Boone, N.C. 28607, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–12963 Filed 8–15–72;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 11, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commisison's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Nebraska Docket No. M–11344, Supplement No. 2, filed July 18, 1972. Applicant: DAUNE L. HOBSCHEIDT, doing business as N & W TRANSFER, Post Office Box 188, Nehawka, NE. Applicant's representative: A. J. Swanson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* except those requiring special equipment, over regular routes, between Weeping Water, Nebr., and Louisville, Nebr., via State Highway 50, serving all intermediate points and the off-route points of Cedar Creek and South Bend. Both intrastate and interstate authority sought.

HEARING: Date, time, and place to be determined. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Nebraska State Railway Commission, State of Nebraska, Third Floor, 1342 M Street, Lincoln, NE 68508, and should not be directed to the Interstate Commerce Commission.

Nebraska Docket No. M–11685, filed July 18, 1972. Applicant: TERRY M. MILLER, Post Office Box 91, Ceresco, NE 68017. Applicant's representative: A. J. Swanson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Supp. 1: M–11685 *Commodities generally,* except those requiring special equipment (over regular routes) (1) Between Lincoln and Fremont via U.S. Highway 77, serving all intermediate points and the off-route points of Valparaiso, Weston, Malmo, Colon, and Cedar Bluffs; Alternate Route: From Lincoln north on 14th Street and unnumbered county roads to junction with U.S. Highway 77 east of Davey; (2) Between the junction of U.S. Highway 77 and Nebraska 92 and Omaha via Nebraska 92, serving all intermediate points and the off-route points of Ithaca, Firestone (Nebraska Ordinance Plant), Yutan, and Venice. Over irregular routes, between points in Saunders County, and between points within said radial area, on the one hand, and, on the other hand, points throughout the State of Nebraska.

Supp. 1 Commodities generally, excepting those requiring special equipment, irregular routes from Cheyenne County and the western part of Nebraska, to and from North Platte, Shelby, Rushville, and points generally throughout the State on a statewide basis.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Nebraska State Railway Commission, 1342 M Street, Third Floor, Lincoln, NE 63508, and should not be directed to the Interstate Commerce Commission.

California Docket No. A–53457, filed July 17, 1972. Applicant: WILLIG FREIGHT LINES, a California corporation, Applicant's representative: Robert L. La Vine, 415 Hearst Building, San Francisco, Calif. 94103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* with the following exceptions: (a) Used household goods and personal effects not packed in accordance with the crated property requirements as set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (b) liquids, compressed gases, commodities in semiplastic form nor commodities in suspension; liquids in bulk in tank trucks, tank trailers, or tank and semitrailers or a combination of such highway vehicles. (c) commodities when transported in motor vehicles equipped for mechanical mixing in transit. (d) articles of extraordinary value. (e) automobiles, trucks or buses, new or used, finished or unfinished, viz: Passenger automobiles (including jeeps); ambulances; hearses; taxis; freight automobiles; automobile chassis; truck chassis; truck trailers; trucks and trailers combined; buses or bus chassis. (f) beer originating at San Francisco and empty beer containers destined to San Francisco. (A) From, to and between all points and places located: On or laterally within 25 miles of the following named highways; (1) State Highway No. 1 between San Francisco and Carmel inclusive; (2) U.S. Highway No. 101 between San Francisco and Los Angeles basin territory as described in NOTE 2 hereof, inclusive; (3) Interstate Highway No. 5 between Weed and San Diego inclusive; (4) State Highway No. 99 between Weed and Los Angeles basin territory inclusive; (5) Interstate Highway No. 80 between San Francisco territory as described in NOTE 1 hereof and Sacramento inclusive; (6) State Highway No. 65 between Roseville and Marysville inclusive; (7) Interstate Highway No. 580 between Oakland and Stockton inclusive; (8) Interstate Highway No. 15 between San Bernardino and San Diego inclusive; (9) Interstate Highway No. 10 between Los Angeles and Indio inclusive; (10) State Highway No. 111 between Indio and El Centro inclusive; (B) on or laterally within 5 miles of State Highway No. 128 between Geyserville and Napa inclusive; (C) on U.S. Highway No. 101 between Cloverdale and Willits inclusive.

San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits, easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs;

Northerly along the unnumbered highway via Mission, San Jose, and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore of the Pacific Ocean to point of beginning.

Los Angeles basin territory includes the area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barron Avenue; westerly along Barron Avenue and its prolongation to Palm Springs Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60;

Southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along along Benton Road to the county road said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should

not be directed to the Interstate Commerce Commission.

California Docket No. 53482, filed July 25, 1972. Applicant: THOMAS J. STEWART and JOHN F. GARDEN, Partners, doing business as NIMITZ AIR CARGO, 544 Ralston Avenue, Belmont, CA 94002. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco territory, which is described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right of way; southerly along the Southern Pacific Co. right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southern along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road);

Northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks and buses, viz: New and used, finished or unfinished passenger autmobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine;

(4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) commodities of unusual or extraordinary value; and (10) fresh fruits and vegetables. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A 53483, filed July 26, 1972. Applicant: G. C. T., INC., a California corporation. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between the following points, serving all intermediate points on the said routes and all off-route points within 20 miles thereof: (1) Healdsburg and Bradley on U.S. Highway 101; (2) Sacramento and Fresno on U.S. Highway 99; (3) San Francisco and Sacramento on Interstate Highway 80; (4) San Francisco and Stockton on Interstate Highways 580, 205, and 5; (5) to and from and between all points and places located in the San Francisco territory as described in appendix I hereto, and points located within 20 miles of the boundaries of said territory; (6) San Jose and Vallejo on Interstate Highway 680; (7) Benicia and junction State Highway 21 and Interstate Highway 80 near Cordelia on State Highway 21; (8) San Jose and Santa Cruz on State Highway 17; (9) Santa Cruz and Monterey on State Highway 1; (10) Salinas and Monterey on State Highway 68; (11) Hollister and junction U.S. Highway 101 and State Highway 156 near San Juan Bautista on State Highway 156; (12) Watsonville and San Juan Bautista on unnumbered highway; (13) Watsonville and Gilroy on State Highway 152; (14) Gilroy and junction State Highway 152 and U.S. Highway 99 near Fairmead on State Highway 152; (15) Pinole and Stockton on State Highway 4; and (16) Monterey and Jamesburg on State Highway 1, County Road G–16, and unnumbered county roads. Applicant may use any and all highways and roads between the areas described for operating convenience only. Except that applicant shall not transport any shipments of the following: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item 10–C of Minimum Rate Tariff 4–A; (2) Automobiles, trucks and buses, viz:

New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; and (9) commodities of unusual or extraordinary value. Appendix I: The San Francisco territory. Between points in California (including the city of San Jose) within an area bounded by a line beginning at the point of San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue;

Easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline to the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12959 Filed 8-15-72;8:51 am]

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