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PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Staff Assistant to the Assistant to the Secretary and Director of Communications is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–24–72), § 213.3312(a)(39) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(39) One Staff Assistant to the Assistant to the Secretary and Director of Communications.

* * * * *

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

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

[FR Doc.72–14400 Filed 8–23–72;8:54 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Confidential Assistant and one additional position of Special Assistant to the Secretary are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–24–72), subparagraphs (1) and (2) of paragraph (a) of § 213.3312 are amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Six Confidential Assistants and one Private Secretary to the Secretary.

(2) Seven Special Assistants to the Secretary.

* * * * *

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

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

[FR Doc.72–14401 Filed 8–23–72;8:54 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Secretary is expected under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–24–72), § 213.3315(a)(28) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(28) One Staff Assistant to the Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp. p. 218)

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

[FR Doc.72–14402 Filed 8–23–72;8:54 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Administrator is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8–24–72), subparagraph (1) of paragraph (a) of § 213.3318 is amended as set out below.

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Four Special Assistants to the Administrator.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp. p. 218)

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

[FR Doc.72–14399 Filed 8–23–72;8:54 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

[Docket No. 72–539]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (g) is amended by deleting the name of the State of Nebraska.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment removes the State of Nebraska from the list of hog cholera-free States appearing in 9 CFR 76.2(g), as amended, because of the secondary spread of the contagion of hog cholera within that State. This action is deemed necessary to prevent further spread of the disease. The special provisions pertaining to the interstate movement of swine and swine products from eradication and free States are no longer applicable to Nebraska. However, the restrictions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from nonquarantined areas apply to the State of Nebraska. This removal of the State of Nebraska from hog cholera-free status has the effect of reducing the Federal indemnities payable under other regulations (9 CFR Part 56) for swine slaughtered because of hog cholera in Nebraska.

The amendment imposes certain further restrictions necessary to prevent the spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, 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 21st day of August 1972.

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

[FR Doc.72–14410 Filed 8–23–72;8:56 am]

[Docket No. 72-540]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(4) relating to the State of Texas, subdivision (ii) relating to Bexar County is deleted and subdivision (i) is amended to read:

(i) That portion of the State of Texas comprised of all of Dawson, Nueces, Terry, and Webb Counties.

(Secs. 4–7, 23 Stat 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment excludes all of Harris and Moore Counties and a portion of Bexar County in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, 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 21st day of August 1972.

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

[FR Doc.72-14411 Filed 8-23-72;8:56 am]

[Docket No. 72-541]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e)(3) relating to the State of North Carolina is added to read:

§ 76.2 Notice relating to existence of hog cholera; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) * * *

(3) *North Carolina.* The adjacent portions of Nash and Edgecombe Counties bounded by a line beginning at the junction of secondary road 1544 and secondary road 1713 in Nash County; thence following secondary road 1713 in a northeasterly direction to the Seaboard Coast Line Railroad; thence following the Seaboard Coast Line Railroad in a southeasterly direction to State Highway 97; thence following State Highway 97 in a generally northeasterly direction to U.S. Highway 64E; thence following U.S. Highway 64E in a southeasterly direction to State Highway 43; thence following State Highway 43 in a southeasterly direction to secondary road 1140 in Edgecombe County; thence following secondary road 1140 in a southwesterly direction to secondary road 1135; thence following secondary road 1135 in a southerly direction to secondary road 1446; thence following secondary road 1446 in a westerly direction to secondary road 1146; thence following secondary road 1146 in a northwesterly direction to secondary road 1733; thence following secondary road 1733 in a northwesterly direction to U.S. Highway 301 in Nash County; thence following U.S. Highway 301 in a southwesterly direction to secondary road 1735; thence following secondary road 1735 in a northwesterly direction to secondary road 1544; thence following secondary road 1544 in a northwesterly direction to its junction with secondary road 1713.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265 as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment quarantines portions of Nash and Edgecombe Counties in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, 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 21st day of August 1972.

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

[FR Doc.72-14412; Filed 8-23-72;8:56 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3, in paragraph (a)(1) relating to the State of California, subdivision (i) relating to Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties is amended, and new subdivisions (xi), (xii), (xiii), (xiv), and (xv) relating to San Diego County are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *California.* (i) That portion of the State of California comprised of all of Orange County and the adjoining portions of Ventura, Los Angeles, San Bernardino, and Riverside Counties bounded by a line beginning at the junction of the north bank of the Santa Clara River

and the Pacific Ocean; thence, following the north bank of the Santa Clara River in a generally easterly direction to the Ventura-Los Angeles County line; thence, following the Ventura-Los Angeles County line in a northwesterly direction to the dividing line between T. 5 N. and T. 4 N. of the San Bernardino base line; thence, following the dividing line between T. 5 N. and T. 4 N. in an easterly direction to the dividing line between R. 14 W. and R. 13 W. of the San Bernardino Meridan; thence, following the dividing line between R. 14 W. and R. 13 W. in a southerly direction to the dividing line between T. 3 N. and T. 2 N. of the San Bernardino base line; thence, following the dividing line between T. 3 N. and T. 2 N. in an easterly direction to the dividing line between R. 3 E. and R. 4 E. of the San Bernardino Meridian in San Bernardino County; thence, following the dividing line between R. 3 E. and R. 4 E. in a southerly direction to the Riverside-San Diego County line; thence, following the Riverside-San Diego County line in a westerly then northwesterly direction to the Riverside-San Diego-Orange County lines; thence, following the Orange-San Diego County line in a southwesterly direction to its junction with the Pacific Ocean; thence, following the U.S. Pacific Coast shore line in a generally northwesterly direction to its junction with the north bank of the Santa Clara River.

* * * * *

(xi) The premises of Sears Roebuck & Co., at 575 Fletcher Parkway (Part of Parkway Plaza shopping center), El Cajon, located on that portion of lot "L" of Rancho El Cajon, which is located in the city of El Cajon, county of San Diego.

(xii) The premises of Sears Roebuck & Co., at 555 5th Avenue, Chula Vista, located on the westerly one-half of lots 9, 10, 11, and 12 in quarter section 148 of Rancho de la Nacion in city of Chula Vista, county of San Diego.

(xiii) The premises of Sears Roebuck & Co., at 1290 Cleveland Avenue, city of San Diego, which include lots 12 to 25, inclusive, in block 187, all of block 186, and portions of blocks 182 and 183, of University Heights.

(xiv) The premises of Live Cargo Bird Farm, at 9063 Birch Street, Spring Valley, county of San Diego.

(xv) The premises of the San Diego Zoological Gardens, located in Balboa Park, city of San Diego.

* * * * *

2. In § 82.3 in paragraph (a)(5) relating to the State of Arizona, subdivision (ii) relating to Yuma County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendments exclude all of Yuma County, Arizona and a portion of San Diego County in California from the areas quarantined because of exotic Newcastle disease. Therefore the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of August 1972.

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

[FR Doc.72-14413 Filed 8-23-72;8:56 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Codes and Standards for Nuclear Powerplants

On June 12, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 11423) amendments to 10 CFR Parts 50 and 115 which added new §§ 50.55a and 115.43a to establish minimum quality standards for the design, fabrication, erection, construction, testing, and inspection of certain systems and components of boiling and pressurized water-cooled nuclear powerplants by requiring conformance with appropriate editions of specified published industry codes and standards. Sections 50.55a and 115.43a as adopted permitted conformance with the requirements of editions of the specified Codes, Code Cases, and Addenda which become effective after the date of component order, unless the Commission has published a notice in the FEDERAL REGISTER that compliance with such requirements is unacceptable for such components.

The Commission has adopted amendments to §§ 50.55a and 115.43a which, in referencing the editions of Codes, Code Cases, and Addenda whose requirements must be met, include only the editions of Codes, Code Cases, and Addenda through 1971 or the winter 1971 addenda, as appropriate. These amendments are considered necessary for compliance with sections 552 and 553 of title 5 of the United States Code and the regulations of the Office of the Federal Register pertaining to incorporation by reference (1 CFR Part 20).

As new or amended editions of applicable Codes, Code Cases, or Addenda are issued, the Commission will review them and amend the provisions of §§ 50.55a and 115.43a as appropriate.

Since the amendments to §§ 50.55a and 115.43a are necessary to comply with sections 552 and 553 of title 5 of the United States Code and 1 CFR Part 20, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and impracticable and for making the amendments effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 50 and 115 are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (8–24–72).

1. In § 50.55a of 10 CFR Part 50, § 50.55a (a) and (b) are redesignated as § 50.55a(a) (1) and (2) respectively and § 50.55a(b) (1) and (2) are redesignated as § 50.55a(a)(2) (i) and (ii) respectively.

2. Section 50.55a is amended by adding a new paragraph (b) and by amending paragraphs (c), (d), (e), (f), (g), and (h) to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) As used in this section, references [1] to editions of Criteria, Codes, and Standards include only those editions through 1971; references [1] to Addenda include only those Addenda through the Winter 1971 Addenda.

(c) Pressure vessels:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, pressure vessels which are part of the reactor coolant

See footnotes at end of document.

pressure boundary [2] shall meet the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code, applicable Code Cases, and Addenda [3] in effect [4] on the date of order [5] of the vessel. The pressure vessels may meet the requirements set forth in editions of this Code, applicable Code Cases, and Addenda which have become effective after the date of vessel order.

(2) For construction permits issued on or after January 1, 1971, pressure vessels which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class A or Class 1 vessels set forth in editions of section III of the ASME Boiler and Presure Vessel Code and Addenda [6] in effect [4] on the date of order [5] of the pressure vessel: *Provided, however,* That if the pressure vessel is ordered more than 18 months prior to the date of issuance of the construction permit, compliance with the requirements for Class A or Class 1 vessels set forth in editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 18 months prior to the date of issuance of the construction permit is required. The pressure vessels may meet the requirements set forth in editions of this Code and Addenda which have become effective after the date of vessel order or after 18 months prior to the date of issuance of the construction permit.

(d) Piping:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, piping which is part of the reactor coolant pressure boundary [2] shall meet the requirements set forth in:

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases [3] or the U.S.A. Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases [3] or the Class I section of the U.S.A. Standard Code for Pressure Piping (USAS B31.7) [3] in effect [4] on the date of order [5] of the piping and

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards of Class I piping of the U.S.A. Standard Code for Pressure Piping (USAS B31.7) may be applied.

The piping may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and USAS B31.7, Addenda, and Code Cases which became effective after the date of order of the piping.

(2) For construction permits issued on or after January 1, 1971, piping which is part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I piping set forth in editions of (i) the USA Standard Code for Pressure Piping (USAS B31.7) and Addenda [6] in effect [4] on the date of order [5] of the piping and the requirements applicable to piping of articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect on the date of order of the piping, or (ii) the requirements applicable to Class 1 piping of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of the order of the piping: *Provided, however,* That if the piping is ordered more than 6 months prior to the date of issuance of the construction permit, compliance with the requirements for Class A or Class 1 piping set forth in editions of USAS B31.7 or section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect 6 months prior to the date of issuance of the construction permit is required. The piping may meet the requirements set forth in editions of these Codes and Addenda [6] which have become effective after the date of piping order or after 6 months prior to the date of issuance of the construction permit.

(e) Pumps:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, pumps which are part of the reactor coolant pressure boundary [2] shall meet—

(i) The requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases [3] in effect [4] on the date of order [5] of the pumps, or

(ii) The nondestructive examination and acceptance standards set forth in ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the pumps may be applied.

The pumps may meet the requirements set forth in editions of the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases which became effective after the date of order of the pumps.

(2) For construction permits issued on or after January 1, 1971, pumps which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I pumps set forth in editions of (i) the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] in effect [4] on the date of order [5] of the pumps and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps, or (ii) the requirements applicable to Class 1 pumps of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps: *Provided, however,* That if the pumps are ordered more than 12 months prior to the date of issuance of the construction permit, compliance with the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] and the requirements applicable to pumps set forth in articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda, or for Class I pumps of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction permit is required. The pumps may meet the requirement set forth in editions of these Codes or Addenda which have become effective after the date of pump order or after 12 months prior to the date of issuance of the construction permit.

(f) Valves:

(1) For construction permits issued before January 1, 1971, for reactors not licensed for operation, valves which are part of the reactor coolant pressure boundary [2] shall meet the requirements set forth in

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases, or the USA Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases, in effect [4] on the date of order [5] of the valves or the Class I section of the Draft ASME Code for Pumps and Valves for Nuclear Power,[3] Addenda, and Code Cases in effect on the date of order of the valves or

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N2, N7, N9, and N10, except that the acceptance standards for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the valves may be applied.

The valves may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases, which became effective after the date of order of the valves.

(2) For construction permits issued on or after January 1, 1971, valves which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I valves set forth in editions of (i) the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] in effect [4] on the date of order [5] of the valves and the requirements applicable to valves set forth in articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect on the date of order of the valves, or (ii) the requirements applicable to Class 1 valves of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the valve; *Provided, however,* That if the valves are ordered more than 12 months prior to the date of issuance of the construction permit, compliance with the requirements for Class I valves set forth in editions of the Draft ASME

See footnotes at end of document.

Code for Pumps and Valves for Nuclear Power and Addenda [6] and the requirements applicable to valves set forth in articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda or for Class 1 valves of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction permit is required. The valves may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of valve order or after 12 months prior to the date of issuance of the construction permit.

(g) Inservice inspection requirements: For construction permits issued on or after January 1, 1971, systems and components shall meet the requirements set forth in editions of Section XI of the ASME Boiler and Pressure Vessel Code and Addenda [3] [6] in effect 6 months prior to the date of issuance of the construction permit. Systems and components may meet the requirements set forth in editions of this Code and Addenda which have become effective after 6 months prior to the date of issuance of the construction permit.

(h) Protection systems: For construction permits issued after January 1, 1971, protection systems shall meet the requirements set forth in editions or revisions of the Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE 279) in effect [7] 12 months prior to the date of issuance of the construction permit. Protection systems may meet the requirements set forth in editions or revisions of IEEE 279 which have become effective after 12 months prior to the date of issuance of the construction permit.

* * * * *

3. In § 115.43a of 10 CFR Part 115, § 115.43a (a) and (b) are redesignated as § 115.43a(a) (1) and (2) respectively and § 115.43a(b) (1) and (2) are redesignated as § 115.43a(a)(2) (i) and (ii) respectively.

4. Section 115.43a is amended by adding a new paragraph (b) and by amending paragraphs (c), (d), (e), (f), (g), and (h) to read as follows:

§ 115.43a Codes and Standards.

* * * * *

(b) As used in this section, references [1] to editions of Criteria, Codes, and Standards include only those editions through 1971; references [1] to Addenda include only those Addenda through the Winter 1971 Addenda.

(c) Pressure vessels:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, pressure vessels which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class A vessels set forth in section III of the ASME Boiler and Pressure Vessel Code, applicable Code Cases, and Addenda [3] in effect [4] on the date of order [5] of the vessel. The pressure vessels may meet the requirements set forth in editions of this Code, applicable Code Cases, and Addenda which have become effective after the date of vessel order.

(2) For construction authorizations issued on or after January 1, 1971, pressure vessels which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class A or Class 1 vessels set forth in editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect [4] on the date of order [5] of the pressure vessel: *Provided, however,* That if the pressure vessel is ordered more than 18 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class A or Class 1 vessels set forth in editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 18 months prior to the date of issuance of the construction authorization is required. The pressure vessels may meet the requirements set forth in editions of this Code and Addenda which have become effective after the date of vessel order or after 18 months prior to the date of issuance of the construction authorization.

(d) Piping:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, piping which is part of the reactor coolant pressure boundary [2] shall meet the requirements set forth in:

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code cases [3] or the U.S.A. Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code cases [3] or the Class I section of the U.S.A. Standard Code for Pressure Piping (USAS B31.7) [3] in effect [4] on the date of order [5] of the piping and

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards for Class I piping of the U.S.A. Standard Code for Pressure Piping (USAS B31.7) may be applied.

The piping may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and USAS B31.7, Addenda, and Code cases which became effective after the date of order of the piping.

(2) For construction authorizations issued on or after January 1, 1971, piping which is part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I piping set forth in editions of (i) the U.S.A. Standard Code for Pressure Piping (USAS B31.7) and Addenda [6] in effect [4] on the date of order [5] of the piping and the requirements applicable to piping of articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect on the date of order of the piping, or (ii) the requirements applicable to Class I piping of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of the order of the piping: *Provided, however,* That if the piping is ordered more than 6 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class A or Class 1 piping set forth in editions of USAS B31.7 or section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect 6 months prior to the date of issuance of the construction authorization is required. The piping may meet the requirements set forth in editions of these Codes and Addenda [6] which have become effective after the date of piping order or after 6 months prior to the date of issuance of the construction authorization.

(e) Pumps:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, pumps which are part of the reactor coolant pressure boundary [2] shall meet—

(i) The requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases [8] in effect [4] on the date of order [5] of the pumps, or

(ii) The nondestructive examination and acceptance standards set forth in ASA B31.1 Code Cases N7, N9, and N10, except that the acceptance standards for Class I Pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the pumps may be applied.

The pumps may meet the requirements set forth in additions of the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases which became effective after the date of order of the pumps.

(2) For construction authorizations issued on or after January 1, 1971, pumps which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I pumps set forth in editions of (i) the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] in effect [4] on the date of order [5] of the pumps and the requirements applicable to pumps set forth in articles 1 and 8 of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps, or (ii) the requirements applicable to Class I pumps of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect on the date of order of the pumps: *Provided, however,* That if the pumps are ordered more than 12 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class I pumps set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] and the requirements applicable to pumps set forth in articles 1 and 8 of

See footnotes at end of document.

editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda, or for Class I pumps of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction authorization is required. The pumps may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of pump order or after 12 months prior to the date of issuance of the construction authorization.

(f) Valves:

(1) For construction authorizations issued before January 1, 1971, for reactors not authorized for operation, valves which are part of the reactor coolant pressure boundary [2] shall meet the requirements set forth in:

(i) The American Standard Code for Pressure Piping (ASA B31.1), Addenda, and applicable Code Cases, or the U.S.A. Standard Code for Pressure Piping (USAS B31.1.0), Addenda, and applicable Code Cases in effect [4] on the date of order [5] of the valves or the Class I Section of the Draft ASME Code for Pumps and Valves for Nuclear Power,[3] Addenda, and Code Cases in effect on the date of order of the valves, or

(ii) The nondestructive examination and acceptance standards of ASA B31.1 Code Cases N2, N7, N9, and N10, except that the acceptance standards for Class I valves set forth in the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda in effect on the date of order of the valves may be applied. The valves may meet the requirements set forth in editions of ASA B31.1, USAS B31.1.0, and the Draft ASME Code for Pumps and Valves for Nuclear Power, Addenda, and Code Cases, which became effective after the date of order of the valves.

(2) For construction authorizations issued on or after January 1, 1971, valves which are part of the reactor coolant pressure boundary [2] shall meet the requirements for Class I valves set forth in editions of (i) the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] in effect [4] on the date of order [5] of the valves and the requirements applicable to valves set forth in articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda [6] in effect on the date of order of the valves, or (ii) the requirements applicable to Class I valves of section III of the ASME Boiler and Pressure Vessel and Addenda in effect on the date of order of the valves: *Provided, however,* That if the valves are ordered more than 12 months prior to the date of issuance of the construction authorization, compliance with the requirements for Class I valves set forth in editions of the Draft ASME Code for Pumps and Valves for Nuclear Power and Addenda [6] and the requirements applicable to valves set forth in articles 1 and 8 of editions of section III of the ASME Boiler and Pressure Vessel Code and Addenda, or for Class I valves of section III of the ASME Boiler and Pressure Vessel Code and Addenda in effect 12 months prior to the date of issuance of the construction authorization is required. The valves may meet the requirements set forth in editions of these Codes or Addenda which have become effective after the date of valve order or after 12 months prior to the date of issuance of the construction authorization.

(g) Inservice inspection requirements: For construction authorizations issued on or after January 1, 1971, systems and components shall meet the requirements set forth in editions of section XI of the ASME Boiler and Pressure Vessel Code and Addenda [3] [6] in effect 6 months prior to the date of issuance of the construction authorization. Systems and components may meet the requirements set forth in editions of this Code and Addenda which have become effective after 6 months prior to the date of issuance of the construction authorization.

(h) Protection systems: For construction authorizations issued after January 1, 1971, protection systems shall meet the requirements set forth in editions or revisions of the Institute of Electrical and Electronics Engineers Criteria for Nuclear Power Plant Protection Systems (IEEE 279) in effect [7] 12 months prior to the date of issuance of the construction authorization. Protection systems may meet the requirements set forth in editions or revisions of IEEE 279 which have become effective after 12 months prior to the date of issuance of the construction authorization.

(Secs. 103, 104, 1611, 183, 68 Stat. 936, 937, 948, 954, as amended; 42 U.S.C. 2133, 2134, 2201(l), 2233)

Dated at Germantown, Md., this 26th day of July 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-14296 Filed 8-23-72;8:45 am]

[1] These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972.

[2] Components which are connected to the reactor coolant system and are part of the reactor coolant pressure boundary defined in § 50.2(v) need not meet these requirements, provided:

(a) In the event of postulated failure of the component during normal reactor operation, the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only, or

(b) The component is or can be isolated from the reactor coolant system by two valves (both closed, both open, or one closed and the other open). Each open valve must be capable of automatic actuation and, assuming the other valve is open, its closure time must be such that, in the event of postulated failure of the component during normal reactor operation, each valve remains operable and the reactor can be shut down and cooled down in an orderly manner, assuming makeup is provided by the reactor coolant makeup system only.

[3] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, NY 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. NW., Washington, DC.

[4] ASME and U.S. of America Standard Code Addenda are considered "in effect" 6 months after their date of issuance.

[5] The Code issue applicable to a component is governed by the order or contract date for the component, not the contract date for the nuclear energy system.

[6] The use of specific Code Cases may be authorized by the Commission upon request pursuant to § 50.55(a)(2)(ii).

[7] For purposes of this regulation, the proposed IEEE 279 became "in effect" on August 30, 1968. Copies may be obtained from the Institute of Electrical and Electronics Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017. A copy is available for inspection at the Commission's Public Document Room, 1717 Street NW., Washington, DC.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-975]

PART 545—OPERATIONS

Loans Without Requirement of Security

AUGUST 18, 1972.

Resolved that the Federal Home Loan Bank Board determines it desirable to amend § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8) for the purpose of deleting the provision, contained in subdivision (i) of paragraph (a)(1) thereof, which limits a Federal association to an aggregate of $5,000 in loans made thereunder within a 180-day period, if related to the same property. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.8 by deleting subdivision (i) of subparagraph (1) of paragraph (a) thereof and renumbering the succeeding subdivisions of said subparagraph, so that subparagraph (1) of paragraph (a) of said

§ 545.8 will read as follows, effective August 24, 1972:

§ 545.8 Loans without requirement of security.

(a) Without regard to any other provision of this part except the first two sentences of § 545.6–10, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

(1) Any loan, with or without security, for property alteration, repair, or improvement, or for the equipping of any residential real property, if the following requirements are met:

(i) With respect to the same property alteration, repair, or improvement, the net proceeds of any such loan investment made pursuant to this subparagraph (1) do not exceed $5,000;

(ii) With respect to any such loan investment for the equipping of any residential real property, the net proceeds of the loan investment plus the aggregate of the unpaid net proceeds of all other of the association's outstanding equipping loan investments relating to the same property, which are made pursuant to this subparagraph (1), do not exceed $5,000;

(iii) The property is located in such association's regular lending area, as defined in § 545.6–6;

(iv) The loan is evidenced by one or more notes, bonds, or other written evidences of debt;

(v) The loan is repayable in equal weekly, biweekly, monthly, bimonthly, or quarterly installments with the first installment due no later than 120 days from the date the loan is made and the final installment due no later than 10 years and 32 days from such date. However, the loan contract may provide for a first or final installment, or both, in an amount other than that of the regular installment but, in such instances, such installment shall not be less than one-half of, nor more than one and one-half times, the amount of the regular installment; and

(vi) Investment in a loan for the equipping of residential real property will not cause the outstanding aggregate of all investments in loans for the equipping of such property to exceed 5 percent of an association's assets.

* * * * *

(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)

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553 (b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would, in the opinion of the Board, not be required for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Resolved further that the first paragraph of the explanatory statement previously published in conjunction with said § 545.8 (37 F.R. 16189) is hereby revised, in view of the above amendment, to read as follows:

EXPLANATORY STATEMENT WITH RESPECT TO REGULATORY PROVISION RELATING TO LOANS FOR HOME EQUIPPING AND MODERNIZATION

Subparagraph (1) of paragraph (a) of § 545.8 of the rules and regulations for the Federal Savings and Loan System is designed in part to implement the authority granted to the Board by the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968), to authorize, in addition to property repair, alteration, and improvement loans previously provided for in the regulation, Federal savings and loan associations to make loans for home equipping, whether or not such loans are secured by a lien on such equipment or such home. This subparagraph provides, in part, as follows: the total amount of outstanding equipping loans on the same real property may not exceed $5,000, and separate loans of up to $5,000 each may be outstanding for different repairs, alterations, or improvements on such property; loans made pursuant to this provision shall be repayable in regular installments within a period of 10 years and 32 days; the home to be equipped must be within the lender's regular lending area; and the aggregate amount of an association's investments in all such equipping loans shall not exceed 5 percent of the lending association's assets and shall be included in the loans subject to the overall 20-percent-of-assets limitation for all loans made under § 545.8.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.72–14409 Filed 8–23–72;8:56 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72–950]

PART 572—ACCOUNTING STATEMENTS OF POLICY

Use of Accrual Basis of Accounting

AUGUST 10, 1972.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 572.1 of the rules and regulations for Insurance of Accounts (12 CFR 572.1) for the purpose of reducing the minimum asset size, from $25 million to $10 million, of insured institutions required to prepare certain reports on the accrual basis of accounting. Accordingly, the Federal Home Loan Bank Board hereby amends said § 572.1 by revising subparagraph (1) of paragraph (e) thereof to read as follows:

§ 572.1 Use of accrual basis of accounting.

* * * * *

(e) *Institutions required to use accrual basis of accounting.* (1) An insured institution which, at December 31, 1969, had total assets in excess of $25 million, and an insured institution which, at December 31, 1972, has total assets in excess of $10 million, shall thereafter prepare all quarterly, semiannual, and annual reports to the Corporation on the accrual basis of accounting. Insured institutions reaching more than $25 million in total assets after December 31, 1969, and insured institutions reaching more than $10 million in total assets after December 31, 1972, shall prepare such reports on the accrual basis of accounting commencing with the next following annual accounting period.

* * * * *

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

Resolved further that, since the above amendment of a general statement of policy merely enlarges the class of institutions already required to report to the Federal Savings and Loan Insurance Corporation on the accrual basis of accounting (in accordance with the policy previously set forth in paragraph (c) of § 572.1), the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.72–14408 Filed 8–23–72;8:56 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–EA–167]

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

Designation of Transition Area

On June 6, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 11262) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at the South Island, N.Y., intersection.

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.

In § 71.181 (37 F.R. 2143) the South Island, N.Y., transition area is added:

SOUTH ISLAND, NY.

That airspace on each side of Control 1147, extending upward from FL 230 to FL 390, inclusive, bounded on the northeast by a line beginning at latitude 40°00'00" N., longitude 72°43'00" W., to latitude 39°35'00" N., longitude 72°20'00" W., thence south along longitude 72°20'00" W. to the northeast boundary of Control 1147, northwest along the northeast boundary of Control 1147, northeast along the southeast boundary of the Fire Island transition area to latitude 40°03'00" N., thence to point of beginning; and including the airspace bounded on the southwest by a line beginning at latitude 39°44'00" N., to the southwest boundary of Control 1147, southeast along the southwest boundary of Control 1147, southwest along the northwest boundary of the New York Oceanic control area to longitude 72°30'00" W., thence to latitude 39°40'00" N., longitude 73°30'00" W., thence to points of beginning.

Nonrule-making actions are taken as hereinafter set forth and are effective 0901 G.m.t., October 12, 1972.

1. Warning Area W-105 is redefined as follows:

W-105 NARRAGANSETT, R.I.

Boundaries: Beginning at lat. 40°40'00" N., long. 72°30'00" W., thence to lat. 40°41'30" N., long. 72°07'00" W., thence to lat. 40°09'30" N., long. 70°13'00" W., thence to lat. 39°52'00" N., long. 69°34'00" W., thence to lat. 39°52'00" N., long. 71°01'30" W., thence to lat. 39°27'00" N., long. 72°20'00" W., thence to lat. 39°35'00" N., long. 72°20'00" W., thence to lat. 39°46'00" N., long. 72°30'00" W., to point of beginning excluding the airspace extending upward from 8,000 feet MSL in the area bounded by a line beginning at lat. 40°41'00" N., long. 72°30'00" W.; thence to lat. 40°41'15" N., long. 72°11'00" W.; thence to lat. 40°25'35" N., long. 72°30'00" W.; thence to point of beginning.

Altitude. Surface to flight level 500, excluding the airspace from flight level 240 to flight level 300 inclusive within a 10.2 miles radius of the Nantucket Consolan station (41°15'35"/70°09'19").

Using Agency. Commanding Officer, Naval Station (NAVPORCO) Newport, R.I.

Time of Use. Monday through Friday, 0800–1800 local time; Saturday-Sunday, 0800–1200 local time.

2. Warning Area W-106 is redefined as follows:

W-106 PATCHOGUE, N.Y.

Boundaries: Beginning at lat. 40°40'00" N., long. 72°30'00" W.; thence to lat. 39°46'00" N., long. 72°30'00" W.; thence to lat. 40°00'00" N., long. 72°43'00" W.; thence to lat. 40°03'00" N., long. 72°57'00" W.; thence to lat. 39°59'20" N., long. 73°00'00" W.; thence to lat. 40°13'15" N., long. 73°15'00" W.; thence to lat. 40°23'45" N., long. 73°15'00" W.; thence to lat. 40°33'10" N., long. 73°04'15" W.; to the point of beginning excluding that portion above 3,000 feet MSL within and west of V-139/V-308 and that airspace extending upward from 8,000 feet MSL within 1° NMI SE of the SE boundary of V-139/V-308.

Altitude. Surface to unlimited.

Time of Use. All, 0800–1800 local time, other times by NOTAM.

Using Agency. Commanding Officer, U.S. Naval Station, Newport, R.I.

3. Warning Area W-107 is redefined as follows:

W-107 ATLANTIC CITY, N.J.

Boundaries: Beginning at lat. 40°00'00" N., long. 73°52'00" W.; thence to lat. 40°00'00" N., long. 73°37'00" W.; thence to lat. 39°44'00" N., long. 73°20'00" W.; thence to lat. 39°44'00" N., long. 73°30'00" W.; thence to lat. 39°40'00" N., long. 73°30'00" W.; thence to lat. 38°42'00" N., long. 72°32'00" W.; thence to lat. 32°21'00" N., long. 73°02'00" W.; thence to lat. 38°03'00" N., long. 73°02'00" W.; thence to lat. 39°09'00" N., long. 74°37'00" W.; thence three nautical miles from and parallel to the shoreline to lat. 39°54'00" N., long. 74°01'00" W.; to point of beginning excluding that portion above 2,000 feet MSL within and west of V-139/V-308 and within the area beginning at lat. 39°44'00" N., long. 73°40'15" W.; thence to lat. 39°51'00" N., long. 73°27'15" W.; thence to lat. 39°44'00" N., long. 73°19'50" W.; to the point of beginning.

Altitude. Surface to unlimited.

Time of Use. Monday through Friday, 0600 to 2400 local time, other times by NOTAM. Saturday and Sunday, Sunrise to Sunset, other times by NOTAM.

Using Agency. CO., NAS Lakehurst, N.J.

4. Nonregulatory Jet Advisory Service Area associated with Control 1147 is redefined as follows:

"Newark, N.J., RBN via Control 1147 to the New York CTA/FIR including that area northeast of Control 1147 bounded by lat. 39°58'30" N., long. 73°01'00" W., to lat. 39°23'20" N., long. 72°20'00" W., to lat. 39°35'00" N., long. 72°20'00" W., to lat. 40°00'00" N., long. 72°43'00" W., to lat. 40°03'00" N., long. 72°56'30" W., to lat. 39°58'30" N., long. 73°01'00" W., and that area southwest of Control 1147 bounded by lat. 39°44'00" N., long. 73°16'15" W., to lat. 38°47'10" N., long. 72°19'30" W., to lat. 38°40'00" N., long. 72°30'00" W., to lat. 39°40'00" N., long. 73°30'00" W., to lat. 39°44'00" N., long. 73°30'00" W., to lat. 39°44'00" N., long. 73°16'15" W.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 17, 1972.

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

[FR Doc.72-14368 Filed 8-23-72;8:52 am]

[Airspace Docket No. 71-WA-13]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

Correction

In F.R. Doc. 72-11695 appearing at page 15295 in the issue for Saturday, July 29, 1972, the latitude designation for Orlando, Fla., in the middle column on page 15296, now reading "23°32'33" ", should read "28°32'33" ".

[Docket No. 12159, Amdt. 826]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP effective August 16, 1972.

Oakland, Calif.—Metropolitan Oakland International Airport; VOR-A, Amendment 7; Canceled.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP effective October 5, 1972.

North Conway, N.H.—White Mountain Airport; NDB-A, Amendment 1; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP effective September 14, 1972.

Everett, Wash.—Snohomish County (Paine Field); ILS Runway 16, Amendment 12; Canceled; (Amendment 11, effective June 29, 1972 remains in effect until further notice.)

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

Issued in Washington, D.C., on August 17, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

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

[FR Doc.72-14367 Filed 8-23-72;8:52 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9734]

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

Records To Be Made by Certain Exchange Members, Brokers and Dealers

The Securities and Exchange Commission today announced that it has amended Rule 17a-3(b) (17 CFR 240.-17a-3(b)) under the Securities Exchange Act of 1934 (the Act). The effect of the amendment is to relieve the existing restriction prohibiting broker-dealers who are not members of a national securities exchange from clearing their transactions for customers on a fully disclosed basis through other broker-dealers, provided such clearing broker-dealers meet specified minimum net capital requirements. The amendment also imposes similar net capital requirements upon members of exchanges who were previously authorized under the rule to clear transactions for other exchange members on a fully disclosed basis. The amendment also permits an exchange member or other broker-dealer to clear through a bank if the books and records relative to the broker-dealer's transactions are maintained and preserved as specified in Rules 17a-3 (17 CFR 240.-17a-3) and 17a-4 (17 CFR 240.17a-4) under the Act, and the bank files an undertaking with the Commission that such books and records will be available for Commission examination.

On June 14, 1972, in Securities Exchange Act Release No. 9634, and in the FEDERAL REGISTER for June 15, 1972, at 37 F.R. 11904, the Commission announced that it had under consideration a proposal to amend Rule 17a-3(b) under the Act to permit over-the-counter broker-dealers to clear customer transactions through other broker-dealers on a fully disclosed basis. It has considered the comments received in response to that proposal, and now amends that rule as set forth below.

In effect, Rule 17a-3(b) previously prohibited broker-dealers who were not members of a national securities exchange from having their customers' transactions cleared through other broker-dealers on a fully disclosed basis, while it permitted such arrangements as between broker-dealers who were members of national securities exchanges. This distinction is mainly historical, and the Commission believes it no longer necessary to prohibit such clearing arrangements if the clearing broker-dealer has the financial responsibility requisite for the protection of public investor customers. By the same token, exchange members who clear for other exchange members should be required to have the same financial responsibility. Therefore, as amended Rule 17a-3(b) permits such clearing arrangements if the clearing broker-dealer has and maintains net capital of not less than $25,000 and is otherwise in compliance with Rule 15c3-1 (17 CFR 140.15c3-1), or the capital rules of the exchange of which such clearing broker-dealer is a member if the members of such exchange are exempt from Rule 15c3-1 by paragraph (b)(2) thereof.

Rule 17a-3(b) has been further amended to permit a broker-dealer to clear his transactions through a bank provided (1) that the books and records respecting those transactions are made and kept in accordance with Rules 17a-3 and 17a-4 under the Act, and (2) that the bank agrees that they are the records of the broker-dealer, and (3) that the bank files an undertaking with the Commission that such books and records will be available for examination by the Commission's representatives as specified in section 17(a) of the Act, and (4) that it will furnish to the Commission copies of all or any part of such books and records upon the Commission's demand. A form for such an undertaking is included with this provision.

The Commission believes that the place of the smaller broker-dealer in the industry must be preserved, and is mindful that the recent increase in the minimum net capital requirements to $25,000,[1] would cause significant problems for such broker-dealers. However, the Commission also believes that the standards of financial responsibility of the industry must be improved. Accordingly, in order to preserve the continued existence of the smaller broker-dealer, as well as to remain consistent with its objective of improving the financial responsibility of broker-dealers to their customers, the Commission provided for a $5,000 minimum net capital requirement for those broker-dealers who do not hold funds or securities of customers and do not carry customer accounts.[2] The amendment to Rule 17a-3(b) allows smaller broker-dealers to qualify for such lower minimum net capital requirements by having their transactions cleared through financially responsible broker-dealers or through banks.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17(a), and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting paragraph (b) of § 240.17a-3 as set forth below, effective October 31, 1972.

§ 240.17a-3 Records to be made by certain exchange members, brokers and dealers.

* * * * *

(b)(1) This section shall not be deemed to require a member of a national securities exchange, a broker, or dealer who transacts a business in securities through the medium of any such member, or a broker or dealer registered pursuant to section 15 of the Act, to make or keep such records of transactions cleared for such member, broker, or dealer as are customarily made and kept by a clearing broker or dealer pursuant to the requirements of §§ 240.-17a-3 and 240.17a-4: *Provided,* That the clearing broker or dealer has and maintains net capital of not less than $25,000 and is otherwise in compliance with § 240.15c3-1 or the capital rules of the exchange of which such clearing broker or dealer is a member if the members of such exchange are exempt from § 240.15c3-1 by paragraph(b)(2) thereof.

(2) This section shall not be deemed to require a member of a national securities exchange, a broker, or dealer who transacts a business in securities through the medium of any such member, or a broker or dealer registered pursuant to section 15 of the Act, to make or keep such records of transactions cleared for such member, broker or dealer by a bank as are customarily made and kept by a clearing broker or dealer pursuant to the requirements of §§ 240.17a-3 and 240.17a-4: *Provided,* That such member, broker, or dealer obtains from such bank an agreement in writing to the effect that the records made and kept by such bank are the property of the member, broker, or dealer: *And provided further,* That such bank files with the Commission a written undertaking in form acceptable to the Commission and signed by a duly authorized person, that such books and records are available for examination by representatives of the Commission as specified in section 17(a) of the Act, and that it will furnish to the Commission, upon demand, at its

[1] Securities Exchange Act Release No. 9633 (June 14, 1972), in the FEDERAL REGISTER for June 16, 1972, at 37 F.R. 11970.

[2] Id.

principal office in Washington, D.C., or at any regional office of the Commission designated in such demand, true, correct, complete, and current copies of any or all of such records. Such undertaking shall include the following provisions:

The undersigned hereby undertakes to maintain and preserve on behalf of [*BD*] the books and records required to be maintained and preserved by [*BD*] pursuant to Rules 17a–3 and 17a–4 under the Securities Exchange Act of 1934 and to permit examination of such books and records at any time or from time to time during business hours by examiners or other representatives of the Securities and Exchange Commission, and to furnish to said Commission at its principal office in Washington, D.C., or at any regional office of said Commission specified in a demand made by or on behalf of said Commission for copies of books and records, true, correct, complete, and current copies of any or all, or any part, of such books and records. This undertaking shall be binding upon the undersigned, and the successors and assigns of the undersigned.

Nothing herein contained shall be deemed to relieve such member, broker, or dealer from the responsibility that such books and records be accurately maintained and preserved as specified in §§ 240.17a–3 and 240.17a–4.

* * * * *

(Secs. 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901, secs. 3, 4, 8, 49 Stat. 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076, 15 U.S.C. 78o(c)(3), 78q, 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

AUGUST 16, 1972.

[FR Doc.72-14351 Filed 8-23-72;8:51 am]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 11]

PART 211—TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE

Claims Against Ocean Carriers

Part 211 of Chapter II, Miscellaneous Amendments, Title 22, Code of Federal Regulations (A.I.D. Regulation 11) is amended as follows:

The purpose of these amendments is to: (1) Delegate additional claims authorities and responsibilities to Voluntary Agencies and Intergovernmental Organizations, and (2) increase the claims collection allowance presently permitted the voluntary agencies in consideration of their increased claims collection responsibility.

1. (a) In § 211.9(c)(2)(ii)(*a*) the second sentence is amended by deletion of the amount "$100" where it appears in that sentence and substitution of the amount "$400" therefor.

(b) In § 211.9(c)(2)(ii)(*a*), delete the third sentence and parenthetical expression and substitute therefor the following: "Where a claim is in excess of $25 but not in excess of $400, the voluntary agencies or intergovernmental organizations may terminate collection activity on the claim according to the standards set forth in 4 CFR 104.3. Approval of such termination by CCC is not required but the voluntary agencies or intergovernmental organizations shall notify CCC when collection activity on a claim is terminated."

2. In § 211.9(c)(2)(ii)(*b*) the second sentence is revised to read as follows: "On claims involving loss or damage having a value in excess of $50, the voluntary agencies or intergovernmental organizations may retain from collections received by them, the larger of (*1*) the amount of $50, plus 10 percent of the difference between $50 and the total amount collected on the claim, up to a maximum of $300, or (*2*) actual administrative expenses incurred in collecting the claim; provided retention of such expenses is approved by CCC."

3. Section 211.9(c)(2)(ii)(*c*) is revised to read as follows: "Voluntary agencies or intergovernmental organizations may negotiate compromise settlements of claims regardless of the amount thereof, except that proposed compromise settlements of claims having a value in excess of $2,500 shall not be accepted until such action has been approved, in writing, by CCC. When a claim is compromised, the voluntary agency or intergovernmental organization may retain from the amount collected, the amounts authorized in (*b*) of this subdivision and in addition, an amount representing the percentage of the special charges described in (*b*) of this subdivision as the compromised amount is to the full amount of the claim."

4. In § 211.9(c)(2)(ii)(*d*) the last sentence is revised to read as follows: "In the event CCC effects collection or other settlement of the claim after the rights of the voluntary agency or intergovernmental organization to the claim have been assigned to CCC, CCC shall pay to the voluntary agency or intergovernmental organization the amount of $50, plus any survey costs and special charges allowable under the provisions of this subdivision (ii): *Provided*, That the total amount to be paid by CCC shall not exceed the total amount collected by CCC on the claim."

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (8–24–72).

Dated: August 15, 1972.

JOHN A. HANNAH, *Administrator.*

[FR Doc.72-14349 Filed 8-23-72;8:50 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and the Deadline for Filing Applications

AUGUST 1, 1972.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Section 41.3, Part 41, Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by the addition of a new paragraph designated (p). The new paragraph establishes requirements for enrollment and a deadline for filing applications to bring current as of June 2, 1972, the roll of the Miami Indians of Oklahoma and Indiana prepared pursuant to section 4 of the Act of October 14, 1966 (80 Stat. 909).

The Act of June 2, 1972 (86 Stat. 199), under which these regulations are issued requires that the Secretary bring current the roll and pay the money in equal shares to the eligible individuals. Since the amendment establishes a deadline for filing applications, advance notice and public procedure thereon would curtail the filing period and are deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since this amendment imposes a deadline for filing enrollment applications, the 30-day deferred effective date would shorten the amount of time applicants could apply and may result in some eligible Indians not receiving benefits. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, this amendment will become effective upon the date of publication in the FEDERAL REGISTER (8–24–72).

As amended, § 41.3 reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(p) *Miami Indians of Oklahoma and Indiana.* (1) Pursuant to section 3 of the Act of June 2, 1972, all persons of Miami Indian ancestry born on or prior to and living on the date of the Act whose names or the name of an ancestor through whom they claim eligibility appears on one of the following rolls shall be entitled to be enrolled to share in the distribution of judgment funds awarded

to the Miami Indians of Oklahoma and Indiana in Indian Claims Commission dockets 124-C, -D, -E, -F, 131, 253, 255, and 256:

Roll of Miami Indians of Oklahoma and Indiana prepared pursuant to the Act of October 14, 1966 (80 Stat. 909).

Roll of the Western Miami Tribe of Indians of June 12, 1891, prepared and completed pursuant to the Act of March 3, 1891 (26 Stat. 1000).

Roll of Miami Indians of Indiana of June 12, 1895.

Roll of "Miami Indians of Indiana, now living in Kansas, Quapaw Agency, I. T., and Oklahoma Territory."

Roll of Eel River Miami Tribe of Indians of May 27, 1889, prepared and completed pursuant to the Act of June 29, 1888 (25 Stat. 223).

(2) Persons whose names appear on the roll of Miami Indians of Oklahoma and Indiana prepared pursuant to the Act of October 14, 1966, shall not be required to reapply for enrollment. They will, however, be required to furnish current information as to their whereabouts. Names of such enrollees who are not living on June 2, 1972, shall be deleted from the roll upon receipt of satisfactory proof of death.

(3) Applications for enrollment must be filed with the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401, and must be postmarked on or before midnight on December 2, 1972.

No further changes are made in the text of Part 41.

JOHN O. CROW,
Deputy Commissioner.

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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

[ASPR, Rev. 11]

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

Section 163.14 is revised; § 163.33a-1 is amended; §§ 163.43(a), 163.72(a) and 163.73-4 are revised; in § 163.74 paragraph (c) is revised and (d) is added; §§ 163.77 and 163.78-4 are revised; § 163.78-5 is added; §§ 163.78-7, 163.78-9, 163.79 and 163.79-1 are revised; § 163.79-2 is added; §§ 163.80-2, 163.80-3, 163.80-4, 163.80-5 and 163.80-6 are revised; § 163.81-1 is amended; § 163.81-2 is revised; in § 163.81-3(a) the last sentence is deleted; §§ 163.82(b) and 163.82-2(b) are amended by adding a new sentence at the end thereof; in § 163.83 the last sentence is revised; in § 163.84 the introductory portion of this section is revised; §§ 163.85, 163.88, 163.91, 163.92, 163.92-1, 163.93, 163.93-1, 163.93-2, 163.93-3, 163.93-4, 163.93-5, 163.94, 163.94-1, 163.94-2 and 163.97 are revised, as follows:

§ 163.14 Prompt payments.

Payment must be made on all contracts when due. Undue delays by the Government in determining amounts due to contractors or in making timely payments of amounts earned by contractors would impose financing burdens on contractors and may amount to extensions of credit by contractors to the Government. Payments by prime contractors or higher tier subcontractors to subcontractors should likewise follow this prompt payment policy when payments are due under their subcontracts.

§ 163.33a-1 Progress payments on contracts for foreign performance.

When progress payments (Subpart E of this Part) are contemplated for contracts to be performed wholly or partly in a foreign country, appropriate legal advice should be obtained with respect to the validity, enforceability and effectiveness of the contemplated progress payment clause (§§ 163.79-2, 163.79-2 and 163.80) and of any proposed guarantees, pledges or other special protective arrangements, within the foreign country involved. Such legal advice should also cover the need, if any, for additional protective provisions (§ 163.80-5) or for deviations (§ 163.78-9) from the uniform clauses, that may be required to comply with the applicable foreign law and to provide for the most effective protection and enforcement of the interests of the United States. Section 163.86 requires that proposed deviations (§ 163.78-9) must have prior approval of the contract financing office (§ 163.26) after the coordination mentioned in § 163.87.

§ 163.43 Amount and maturity of guaranteed loans.

(a) Under the provisions of section 301 of the Defense Production Act as amended, the maximum obligation of any guaranteeing agency under any loan, discount, or advance, or commitment in connection therewith, entered into under such section 301, shall not exceed $20 million. Accordingly, the maximum amount of the credit to be guaranteed must not be equal to or greater than an amount which under the Government guarantee could result in an obligation to the guaranteeing agency in excess of $20 million. Subject to the limitations of the asset formula (§ 163.42), the maximum amount of guaranteed credit in individual cases and the maturity date of guaranteed loans or credits, are fixed to conform reasonably to the borrower's financing requirements for defense production contracts on hand at the time of application for guarantee. If additional defense production contracts are entered into after the application and before authorization of a guarantee, to such extent as to require increase in the maximum amount, or longer maturity for the requested guaranteed loan, adjustments may be made to provide for the borrower's additional financing requirements. Also, guarantee agreements for existing guaranteed loans may be amended, on submission of pertinent information and Federal Reserve Bank report to the guaranteeing agency concerned, to provide financing for defense production contracts entered into by the borrower during the term of the guaranteed loan.

* * * * *

§ 163.72 Customary progress payments.

(a) Certain contracts may require contractor's predelivery or unbillable partial performance expenditures that will have a material impact on the contractor's working funds. These include production contracts which involve a long "lead time" or preparatory period between the beginning of work and the first production delivery, normally involving 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns. They also include some contracts for research and development and some contracts for services which have a long time period, of approximately 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns, between the beginning of work and the first opportunity to bill and receive payment for a significant element of contract performance. Progress payments are customary at (1) the uniform standard percentages of total costs (§§ 163.72-1 and 163.72-2), (2) the uniform cost base (§ 163.78-5), (3) the frequency of payment established in the progress payment clause (§ 163.79), and (4) the ordinary liquidation method (§ 163.81-1) unless changed to the alternate method as provided in § 163.81-2 on this category of contracts and letter contracts contemplating a definitive fixed price type of contract. Length of lead time, or length of the time period within which billings for deliveries or for significant partial performance cannot be accomplished, are not a factor in qualifying letter contracts and their superseding definitive contracts for customary progress payments. Contract financing arrangements other than those set forth in this paragraph are regarded as unusual, and not within the category of customary progress payments (§ 163.74).

§ 163.73-4 Notice to bidders.

Those invitations for bids that make provision for progress payments (§ 163.73-1) should contain substantially the following notice to bidders:

PROGRESS PAYMENTS [1]

The need for progress payments conforming to regulations (Appendix E, Armed Services Procurement Regulation) will not be considered as a handicap or adverse factor in the award of contracts. Authorized progress payments will not be a factor for evaluation of bids. The appropriate "Progress Payment" clause attached hereto will be included in the contract awarded in the manner herein provided. For small business concerns the "Progress Payment" clause designated "Progress Payments for Small Business Concerns" (E-510.2) shall be used for such Con-

[1] Do not use last sentence of this notice for procurement mentioned in §§ 163.73-2 and 163.73-3.

tractors. For Contractors who are not small business concerns the "Progress Payments" clause designated "Progress Payments for Other Than Small Business Concerns" (E-510.1) shall be used.

§ 163.74 Unusual progress payments—standards—procedure.

* * * * *

(c) All requests involving progress payments at other than customary arrangements (§ 163.72), if regarded favorably by the Head of a Procuring Activity (§ 1.201–7 of this chapter) or by a specially designated general or flag officer within a procuring activity, will be forwarded, with supporting information, for approval of a designated office or person at departmental headquarters of the Department directly concerned. Such office or person may be the contract financing office at departmental headquarters or such person or persons, located at departmental headquarters and responsible to the Under or Assistant Secretary responsible for the comptroller function, as may be designated for this purpose by such Under or Assistant Secretary. Such requests, before approval, will be coordinated speedily with representatives of the other Departments and of the Assistant Secretary of Defense (Installations and Logistics).

(d) Progress payments of a class and within the limits set forth in § 163.72 on letter contracts and on definitive contracts superseding letter contracts are not deemed unusual.

§ 163.77 Advance payments.

When advance payments and progress payments are authorized in the same contract, progress payment percentages will not exceed the uniform standard percentages mentioned in §§ 163.72 and 163.73. In these cases, the words "less unliquidated advance payments" may be deleted from paragraph (a) (3) (ii) of the progress payment clauses (§ 163.79) in the discretion of the contract financing office (§ 163.26).

§ 163.78–4 Costs.

For progress payment purposes, costs, except as otherwise limited in this section, include all expenses of contract performance which are reasonable, allocable to the contract, consistent with sound and generally accepted accounting principles and practices, and not excluded by the contract. Limitations on costs that may be accepted for progress payments are contained in the clauses § 163.79.

§ 163.78–5 Incurred costs.

* * * * *

(b) For the purpose of progress payments to other than small business concerns in connection with items or services purchased directly for the contract, costs must be paid as well as incurred as shown by payment made by cash, check, interdivisional notices of payment or other form of actual payment.

§ 163.78–7 Contract price.

The term "contract price" means the total amount fixed by the contract (other than any portion of the contract specifically providing for cost reimbursement only), as amended, to be paid for complete performance of the contract. If the contract provides for escalation or for redetermination of price, this term means the initial price until changed and not the ceiling price. If the contract is of the incentive type, the term means the target or billing price, as amended, until final pricing. This definition shall also apply to incentive type subcontracts containing a progress payment clause. For letter contracts and similar preliminary contractual instruments, this term means the maximum expenditure authorized by the contract, as amended.

§ 163.78–9 Deviation.

The term "deviation" means (a) any change, addition to, or deletion from the contract clause and certificate form required by this subpart; (b) any contract provision, outside the Progress Payment clause, which would have the effect of altering or changing the effect of the Progress Payment clause provided herein; and (c) any variation from this part. Actions pursuant to § 163.80–5 are not deviations.

§ 163.79 Contract clause.

Subject to the instructions in §§ 163.80 and 163.81, the following Progress Payment clauses shall be used when payments are to be made to a contractor based upon a percentage of costs. The clause contained in § 163.79–1 shall be used in contracts with other than small business concerns. The clause contained in § 163.79–2 shall be used in contracts with small business concerns.

§ 163.79–1 Progress payment clause for other than small business concerns.

PROGRESS PAYMENT FOR OTHER THAN SMALL BUSINESS CONCERNS (JANUARY 1972)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than biweekly in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) unless a smaller amount is requested, each progress payment shall be (i) eighty percent (80%) of the amount of the Contractor's total costs which shall include only those recorded costs which result, at the time of the request, from payment made by cash, check, interdivisional notices of payments, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly allocated and allowable indirect costs, all as shown by records maintained by the Contractor for purposes of obtaining payment under Government contracts plus (ii) the amount of progress payments which have been paid to Contractor's subcontractors and other divisions as provided in (j) below; all less the sum of previous progress payments.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly. The Government reserves the right to unilaterally change from the ordinary liquidation rate to the alternate rate when deemed appropriate for proper contract financing.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a)(1).

(d) *Title.* Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to

[1] For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see § 163.81–2.

any other provision of this contract; nondurable (*i.e.*, noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports—Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books records, and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power, or privilege of the Government.

(j) *Progress Payments to Subcontractors.* (1) The amounts mentioned in item (a)(1)(ii) above shall be all progress payments paid by the Contractor to his subcontractors or other divisions and remaining unliquidated when under subcontracts or interdivisional orders which conform to (2) below.

(2) Subcontractors or interdivisional orders on which progress payments to subcontractors or other divisions may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payment" clause, no more favorable to the subcontractor or the other division than this clause is to the Contractor and on a basis of not more than 80 percent of the total costs (except that in the case of those subcontractors which are small business concerns a "Progress Payment" clause substantially similar to E–510.2 may be used); and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraph 503 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 163.79–2 Progress payment clause for small business concerns.

PROGRESS PAYMENT FOR SMALL BUSINESS CONCERNS (1972 JAN)

Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) eighty-five percent (85%) of the amount of the Contractor's total costs incurred under this contract plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments.

(2) The Contractor's total costs ((a)(1)(i)) shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 85 percent of the costs mentioned in (a)(1)(i) above, plus any unliquidated progress payments mentioned in item (a)(1)(ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 85 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 85 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 85 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after calculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate

[1] For lower percentages for this paragraph (b) and for (a)(3)(ii) and (a)(4), see § 163.81–2.

higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a) (1).

(d) *Title.* Immediately, upon the date of this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; special test equipment and other special tooling to which the Government is to acquire title pursuant to any other provision of this contract; nondurable (*i.e.*, noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids title to which is not obtained as special tooling pursuant to this paragraph; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of the contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to, and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property, title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports—Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify his books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default," (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default," title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of his obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

(j) *Progress Payments to Subcontractors.* (1) The amount mentioned in item (a) (1) (ii) above shall be the sum of (i) all the progress payments made by the Contractor to his subcontractors and remaining unliquidated, and (ii) unpaid billings for progress payments to subcontractors which have been approved for current payment in the ordinary course of business, when under subcontracts which conform to (2) below.

(2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time," between the beginning of work and the first delivery, approximating four months or more for small business concerns and six months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payments" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 85 percent of total costs (except that for those subcontractors that are not small business concerns a "Progress Payments" clause substantially similar to E–510.1 will be used with a percentage of not more than 80 percent, and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(3) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to him hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

(4) The billings described in (j) (1) (ii) above shall be paid promptly by the Contractor in the ordinary course of business, not later than a reasonable time after payment of equivalent amounts by the Government to the Contractor.

(5) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to offer and provide progress payments to those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraph 503 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

§ 163.80–2 Uniform standard percentages—firms not small business concerns—paragraphs (a) and (b) of clause.

For new contracts entered into on or after March 1, 1968 (§ 163.72–2) with contractors which are not small business concerns, except as provided in § 163.80–4, the figure of 80 percent stated in paragraphs (a) (1) (i), (a) (3) (i), (a) (3) (ii), (a) (4) and (b) of the clause in § 163.79–1 is the uniform standard and only percentage for use in those paragraphs for all contracts whether awarded on the basis of formal advertising or negotiation.

§ 163.80–3 Uniform standard percentages—small business concerns—paragraphs (a) and (b) of clause.

For new contracts entered into with small business concerns on or after March 1, 1968 (§ 163.72–2), except as provided in § 163.80–4, a figure of 85 percent shall be specified in paragraphs (a) (1) (i), (a) (3) (i), (a) (3) (ii), (a) (4) and (b) of the clause in §163.79–2. This is the standard percentage for all contracts awarded to small businesses whether on the basis of formal advertising (§ 163.78–1, § 163.78–2 or § 163.78–3) or negotiation.

§ 163.80–4 Unusual percentages.

For unusual progress payments (§ 163.74), the percentage used for paragraph (a) (1) (i) of the clause in § 163.79

will also be specified in (a)(3)(i). For these contracts, if a percentage lower than the percentage used for (a)(1)(i) is stated in paragraph (b) of the clause pursuant to § 163.81–2, the exact percentage stated in (b) shall also be specified in paragraph (a)(3)(ii) and (a)(4) of the clause.

§ 163.80–5 Other protective provisions.

When deemed reasonably necessary for the protection of the Government, the clauses set forth in § 163.79 may be supplemented by additional protective provisions, such as personal or corporate guarantees, subordinations or standbys of indebtedness, special bank accounts, and other protective covenants of the kinds outlined in paragraph (r) of § 163.64–2. When first article approval is required (Subpart S, Part 1 of this chapter), additional protective provisions shall be used like or similar in effect to the examples given in this paragraph. These will be deemed suitable to the circumstances, in the discretion of the contracting officer. By way of example, these additional protective provisions may recite that until first article approval (§ 1.1901 of this chapter) there shall be no progress payments, or that the aggregate of progress payments shall be limited to a stated amount, or to a stated percentage (less than the percentage used in paragraph (a)(i) of the clause in § 163.79) of the contract price.

§ 163.80–6 Provisional increases in contract price.

Ordinarily, the definitized price shall be the basis for limiting the aggregate amount of progress payments within the meaning of "total contract price" as used in paragraph (a)(4) of the clauses in § 163.79. An exception exists if the application of this limitation would result in an inability to pay progress payments for costs properly incurred for authorized but unpriced contractual actions pertaining to the definitized contract. When this exception exists, subject to the following conditions, the contracting officer may make a provisional increase in the contract price for the purpose of paragraph (a)(4) of the clauses in § 163.79. The provisional increase to the contract price (a) shall require the approval of the HPA, (b) shall not exceed the amount recorded as an obligation based upon the Government's estimate of its liability for those unpriced contractual actions, and (c) if the provisional increase is for $10 million or more, shall have the prior approval of the Contract Financing Office of the Department directly concerned. Information copies of all approvals granted by the HPA shall be furnished to the Contract Financing Office of the Department concerned.

§ 163.81 Progress payment liquidation.

Controlling principles for liquidation of progress payments based on costs, and for specification of a percentage in paragraph (b) of the clauses (§ 163.79) are set out below.

§ 163.81–1 Ordinary method.

See §§ 163.80–2 and 163.80–3. The percentages specified in §§ 163.80–2 and 163.80–3 for paragraph (b) of the Progress Payment clauses (§ 163.79) represent the ordinary method for liquidation of progress payments, i.e., the percentage for progress payments stated in (a)(1)(i) of each clause will also be the percentage for liquidation stated in (b) of such clause. The ordinary method of liquidation is the only method authorized for use at the inception of a contract.

§ 163.81–2 Alternate method of liquidation.

(a) The alternate method for liquidation of progress payments involves the use of a percentage rate of liquidation which will (1) effect liquidation of the amount of progress payments involved in each invoice from which liquidation of progress payments is to be made (i.e., recovery of the portion of costs for which progress payments have been made), (2) permit payment to the contractor of not more than the cost of items delivered and accepted (less allocable progress payments) and his earned profit on those items, and (3) insure that unliquidated progress payments will not exceed the amount permitted by paragraph (a)(3) of the Progress Payment clause of the contract.

(b) Adequate consideration shall be deemed to exist in the initial negotiation of the contract for subsequent changes in the percentage of liquidation. A negotiated contract shall be amended to substitute the alternate rate of liquidation for the ordinary rate when all of the following conditions are met:

(1) Contract delivery schedule extends 18 months or more beyond the contract award date.

(2) Not less than 1 year of actual cost data has been accumulated where no deliveries have been made or actual cost data on deliveries made whichever is earlier.

(3) The contractor requests the alternate rate and furnishes data on actual cumulative costs and estimated future costs to complete the contract, which satisfactorily fulfill the requirements in paragraph (a) of this section.

(4) The parties agree on an appropriate percentage rate of liquidation.

(5) The contractor agrees to provide updated information on an annual basis or upon request of the PCO/ACO and certify as to the continued validity of the alternate rate in relation to the requirements in paragraph (a) of this section.

When the above-stated conditions are met, the contracting officer shall take prompt action to amend the contract to provide for the alternate liquidation rate.

(c) If profit rates on contracts subject to price redetermination or to incentive price revision are changed by contract modification (§§ 7.108–2, 7.109–2 of this chapter) appropriate harmonizing changes to conform to paragraph (a) of this section will be made at the time of such modification in the stated percentage for future progress payment liquidation. Except as done incident to modification of a profit rate on contracts subject to price redetermination or to incentive price revision, above, contracts may be amended to reduce the progress payment liquidation rate not more frequently than once in each period of 12 months. Amendments reducing liquidation rates will be retroactive as well as prospective and appropriate adjustment will be made for items theretofore delivered and associated progress payments. When a progress payment liquidation rat is changed by contract amendment, appropriate conforming changes will be made in (a)(3)(ii) and (a)(4) of the progress payment clause of the contract, so that the new percentage specified in paragraph (b) of the progress payment clause will also be specified in paragraphs (a)(3)(ii) and (a)(4) of that clause.

(d) Contract amendments which substitute an alternate rate of liquidation for the ordinary rate shall include the following provision:

> On an annual basis, or more frequently as determined necessary by the ACO or PCO, the contractor agrees to (1) certify in relation to the requirements of ASPR E–512.2(a) as to the continued validity of the liquidation rate in the progress payment clause as hereby amended and (2) furnish information which adequately supports the certification.

§ 163.81–3 Liquidation percentages.

(a) For the purposes of § 163.81–2, the minimum liquidation rate has to be enough to recover the full amount of progress payments by way of deductions from delivery billings. The amount of expected progress payments is the product of multiplication of the total estimated contract costs by the progress payment percentage of those costs. This amount of expected progress payments, divided by the contract price, gives the minimum liquidation percentage.

* * * * *

§ 163.82 Subcontracts.

* * * * *

(b) * * * The same policies and standards apply to the same numbered paragraphs in the Progress Payment clause provided under § 163.79–2.

§ 163.82–2 Adaptation of uniform clause for subcontracts.

* * * * *

(b) * * * The same policies and standards apply to the same numbered paragraphs in the Progress Payment clause provided under § 163.79–2.

§ 163.83 Progress payments on subcontracts under cost-reimbursement types of prime contracts.

* * * Specifically, the case must meet the standards of customary progress payment (§ 163.72) and progress payment percentages must not exceed those

authorized by § 163.72 (unless unusual progress payments to the subcontractor are approved by the procedure described in § 163.74), liquidation must conform to § 163.81 and the appropriate clause in § 163.79 adapted for subcontract use (§ 163.82–2) must be utilized.

§ 163.84 Letter contracts.

When progress payments are to be made under letter contracts or similar contractual instruments (§§ 163.72 and 163.72–2), incorporation of the appropriate clause set forth in § 163.79 is required. See §§ 163.72, 163.80–2, and 163.80–3. Procedures for later events are outlined below.

* * * * *

§ 163.85 Provisional delivery payments.

Provision may be made for provisional billings and payments for items delivered to and accepted by the Government (a) on letter contracts contemplating a definitive fixed price type of contract, (b) on orders under basic ordering agreements, (c) on spares provisioning documents annexed to contracts, and (d) on fixed price contracts for increases in contract price for unpriced equitable adjustments. These provisional delivery billing prices should of course be without prejudice to definitive or final contract pricing. They should be set conservatively so as to cover no more than the costs fairly attributable to items to be delivered and accepted, taking into account prospective total costs and quantities contemplated for (1) the letter contract and the definitive contract, or (2) for all orders reasonably expected to be placed under the basic ordering agreement, or (3) pursuant to the spares provisioning document and the contract of which it has become a part, or (4) increase in price for unpriced equitable adjustments. These total provisional payments of course cannot exceed the amount obligated on the letter contract or on each order under a basic ordering agreement, incident to execution of a spares provisioning document, or the obligation based upon the Government's estimate of its liability for the equitable adjustment and compliance with the conditions of § 163.80–6. Provisional billings for deliveries are of course subject to deductions for liquidation of progress payments, § 163.79–1(b).

§ 163.88 Contractor's request.

The Contractor's Request for Progress Payment (DD Form 1195) with any supporting information that may be reasonably required will be used in lieu of an invoice when requesting progress payments on contracts containing the Progress Payments clause set out in § 163.70 and on contracts containing any deviation from that clause approved pursuant to §§ 163.86 and 163.87. The use of this form is subject to the instructions set forth on the reverse thereof.

§ 163.91 Adjustments—retroactive price reduction—refunds.

When a retroactive price reduction has been made effective, i.e., by supplemental agreement or by unilateral determination pursuant to the price redetermination provision of the contract, the last sentence of paragraph (b) of the clauses under § 163.79 requires adjustments so that the amount of unliquidated progress payments and the amounts paid or payable for supplies or services accepted will give effect to the price reduction. In this situation, the retroactive price reduction means that too much has been paid or billed for deliveries, and that from those delivery billings too much has been applied as a reduction of the unliquidated progress payment balance. The necessary adjustments would be (a) recomputation of total cash delivery payments on the basis of the reduced billing price resulting from the retroactive price reduction, and repayment by the contractor of the difference between the total recomputed payments and the total cash delivery payments that had been made, and (b) increase of the unliquidated progress payment balance by the excess of the total amounts previously applied to reduce the unliquidated progress payment balance over the amounts that would have been applied to reduce the unliquidated progress payment balance if the reduced delivery prices had been in effect from the date from which the redetermination is applicable. This same principle of upward adjustment of the unliquidated progress payment balance is also applicable in connection with interim refunds made by contractors pursuant to the provisions of incentive and price redetermination contracts, and in connection with voluntary refunds on such contracts.

§ 163.92 Maximum unliquidated amount.

When the contract price is sufficient to cover all costs of complete performance, and liquidation of progress payments is effected by the ordinary method (§ 163.81–1), the amount of unliquidated progress payments should automatically stay within the maximum limits stated in paragraph (a)(3) of the clauses under § 163.79. For either method of liquidation (§§ 163.81–1, 163.81–2, and 163.81–3) whenever the rate or quality of performance is unsatisfactory, or the rate of rejections is unduly high, or there is excessive wastage or spoilage, or a loss to the contractor is indicated, careful examination should be made to determine whether or not the unliquidated progress payments exceed the maximum amounts permitted by paragraph (a)(3) of the clauses under § 163.79. Also, when the alternate method of liquidation is used (§§ 163.81–1 and 163.81–3), it may occur that actual costs and future costs of performance are higher than the estimated costs used to establish a liquidation rate. In such cases (paragraph (c)(vi) of the clauses under § 163.79), appropriate increase of the liquidation percentage, with or without reduction of the rate of progress payments or suspension of progress payments (§ 163.93) will be necessary to adjust for any under liquidation that may have occurred, to bring the amount of unliquidated progress payments within the limits of paragraph (a)(3) of the clauses under § 163.79, and to assure the adequacy of future liquidations. As required, the services of Defense Contract Audit Agency should be utilized to the fullest extent available, together with the services of qualified cost analysis and engineering personnel. See § 163.88.

§ 163.92–1 Quarterly statements on price revision contracts.

Quarterly statements submitted by contracts pursuant to the Limitation on Payments provisions of price revision contracts (§§ 7.108, 7.109 of this chapter) should be compared from time to time with the Contractor's Request for Progress Payments in order to assure so far as reasonably possible that costs attributed to delivered items on the quarterly statements are excluded from the costs set forth as the basis for unliquidated progress payments (§ 163.88).

§ 163.93 Suspension or reduction of payments—general.

In the process of reviewing individual progress payments already existing or hereafter established, action to reduce or slow down progress payments or to increase liquidation rates (unless justified on other grounds, such as overpayments or unsatisfactory performance) should be consistent with contract provisions, and never taken precipitately or arbitrarily. Any such reduction of progress payments on active contracts (other than liquidation pursuant to the contract) should be effected only after notice to and discussion with the contractor, and after full exploration of the contractor's financial condition, existing or available credit arrangements, projected cash requirements, effect of progress payment reduction on the contractor's operations, and generally on the equities of the particular situation. Where contract performance is satisfactory, and there is neither overpayment nor anticipated loss, proper progress payments, adequately verified, will be paid promptly when earned and billed in accordance with contract provisions. Paragraph (c) of the clauses under § 163.79 provides that progress payments may be suspended or their rate of liquidation may be increased, whenever any of the circumstances there described are found to exist. The rights reserved to the Government by that paragraph are for the purpose of protecting the interests of the Government, fostering satisfactory contract performance, and guarding against overpayments and losses. That paragraph will be administered with these purposes in mind. Action taken pursuant to that paragraph will be fair and reasonable under the circumstances of particular cases, and supported by substantial evidence. Findings made under that paragraph will be in writing.

§ 163.93–1 Failure to comply with contract.

Except for the purpose of correcting overpayments or obtaining amounts due from the contractor, action will not be taken pursuant to paragraph (c)(1) of the clauses under § 163.79 for failure to

comply with a requirement of the contract, if such failure has resulted solely from causes beyond the control and without the fault or negligence of the contractor. For examples of such cases, see paragraph (c) of the Default clause in § 8.707 of this chapter. Compliance with the material requirements of the contract, within the meaning of paragraph (c)(1) of the clauses under § 163.79 includes compliance with all provisions of the Progress Payment clause.

§ 163.93–2 Unsatisfactory financial condition.

If unsatisfactory financial condition, or failure to make progress, endangering contract performance, as described in paragraph (c)(ii) of the clauses under § 163.79 is found to exist, arrangements reasonably assuring contract completion without loss to the Government will be required in connection with the making of further progress payments and the making of other payments so long as progress payments are unliquidated. Within the meaning of paragraph (c)(ii) of the clauses under § 163.79, performance of the contract includes full liquidation of progress payments. Further payments will be withheld so long as any progress payments remain unliquidated, only upon full consideration of all pertinent facts, and upon concluding that further payments will serve to increase the probable loss to the Government.

§ 163.93–3 Excessive inventory.

When inventory allocated to the contract is found substantially to exceed reasonable requirements (paragraph (c)(iii) of the clauses under § 163.79), the simplest form of adjustment to correct or avoid overpayment will be to eliminate the costs of such excess inventory from the costs shown in item 7 of the contractor's request set out in DD Form 1195. If that is not regarded as sufficient in a particular case, or if the adjustment in item 7 of the request will not accomplish full correction, additional deductions, to the extent necessary for the correction, should be made, to liquidate progress payments, incident to billings for payments other than progress payments. Transfer of such excess inventory from the contract should also be required. The expression "reasonable requirements" includes a reasonable accumulation of inventory for future use to assure continuity of operations.

§ 163.93–4 Delinquency in payment of costs of performance.

The contractor's delinquency in payment of costs of contract performance in the ordinary course of business (paragraph (c)(iv) of the clauses under § 163.79) may be an indication of unsatisfactory financial condition or other circumstances endangering contract performance and involving probability of loss to the Government. If such delinquency is not connected with poor financial condition that is so unsatisfactory as to endanger contract performance or to involve reasonably foreseeable loss to the Government, further progress payments and other payments will not necessarily be denied to protect the unliquidated progress payments and minimize risks of additional losses, and payments may be continued at the contract rate, or in reduced amounts, in connection with appropriate arrangements to (a) cure the contractor's delinquencies in payment of his costs of contract performance, (b) avoid further delinquencies, and (c) reasonably assure completion of the contract without loss to the Government. (See also § 163.93–3.) Amounts claimed by subcontractors, suppliers and others, but disputed in good faith by the contractor, should not be considered delinquent until determined due by a court (or by arbitration if applicable). However, any such disputed amounts shall be excluded from costs of performance so long as they are disputed.

§ 163.93–5 Fair value of undelivered work.

In connection with determining the relation of the amount of unliquidated progress payments to the fair value of the work accomplished on the undelivered portion of the contract (paragraph (c)(v) of the clauses under § 163.79), the principles stated in § 163.92 are applicable. In determining action, if any, to be taken, the contracting officer (utilizing available audit, engineering, inspection, and cost analysis services) will give full consideration to the degree of completion of contract performance, the quality and amount of work performed on the undelivered portion of the contract, the amount of work remaining to be done and the estimated costs of completion of performance, and the amount remaining unpaid under the contract. If the contracting officer finds that the fair value of the work done under the undelivered portion of the contract, in relation to the contract price, is less than the unliquidated progress payments, his actions will be governed by the principles stated in §§ 163.93–2 and 163.93–4. This fair value could not exceed the contract price of undelivered work under the contract, less the estimated total future costs of completion of the contract. When this fair value is found to be less than the amount of the unliquidated progress payments, all further payments on the contract will be controlled in such a manner as to hold the unliquidated progress payments within the fair value of the work done on the undelivered portion of the contract. See also § 163.94–1.

§ 163.94 Government title.

Since the clauses in § 163.79 give the Government title to all of the materials, work in process, and finished goods under contracts, care should be taken to assure, to the extent reasonably necessary, that the title to the Government will be free of all encumbrances. The procedure in this respect will necessarily vary with the particular circumstances of individual cases. Ordinarily, in the absence of reason to believe that the Government title may be subject to encumbrance, the contractor's certificate will be relied on. If any arrangements or conditions are found that would impair the contractor's right of disposition of the property affected by the progress payments, appropriate arrangements should be made to establish and protect the Government title. The existence of any such encumbrance is a violation of the contractor's obligations under the contract.

§ 163.94–1 Loss, theft, destruction, or damage.

Paragraph (e) of the clauses under § 163.79 is not intended to apply to normal spoilage. The risk of loss as to property affected by the Progress Payment clause is on the contractor, except to the extent that by some special provision of the contract (such as that relating to aircraft in the open) the Government shall have expressly assumed the risk of loss. Such express assumption of risk by the Government is not made in the Progress Payment clause, the Default clause, or the Termination clause. Because of problems of administering the contract, especially those connected with porperty responsibility and inventory control, the risk of loss on property to which the Government holds title because of progress payments must be on the contractor to the same extent that it would be if the contractor held title to the property. This risk of loss carries with it the accompanying duty to repay to the Government the amount of unliquidated progress payments based on cost allocable to lost, stolen, or destroyed property or to the damaged portion of the property. If the Government has expressly assumed particular risks of loss, then, to the extent of such express assumption of risk by the Government, the contractor would not be obligated to repay to the Government the amount of unliquidated progress payments based on costs allocable to such lost, stolen, destroyed, or damaged property. See, however, paragraph (c)(v) of the clauses under § 163.79, as to future payments on the contract after such loss, damage, theft, or destruction.

§ 163.94–2 Government property.

Contract provisions referring to or defining liability for Government property do not apply to property to which the Government has title solely pursuant to the provisions of the Progress Payment clauses (paragraph (d) of the clauses under § 163.79). Property to which the Government has title solely pursuant to the Progress Payment clauses is not subject to §§ 30.2 and 30.3 of this chapter.

§ 163.97 Consideration for amendments concerning progress payments.

Contracts may not be modified except in the interest of the Government. Contracts may be amended to provide for progress payments or larger progress payments or reduced liquidation rates only when the contract already provides for the right of the Government to so amend or when the amendment provides new and valuable consideration moving to the Government. Appropriate price reduction may provide this consideration. In the varying circumstances of individual cases, the consideration for progress payments need not necessarily

be monetary. Agreements by the contractor, incorporated in such an amendment, for the benefit of and substantially advantageous to the Government, may constitute sufficient consideration for an amendment providing for progress payments. When estimated financing costs have been included as an element (whether or not identified) in the contract price, it is fair to expect elimination of the applicable portion of that element of the price when progress payments or larger progress payments or reduced liquidation rates are provided by amendment. The fair and reasonable consideration for the progress payment amendment should approximate in a value as nearly as practically ascertainable the amount by which the contract price would have been smaller if the progress payment amendment had been contained in the contract in the first instance. In the absence of definite information on this point, pertinent factors for estimating the fair and reasonable amount of consideration would include (a) the amounts of progress payments expected to be outstanding for estimated periods of time, (b) the cost of equivalent working funds to the contractor, and (c) the estimated profit rate expected to be earned by contract performance. If not accomplished by a contract price reduction, other concessions or agreement by the contractor, advantageous to the Government and incorporated in the amendment, may be fairly evaluated and accepted as being of value reasonably equivalent to a price reduction. This consideration should be such as is fair, equitable and reasonable in the light of the circumstances of each case. See § 163.96. This consideration should be for the progress payment amendment, and there shall be no provision for interest or other specific charge for progress payments.

[Rev. 11, ASPR, April 28, 1972] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-14302 Filed 8-23-72;8:46 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Shipments for Experimental Use; Permit Requirements

Pursuant to the authority in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d), § 162.111 (Interpretation 13) "Interpretation with respect to shipments for experimental use; permit requirements" is hereby revoked.

The regulations, as amended August 29, 1964 (40 CFR 162.17) made this interpretation obsolete.

Done this 18th day of August 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-14323 Filed 8-23-72;8:48 am]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Standards for Hepatitis Associated Antibody (Anti-Australia Antigen)

Correction

In F.R. 11780 appearing at page 15157 of the issue for Friday, July 28, 1972, the symbol for radioactive iodine, which appears in several places in the document as "(I^{125})", should read "(^{125}I)".

Title 45—PUBLIC WELFARE

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

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

Restoration of Preexisting Rules with Respect to Student Eligibility for Interest Benefits

Pursuant to a joint resolution of the House of Representatives and the Senate, signed by the President on August 19, 1972, which suspends the effectiveness of certain provisions of the Education Amendments of 1972, Public Law 92-318, Part 177 of Title 45 of the Code of Federal Regulations is hereby revised by rescinding the amendment to § 177.2 *Student eligibility for interest benefits*, which was published in the FEDERAL REGISTER on July 18, 1972. The effect of this rescission is to restore the rules covering student eligibility for interest benefits, on loans covered by this part, which prevailed prior to July 1, 1972.

Loans issued after June 30, 1972, and prior to August 19, 1972, will, however, continue to be covered by Public Law 92-318 and the amended § 177.2 published in the FEDERAL REGISTER on July 18, 1972. A loan will be considered issued after June 30, 1972, if application for an insurance commitment with respect to such loan is received after June 30, 1972, by a State or private nonprofit agency under a student loan insurance program or the appropriate Regional Office of the U.S. Office of Education under the program of Federal loan insurance, or if a note or written evidence of a loan commitment is executed after June 30, 1972, under a direct State student loan program. A loan will be considered issued prior to August 19, 1972, if prior to such date any action has been taken or any obligation undertaken by a lender with respect to an application filed for such loan.

In accordance with the aforementioned joint resolution, the rescission hereby announced is effective as of August 19, 1972.

Dated: August 22, 1972.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: August 22, 1972.

MERLIN K. DUVAL,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.72-14466 Filed 8-23-72;8:57 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER Q—SPECIFICATIONS

[CGD 72-133R]

PART 160—LIFESAVING EQUIPMENT

Miscellaneous Amendments

On February 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3425) and in the Merchant Marine Council Public Hearing Agenda dated March 29, 1971 (CG-249).

One of the proposals was designated in the notice and agenda Item PH 8-71 Specifications (PH 8a Lifeboat Winches, 8b Lifeboats, 8c Line-throwing Appliances, and 8d Inflatable Liferafts).

A public hearing was held on March 29, 1971, in Washington, D.C. Interested parties were given an opportunity to submit on all proposals written comments, both before and at the public hearing, and oral testimony at the public hearing.

After consideration of all relevant comments on Item PH 8-71, the proposed amendments are adopted with the following changes:

Section 160.015-1. The reference to the Coast Guard pamphlet CG-115 is stricken out because it is not an official publication.

Section 160.015-2(1). The Marine Safety Equipment Corp. pointed out that the proposal "to eliminate all crevices, pockets and inaccessible areas" would make all existing designs illegal. To change all our designs would bring about a great hardship when it is not needed.

Maintenance has been reduced by protecting "crevices, pockets, and inaccessible areas" by corrosion-resistant coatings, such a dimetcote, epoxy tar coating, and epoxy coatings. To reduce the burden on the industry, the proposal was changed to a requirement to minimize crevices, pockets and inaccessible areas in future winch designs.

The paragraph was renumbered as § 160.015–2(k–1), in accordance with 1 CFR 17.20(b).

Section 160.015–3v. It was proposed to improve the quality of lifeboat winches by prohibiting the use of cast iron and ductile iron for any part of a lifeboat winch, to improve the lubrication system, and to bar the use of synthetic material for winch indicator plates.

Ten comments were received on the section: Six from manufacturers, one from a marine inspection officer, two from the shipping industry, and one from the Maritime Administration. Five concerned ductile iron, one corrosion, one lubrication, and two auxiliary power safety devices.

The Marine Safety Equipment Corp. showed that the possibility of an erroneous use of cast iron instead of modular iron was remote and that the use of ductile iron has been proven satisfactory for many years. Steel casting would be costly and "may not be available." It also presented cogent evidence that the proposed rule to improve the lubrication system was impractical. The Welin Davit Division representative presented a statement to the effect that the use of cast iron housing was a generally accepted practice and that the proposed prohibition of its use would increase both costs and manufacturing time unnecessarily.

On further consideration of factual data, it is found that the proposals were not justified and the proposed amendments are withdrawn.

Section 160.015–3(i). The first long sentence of the amendment to § 160.015–3(i) was converted into a phrase and transferred to paragraph (j), for greater clarity.

Section 160.035–3(m)(9). The prescribed dimensions were changed from feet to inches because of two comments indicating that the proposed measurements were erroneous.

Section 160.035–3(r)(1). The proposal was modified in the light of four minor comments regarding the size and location of lettering. The proposed plug marking was reduced in size from 8 inches to 3 inches and its location was moved from sidebench to the vertical surface near the plug.

Section 160.035–3(u)(7)(iv). The proposed "Lot No." requirement has been withdrawn due to quantity variations brought up by one commentator.

Section 160.035–8(b)(1). Two comments suggested that Class B resins be eliminated and one that it be retained as an alternative. It was decided to permit Class B resins upon specific requests. One commentator recommended reduction of the maximum allowable burning time to 90 seconds instead of 125 seconds required by MIL–R–21607. This reduction was found to be too stringent. Several comments suggested changing the wording from "fire resistant" back to "fire retardant," as it was before the proposed amendments. The suggestion is accepted.

Section 160.035–8(b)(2). Four substantive comments were received with regard to the proposed prohibition of 75 filaments and the requirement of a 3.5 percent binder.

Marine Safety Equipment Corp. presented evidence tending to show that the 3.5 percent binder standard was unrealistic. Owen-Corning Fiberglass Corp. presented similar evidence on the binder and indicated that the prohibition of "75 filaments" was not related to modern technology. Lane Marine Technology, Inc., pointed out that rapid technological changes required broad, flexible rules. The suggestion is adopted. The last three specific requirements were replaced by a blanket provision for Coast Guard approval of other glass materials upon request.

Section 160.035–8(b)(3). Marine Safety Equipment Corp. referred to the Hetron News Letter, "Advanced Resins for Corrosion Control," and Hooker Chemical Corporation manufacturing processes in support of its contention that a Barcol hardness reading of 40 is high enough. Lane Marine Technology, Inc., asserted that a minimum Barcol hardness of 45 before removing a part from a mold could inhibit production needlessly * * * Some parts made over male molds could not be removed without damage to the part or the mold if a Barcol hardness of 45 were attained before removal and that most parts can be handled without risk of damage at a Barcol hardness of ten and very large parts at 20. It also objected to a grade 3 laminate as unjustified.

Section 160.035–11(e). The proposed fuel consumption test at maximum r.p.m. at full throttle may require fuel capacities that are impossible to install according to Marine Safety Equipment Corp. and is also inconsistent with the present practice according to Lane Marine Technology, Inc. Therefore, the proposal is dropped and a 6-knot speed inserted instead.

Section 160.035–13(a). Two commentators questioned the correctness of the reference to § 160.035–12(a) testing. The reference has been corrected to § 160.035–13(b).

Section 160.051–4(e). A written comment was received suggesting a metal plate to provide for recording the proposed CO_2 inflations. If a metal plate is to be used for this, it would be logical for it to include all of the inspection data now stamped with ink that a marine inspector applies with a rubber stamp originally intended for the fabric of life preservers. A metal plate would be an improvement because the ink washes away and prevents a permanent record from being shown on the container. Accordingly, it was decided to require a metal inspection plate.

Section 160.051–4(f). In light of a number of comments, the container instructions requirement was modified and transferred to § 160.051–6(e).

Section 160.051–6(f). A number of recommendations were received. A suggestion was made to obtain more information about the testing of airborne rafts by CO_2 inflation.

During CO_2 inflation tests, an estimated 1 percent of the airborne rafts split their seams, but this was attributed to packing errors. Under present regulations, airborne rafts are disposed of either after their first aerial drops or after 5 years of service on the occasion of their first failure to pass a "functional" inspection in which CO_2 gas is used for their inflation. Owing to these stringent conditions, deterioration as a factor in the failure of this equipment has been virtually eliminated. The Coast Guard airborne rafts that are dropped as survival equipment have an estimated failure rate of 25% resulting from improper packing, tangled static lines, improper drop procedures, etc. An airborne raft is currently required to undergo a "calendar" inspection at a time coinciding with the aircraft's inspection cycle, but with the interval between inspections not to exceed 30 weeks. During a raft's calendar inspection, it is inflated with air, but CO_2 gas is used for inflation when it is first issued and at each fourth inspection thereafter. The CO_2 cylinders for the airborne rafts undergo hydrostatic testing every 5 years, and it is the cylinders due for hydrostatic testing that are used to inflate a raft with CO_2 on the occasion of its fourth inspection. During CO_2 inflation, a weighing of the cylinders disclosed that approximately 5 percent were undercharged. After a raft has been inflated with CO_2, it remains undisturbed for a four (4)-hour pressure test, which in practice is extended to 24 hours. Thereafter, it is deflated and dried out with a pneumatic exhaust hose prior to its packing.

Coast Guard aviation experience indicates that cold cracking from CO_2 gas is virtually eliminated if a raft is fitted with baffles or liners on its interior for the purpose of diffusing the CO_2 gas expanding at −140° F. so that it does not impinge directly on the folded tube fabric. If a raft is not provided with such protective features, there is a possibility of its suffering cold cracking from repeated CO_2 inflation. The tubes of the four-, seven-, and 12-person airborne rafts are constructed of neoprene-coated cloth weighing 11.4 ounces per square yard laminated from two plys of nylon fabric. The strength of the finished cloth is 300 pounds in the warp versus 250 pounds in the fill. The merchant marine raft in contrast is made of neoprene-coated fabric weighing 14 to 17 ounces per quare yard consisting of one ply of nylon fabric coated on both sides. The warp and fill strength of the merchant marine raft fabrics are equivalent to those of the airborne rafts. The ability of the airborne rafts to withstand aerial dropping may be attributed in part to the two-ply construction of its tube fabrics.

On the basis of this aviation experience, the following comparisons were suggested as relevant to the "Gas Inflation" proposal made in § 160.051–6(f)

(3): The merchant marine rafts are made of single ply fabrics equivalent in weight and strength to those of the two-ply fabric used in the airborne rafts. The partial inflation sleeves on the interiors of the marchant marine rafts are comparable to the protection used within the airborne rafts to counter the effects of cold cracking. In a 5-year period, the merchant marine raft should undergo one (1) CO_2 inflation in contrast to at least three that would be scheduled for an airborne raft.

Although the material and servicing standards for a merchant marine raft may be less than those found with an airborne raft, the two rafts are sufficiently similar to permit the experience acquired with aviation equipment to be applied to the other as a basis for merchant marine regulations. Furthermore, Coast Guard aviation experience suggests that failures resulting from human errors made in packing a raft outweigh those that can be attributed to cold cracking or general deterioration. In addition to the above investigation of the airborne rafts, the Chief of the Office of Merchant Marine Safety had a number of the merchant marine rafts inflated by CO_2 in order to gain more information that would resolve the various questions raised about cold cracking. The following conditions have been reported on 49 rafts inflated by CO_2 from a total of 348 rafts that were undergoing their annual servicing at shoreside facilities:

a. Twenty-eight of the 49 rafts inflated perfectly without any problem whatever.

b. Seven of the 49 rafts, although able to inflate satisfactorily, showed a number of minor defects.

c. Fourteen of the 49 rafts inflated showed the following major defects:

Two partial inflations attributed to freezing caused by a lack of N_2 gas in the CO_2 cylinders, one partial inflation caused by a defective inlet valve, two improperly installed inlet valves requiring replacement, five tube leaks requiring repair, five damaged outer containers requiring replacement, one rusty CO_2 cylinder, two outer container gaskets rotted, one painter—bridle improperly rigged.

The above evaluation of 49 rafts inflated by CO_2 was observed by Coast Guard marine inspectors but was reported on by the civilian servicing facilities. In this connection, it is noteworthy that comments about "cold cracking" were not widespread, but were limited to the reports concerning three rafts, each of which was serviced by the same party whose comments on this subject were received at the public hearing. If cold cracking is in fact a problem of great magnitude, knowledge of its existence is undisseminated. An officer at the Navy Safety Center in Norfolk, Va., advised that cold cracking had been the subject of considerable discussion 4 years ago, at a time when a number of hot gas generators were being pushed as substitutes for the CO_2 inflation systems. In his opinion the present Navy regulations described above have eliminated cold cracking.

Therefore, in consideration of the written comments received and the information discussed above, proposed § 160.015–6(f) (2) and (3) are revised. The two revisions take into account the possibility of raft damage during its CO_2 inflation, the necessity for improving the means for recording the various inspections that a raft undergoes over the years, and a written comment received from a manufacturer of CO_2 hardware who recommended renewal of the poppet pin assembly on any valve which is 5 years old. The necessity for replacing the poppet valve assembly is justified by the number of partial inflations noted in the raft survey described previously.

Section 160.051–7(b)(3). Three comments were received. One was adopted by changing the location of the manual and of the instruction card described in subparagraph 13 of this paragraph. The intent of this special instruction card is to make information on action to be taken immediately visible on entering the raft without looking in a manual.

Section 160.051–7(b)(5). Five comments were received and carefully considered. The proposed amendment required a 2-mile visibility. However, Air Force equates the same candelas with a visibility of 8 miles. As explained by Air Force personnel, the Air Force concept is based on observations made by pilots during flights conducted on clear, dark nights, but over areas that are not identified as either desert or the sea. From this brief background, it is clear that the Air Force has set a high standard which stems from personnel possessing superior eyesight.

In contrast, the values previously shown in Table 160.051–7(b)(5) were determined by calculation under a number of physical laws whose application requires the impact of empirical data for which at present there is no universal agreement. Although the laws have wide acceptance, the data used in their application is subject to individual interpretation which produces disparate results. Despite the disadvantage of this method, there is no other way of making such calculations at present. The 8-mile visibility rating of the Air Force cannot be achieved by calculation using conventional data available to the Coast Guard.

In order to reduce any confusion that might result from these two approaches, § 160.051–7(b)(5) and the table were changed as follows:

a. Section 160.051–7(b)(5) requires the exterior canopy light to operate "at its corresponding required intensity for a period of 12 hours" and the proposed reference to a 2-mile visibility has been eliminated.

b. A precedent already has been set in equating flashtube to incandescent lights for lifesaving equipment. The Floating Electric water light specification (46 CFR 161.010) in effect equates a 1.0 effective candela flashtube light to a 2.0 effective candela incandescent light (both computed using the same (Illuminating Engineering Society (IES method)). It was decided to halve the IES effective intensity for all xenon flashtube lights. Thus the canopy light specification Table 160.051–7(b)(5) requires a 5.0 candela steady burning incandescent light, a 5.0 effective candela flashing incandescent light, or an 0.5 candela-second/flash stroboscopic flash-tube light (mathematically equivalent to a 2.5 effective candelas using the IES method).

c. The minimum output of flashing stroboscopic lights is expressed in terms of candela-seconds per flash only. This will avoid any complications resulting from the selection of the empirical data used in the calculations.

Section 160.051–7(b)(8). In the light of 14 comments, the sea painter proposal was revised to avoid the difficulties commented on, particularly color blindness, colors, and complex instructions.

Section 160.051–7(b)(11). Due to the § 160.051–7(b)(8) amendment, a simplified operation for the sea anchor is required because the weak-link formerly adjacent to the raft is being relocated to the end of the painter made fast to the ship. The breaking of the weak-link that formerly served to pull the sea anchor from the raft will no longer be possible with the same rigging. The revision will allow a simple operation that does not cause tangling.

Section 160.051–8(a). No recommendations were received. However, the council added sua sponte a paragraph to improve the method of recording annual inspection data on the container. The inspection plate on the container will eliminate the present practice of stamping annual inspection data with ink. It will provide a permanent record of the annual inspection data and the 5-year gas inflation test.

Part 160 of Title 46 of the Code of Federal Regulations is amended as set forth below.

1. In § 160.015–1 a new paragraph (a)(2) is added.

§ 160.015–1 Applicable regulations.

(a) * * *

(2) Coast Guard regulations; Marine Engineering Regulations (46 CFR Subchapter F, Parts 50 to 63, inclusive in this chapter).

* * * * *

2. In § 160.015–2 a new paragraph (k–1) is added.

§ 160.015–2 General requirements for lifeboat winches.

* * * * *

(k–1) The exterior of a winch shall be designed to minimize such crevices, pockets, and inaccessible areas that when corroded would require disassembly of the winch for their scaling and painting.

* * * * *

3. The following amendments are made to § 160.015–3:

a. Two new sentences are added at the end of paragraph (i).

b. The phrase, "including those driven by portable power units, such as air or electric drills," is inserted in the first sentence of paragraph (j) between the words "used" and "positive."

c. Subparagraph (1) is added to paragraph (j).

§ 160.015–3 Construction of lifeboat winches.

* * * * *

(i) * * * In addition, the air or electric power outlet for a portable power unit shall be located adjacent to the winch where the unit is to be coupled. This power outlet shall be interconnected with and protected by the same system of safety devices as required for winches with built-in-motors.

(j) Where power-driven lifeboat winches are used, including those driven by portable power units, such as air or electric drills, positive means * * *

(1) Where power-driven winches are used, satisfactory means shall be provided to disconnect power to the winch before a hand crank can be engaged with the winch operating shaft, and this interruption of power shall be maintained while the hand crank is so engaged. Mechanical means for accomplishing the above, such as throw-out couplings on the sockets of the hand cranks will be given special consideration.

* * * * *

4. In § 160.015–5(b), the first sentence of subparagraph (1) and all of subparagraph (7) are revised.

§ 160.015–5 Inspection and testing of lifeboat winches.

* * * * *

(b) *Factory test for initial approval.* (1) Lifeboat winches shall be tested for strength and operation at a place chosen by the manufacturer of the winch in the presence of an inspector. The lifeboat winch under test * * *

* * * * *

(7) With a pull equal to 0.5 times the working load, it shall be demonstrated that the lifeboat winch can be hand operated by hoisting the test weight without undue effort. For gravity davits, it shall be demonstrated that this test weight can be carried easily from a point at which the traveling blocks of the falls are 1 foot below their outboard, two-blocked position, and then up and around the bend of the trackways to the stowed position of the lifeboat.

* * * * *

5. In § 160.035–1, paragraph (a)(1) is revised.

§ 160.035–1 Applicable specifications.

(a) * * *

(1) A.S.T.M. standards:

A 525—Specification for Delivery of Zinc-Coated (Galvanized) Iron or Steel Sheets, Coils, and Cut Lengths Coated by Hot Dip Method.

A 36—Specification for Structural Steel

* * * * *

6. The following amendments are made to § 160.035–3:

a. Paragraph (c) is revised.

b. In paragraph (m), subparagraph (1) is revised and a new subparagraph (9) is added.

c. A new sentence is added at the end of paragraph (r).

d. The text of the nameplate label in paragraph (u)(7)(iv) is revised.

§ 160.035–3 Construction of steel oar propelled lifeboats.

* * * * *

(c) *Materials.* (1) Plating for shell, floors, air tanks, etc., shall be made by the open-hearth or electric furnace process in accordance with A.S.T.M. Standards A–525 Class 1.25 * * *

(2) Rivets and rolled or extruded shapes such as keel, stem, sternpost, gunwales, etc., shall be made by the open-hearth or electric furnace process in accordance with A.S.T.M. Standard Specification A–36. * * *

* * * * *

(m) *Seats.* (1) The thwarts, side benches, and end benches shall be of fir, yellow pine, fibrous glass reinforced plastic (F.R.P.), or approved equivalent.

* * * * *

(9) The leading edge of the thwart or end bench shall be located a minimum of 3 inches and a maximum of 6 inches distance from the Rottmer release gear.

* * * * *

(r) *Plugs.* * * * with a cap attached to the lifeboat by a suitable chain. The location of drain plug is to be marked on the vertical surface in the vicinity of the plug below the side bench with the word "plug" in 3-inch white letters and with an arrow pointing in the direction of the drain plug.

* * * * *

(u) *Buoyancy tanks.* * * *

(7) * * *

(iv) * * *

Lifeboat Buoyancy Unit or Tank

(Type or Model)

Type of Buoyancy Material

Cu. Ft._____ Weight_____ Date_____

U.S.C.G. Insp._____

Name and address of the manufacturer.

* * * * *

7. The following amendments are made to § 160.035–5(a):

a. In both subparagraphs (2) and (3), the existing fourth sentence is removed and two new sentences substituted in its place.

b. All of subparagraph (5)(ii) except the first four sentences is revised.

c. The tool list in subparagraph (6) is revised.

§ 160.035–5 Construction of steel motor-propelled lifeboat with and without radio cabin.

(a) * * *

(2) * * * The top of the engine box shall be fitted with a screwdown mushroom vent. The engine box shall be fitted with a suitable drain. An engine starting instruction plate shall be permanently attached to the engine box. There shall be ample * * *

(3) * * * Fuel tanks shall have no openings in the bottom, sides, or ends. Openings for fill, vent, and feed pipes shall be on the top surface of the tanks. The minimum net cross-section area of the vent pipe shall be not less than the cross-sectional area of ⅝-inch O.D. tubing (0.035 inch wall thickness 20-gage), if the fill pipe terminates at the top of the tank; and not less than the cross-sectional area of ¾-inch O.D. tubing (0.035 inch wall thickness 20-gage), if the fill pipe extends into the tank. The access openings in the thwarts * * *

* * * * *

(5) * * *

(ii) * * * Capacity of the hydraulic cranking system sufficient for three cranking cycles under the above conditions, shall be held in reserve and arranged so that the operation of a single control for each accumulator by one person will isolate the * * * The installation of an engine-driven pump is recommended but is not required. The hydraulic cranking shall meet the requirements prescribed in 46 CFR 58.30 and 46 CFR 61.10–5 of Subchapter F, Marine Engineering Regulations. The hydraulic system when used in lifeboats as engine cranking systems shall be leak-tested at its operating pressure after installation.

(6) * * *

One 12-ounce ball peen hammer.
One screwdriver with 6-inch blade.
One pair of 8-inch slip-joint pliers.
One 8-inch adjustable end wrench.
One 12-inch adjustable end wrench.
One Phillips or cross-head screwdriver with a 6-inch blade.

* * * * *

8. The following changes are made in §160.035–8(b):

a. The first three existing sentences of subparagraph (1) are replaced by six new sentences.

b. Subparagraphs (2) and (3) are revised.

§ 160.035–8 Construction of fibrous glass reinforced plastic (FRP) oar-, hand-, and motor-propelled lifeboats.

* * * * *

(b) *Specific requirements*—(1) *Resin.* The resin used shall be of the fire retardant, nonair inhibited-type conforming to Class A of Military Specification MIL–R–21607 and Grade A, Class O of Military Specification MIL–R–7575, including tests after 1 year's weathering. In addition, the test panels shall be tested for continued conformance with Military Specification MIL–R–21607. All tests, including weathering of samples, shall be accomplished by an independent laboratory. Complete certification by the independent laboratory with test data shall be submitted to Coast Guard (MMT–3) for acceptance. Class A resin shall be fire retardant without additives. Class B resins will be given consideration upon request. Class B resin shall be fire retardant with additives and shall meet the same test requirements as that for Class A resins. When Class B resin is used for the prototype * * *

(2) *Glass reinforcement.* The glass reinforcement used shall have good laminated wet strength retention and shall meet the appropriate military specification stated in this paragraph. Glass cloth shall meet Military Specification MIL–Y–1140, Class C, form 4, No. 1000–150. Woven roving shall conform to Military Specification MIL–C–19663,

Style 605–308 or Style 605–604. Other glass materials equivalent in strength, design, wet out, and efficiency will be given consideration upon request.

(3) *Laminate.* All exposed surfaces of the finished laminate shall present a smooth finish, and there shall be no protruding surface fibers, open voids, pits, cracks, bubbles or blisters. The laminate shall be essentially free from resin-starved or overimpregnated areas, and no foreign matter shall remain in the finished laminate. The entire laminate shall be fully cured and free of tackiness, and shall show no tendency to delaminate, peel, or craze in any overlay. The laminate shall not be released from the mold until a Barcol hardness reading of not less than 40–55 is obtained from at least 10 places on the nongel coated surface, including all interior inner and outer hull surfaces and built-in lockers. The mechanical properties of the laminate shall meet the requirements for a Grade 3 laminate as specified in Table I of Military Specification MIL–P–17549. Other grades will be given consideration on specific request. For the prototype boat of each design made by each manufacturer, the layup shall be made of unpigmented clear resins so that all details of construction will be visible for inspection and test panels representative of each prototype layup shall be tested in accordance with MIL–P–17549.

* * * * *

9. In § 160.035–11 the first two sentences of paragraph (c) are revised.

§ 160.035–11 Inspection and testing of lifeboats.

* * * * *

(c) Motor-propelled lifeboats must pass the tests as required for an oar-propelled lifeboat in § 160.035–3. In addition, speed tests over a measured course and fuel consumption tests on a time basis shall be made to determine that the fully loaded motor-propelled lifeboats can maintain a speed of 6 knots for all classes of motor-propelled lifeboats, and that for each class of motor-propelled lifeboat its fuel tanks carry sufficient fuel for at least 24 hours at 6 knots. A 4-hour endurance trial shall be conducted * * *

* * * * *

10. In § 160.035–13 the first sentence of paragraph (a) is revised.

§ 160.035–13 Testing and inspection after approval.

(a) *General.* After the design of a lifeboat has been approved, subsequent lifeboats of the same design shall be individually inspected and tested as noted in § 160.035–11(a) for metal lifeboats and paragraph (b) of this section for F.R.P. lifeboats. * * *

* * * * *

11. In § 160.040–1(a), subparagraph (1) is revised and subparagraphs (2) and (3) are added.

§ 160.040–1 Applicable specifications.

(a) * * *

(1) MIL–L–45505 Type 1 or referenced parts.

(2) MIL–R–23139 or referenced parts.

(3) MIL–C–83125 or referenced parts.

* * * * *

12. In § 160.040–2 paragraphs (a) and (c) are revised.

§ 160.040–2 Type and size.

(a) Impulse-projected rocket type line-throwing appliances required by this subpart shall be of a type consisting essentially of a pistol or launcher, which can be hand held and hand directed, or suitably supported and hand directed.

* * * * *

(c) Alternate arrangements which meet the performance requirements of this subpart will be given special consideration. Line-throwing appliances meeting the requirements of MIL–L–45505 Type I will be considered as meeting the requirements of this subpart subject to approval of the Commandant.

13. In § 160.040–4 all of paragraph (c) except for the first sentence is revised and paragraph (d) is removed.

§ 160.040–4 Equipment for impulse-projected, rocket type line-throwing appliance.

* * * * *

(c) * * * The length of each service line will be assigned in the approval of the appliance as a round number approximately one-third in excess of the average distance the line is carried in the tests required by § 160.040–7(c). The line shall be of either natural or synthetic fibers suitable for marine usage. The end of the line intended to be attached to the projectile shall have securely attached thereto a substantial tag bearing a permanent legend indicating its purpose, and the other end of the line shall be tagged in the same manner to prevent delay in securing proper and immediate action with the equipment. Each line shall be coiled, faked, or reeled in its own faking box or reel in such manner that when all the line leaves the container, it shall automatically become unattached and free from the container. The faking box or reel shall be big enough for the line. The reel type container shall consist of a reel upon which the line may be readily coiled and a canister or container into which the line may be placed that affords a fair lead through which the line may pay out. The reel must be so designed as to permit easy withdrawal after the line has been coiled. Containers of new lines shall bear the name of the manufacturer, date of manufacture, and a statement to the effect that in all respects the line meets the requirements of this specification.

(d) [Revoked]

* * * * *

14. The following amendments are made to § 160.040–5:

a. In the first sentence of paragraph (a) the phrase, "the requirements of paragraph (c) of this section" is inserted in between the words "specification" and "and".

b. In paragraph (c), the last sentence of subparagraph (1) is revised and five new sentences are added; and in subparagraph (2), four new sentences are inserted before the existing first sentence, the existing first and last sentences are revised, and one new sentence is added after the existing last sentence.

§ 160.040–5 Inspection, sampling, and tests.

(a) *General.* Each appliance and equipment shall be examined for compliance with this specification, the requirements of paragraph (c) of this section, and with the drawings and specifications submitted * * *

* * * * *

(c) *Performance tests*—(1) *Appliances.* * * * The entire assembly of the appliance shall then be examined by the marine inspector. Results of the test firing and the physical examination shall show none of the following: Failure to eject cartridge, failure to close breech, trigger malfunction, safety lock failure to function, breech catch malfunction, broken spring, broken handgrips, cracked barrel or discharge chamber, firing pin or plunger broken, distorted or excessively worn or loose breech. A single misfire is acceptable if a second cartridge fires on repeated test. Misfire of both shall be cause for rejection of the appliance. More than one loose screw shall be cause for rejection. If an appliance exhibits a single loose screw, it may be retightened.

(2) *Rockets.* The rocket shall utilize a solid fuel propellant which shall function in accordance with all applicable requirements of MIL–R–23139. The use of black powder for the rocket motor is not acceptable. The ignition of the rocket motor shall occur at such a distance from the appliance so as not to spew flame, hot gaseous exhaust, or hot particles of propellant in such a manner as to create a hazard to personnel or the vessel. The rocket shall have a service line carrier assembly permanently attached and made of material, or suitably protected, to withstand the heat from the rocket motor's exhaust. From each 200 rockets manufactured, the marine inspector will select not less than three to be tested in his * * * Failure to meet any of the test requirements, nose cone cracks, rupture in flight, erratic flight, or unusual burning rate, shall be cause for rejection of rockets produced until the marine inspector is satisfied that suitable correction has been made. If rockets selected from this lot are used for the tests required in paragraph (c)(1) of this section this may be accepted as meeting the requirements of this paragraph and selection of rockets for further testing will be done only when deemed advisable by the marine inspector.

* * * * *

15. In § 160.051–4, paragraph (f)(1) is revised.

§ 160.051–4 Design.

* * * * *

(f) *Containment.* * * *

(1) *Rigid container.* The container shall be constructed of metal, wood, or plastic, and shall be capable of being

securely fastened aboard ship and arranged for quick release of the liferaft. The container shall be weathertight except that provision shall be made for drainage and the circulation of air. A container shall have an interior surface smooth and free from splinters, barbs, or rough projections. The interior surface of a container made of fibrous glass reinforced plastic shall be finished with a gel coating. The words "This Side Up" shall be shown on the exterior of a container on the side opposite the drain holes in blocked letters 1 inch in size. Rigid containers shall be the normal means of containing inflatable liferafts except for the installations provided for in subparagraph (2) of this paragraph.

* * * * *

16. The following amendments are made to § 160.051–6:

a. Paragraph (b) is removed.

b. In paragraph (d), the introductory text, subparagraphs (1)(viii) and (2)(ii) are revised.

c. All of the introductory text of paragraph (e) except for the first three sentences is revised.

d. A new paragraph (f) is added.

§ 160.051–6 Servicing.

* * * * *

(b) [Revoked]

* * * * *

(d) *Servicing facilities and personnel.* Servicing facilities shall be clean, free from excessive dust, drafts, and strong sunlight and arranged so that even temperatures can be maintained. The floor shall be smooth and kept clean and free from oil, grease, and abrasive materials. Equipment for performing the necessary tests and repairs shall be provided. After a raft manufacturer has indicated his choice of a servicing facility to the cognizant Officer in Charge, Marine Inspection, the servicing facility shall apply to the cognizant Officer in Charge, Marine Inspection, for an inspection of his facility. The Officer in Charge, Marine Inspection, shall determine the adequacy of equipment and spaces and competence of the personnel and shall submit a report of his findings to the Commandant. The Commandant will issue a letter to the manufacturer, with copies to the servicing facilities and to cognizant Officer in Charge, Marine Inspection, indicating which servicing facilities have been approved as a prerequisite to approval of the inflatable life rafts, and which must be maintained to keep the approval in effect. Thereafter, all material and personnel changes in a listed facility shall be subject to the approval of the cognizant Officer in Charge, Marine Inspection.

(1) *Servicing equipment.* * * *

(viii) Mercury or water manometer.

* * * * *

(2) *Trained personnel.* * * *

(ii) The cognizant Officer in Charge, Marine Inspection, shall maintain and provide a servicing facility with a list of its employees who qualify under subdivision (i) of this subparagraph to service the rafts. This list shall include the names of persons subsequently employed for the work since the issuance of the original servicing facility letter described in this paragraph.

* * * * *

(e) *Inspection.* * * * All equipment shall be inspected for condition and outdated water, signals, etc. shall be replaced. The cells for the lights required under § 160.051–7(b)(c) of this title shall be renewed when a raft undergoes its annual servicing. Damaged or faded instruction labels on the container of a raft shall be replaced at annual servicing. Inflation cylinders shall be weighed and recharged if the weight loss exceeds 5 percent of the weight of the charge. After the raft has been satisfactorily serviced and repacked, the container shall be sealed as required by § 160.051–4(f) and the metal inspection plate of the container described in § 160.051–8(a) will be stamped "Passed" together with the date, the port, and the marine inspector's initials. The following additional conditions apply:

* * * * *

(f) *Special fifth-year inspection tests.* In addition to the above annual inspection requirements, an inflatable liferaft shall undergo the following special tests at 5-year intervals after its date of manufacture:

(1) *Inflation cylinders.* The inflation cylinders shall be retested and marked in accordance with the regulations of the Department of Transportation as noted in § 147.04–1 of Subchapter N (Dangerous Cargoes) of this chapter.

(2) *Gas inflation.* An inflatable liferaft, at 5-year intervals after its date of manufacture, on its arrival at a servicing facility, shall be removed from its container and, while still folded, shall be inflated by the operation of its gas cylinder(s) in the presence of a marine inspector. Rafts showing minor leaks from this inflation can be repaired at the servicing facility, but any rafts that are ten (10) or more years past their dates of manufacture that leak extensively or show fabric damage from this inflation shall be retired from service and their nameplates showing Coast Guard approval shall be removed by the marine inspector. Rafts that satisfactorily pass the above gas inflation test shall then undergo the usual annual servicing described above. A raft that satisfactorily passes the gas inflation test shall have the date and the port at which it was performed stamped on the container inspection plate described under § 160.051–8(a).

(3) *Inflation cylinder valves and seals.* After a raft has completed the tests of subparagraph (1) or (2) of this paragraph, the poppet pin assembly, including its seals, O-rings gaskets made of rubber, shall be renewed on the inflation heads of the gas cylinders by the activity approved to perform the hydraulic testing outlined in subparagraph (1) of this paragraph. An inflation cylinder that has been recharged shall stand for at least 2 weeks and be checked for leakage by weighing before being returned to service.

17. The following amendments are made to § 160.051–7:

a. In paragraph (b), the introductory text and subparagraphs (3), (5), (8), and (11) are revised; and a new subparagraph (13) is added.

b. In paragraph (c), the introductory text and subparagraphs (7) and (8) are revised; and a new sentence is added at the end of subparagraph (10).

c. In paragraph (d), two new sentences are added at the end of the introductory text, and two sentences are added at the ends of both subparagraphs (3) and (4).

§ 160.051–7 Equipment.

* * * * *

(b) *Items required for all rafts.* The following equipment for ocean service and limited service life rafts shall be stowed outside of the equipment containers so as to be readily available:

* * * * *

(3) *Instruction manual.* An instruction manual, printed on water-resistant film or plastic coated paper and suspended in a clear film envelope from one of the canopy arch tubes, shall describe the raft and its equipment, including the use of the inflation pump, repair kit, sea anchor, etc. This manual shall also contain all of the survival information recommended in Inter-Governmental Maritime Consultative Organization Resolution 181, dated October 29, 1969, as amended, together with the illustrated table of lifesaving signals from CG–811 (Rev.). The plastic Instruction Card described under § 160.051–7(b)(13) can be contatined in the same envelope with the instruction manual if arrangements are made for the card to be visible from either face of the envelope.

* * * * *

(5) *Lights.* Two watertight lights, one installed on top and the other on the interior of the canopy, both of which are to operate automatically when the raft inflates. The exterior canopy light, on the basis of qualifying tests acceptable to the Coast Guard shall be chosen from one of the three types listed below in Table 160.051–7(b)(5) and installed with a power source capable of operating the light at its required intensity for a period of twelve (12) hours. The interior canopy light, to which Table 160.051–7(b)(5) does not apply, shall also be provided with a separate power source capable of operating the light for a period of twelve (12) hours. Means shall be provided to interrupt the current to the light inside the canopy. Both of these canopy lights shall be powered by either water-activated or dry cells capable of operating the lights for the required length of time after at least twenty-four (24) months in storage. All cells for canopy light shall be renewed when a raft undergoes its annual servicing. Existing rafts previously approved under this specification shall be provided with the new exterior canopy lights after July 1, 1973.

TABLE 160.051-7(b)(5)

Light type	Light output (minimum) [1]	Flash frequency cycles/min.	
		Minimum	*Maximum*
Steady incandescent	5.0 candela	0	0
Flashing incandescent	5.0 effective candela	50	70
Flashing stroboscopic	0.5 candela-second/flash	50	70

[1] The minimum light output shall be maintained in all directions of the upper hemisphere.

* * * * *

(8) A painter shall be provided for launching and holding the raft during boarding. It shall be of nylon line, or equivalent, or a type easily gripped, 100 feet in length, and stowed so that it will run free when the raft is launched and not cause inadvertent inflation before the raft is in the sea. The nominal breaking strength of the painter when unknotted, including attachments, shall be 3,000 pounds for rafts approved for capacities of 10 or more persons, and 1,500 pounds for rafts approved for capacities of less than 10 persons. The end of the painter protruding from the container of the raft shall be resistant to the deleterious effects of sunlight. A "float free" link made of stainless steel rod with a nominal breaking strength, including atttachments of 500 pounds shall connect the end of the painter to the vessel. In addition, a separate steel cleat with horns not less than 3 inches in length shall be installed adjacent to the cradle for belaying the end or each raft's painter to the ship when manually launching. The launching instructions on the container shall include the following: (i) "When stowing the raft, connect the steel link to the vessel" and (ii) "Before launching the raft by hand, pull out the line from the container and make it fast to the cleat provided." Existing rafts previously approved under this specification shall be altered to comply with the above when the rafts are next serviced.

* * * * *

(11) *Sea anchor.* Two sea anchors in accordance with Military Specifications, MIL-L-19496 or equivalent, each fitted with 50 feet of ¼-inch diameter braided nylon line or equivalent; one anchor to be stowed inside the raft and ready for use and the other stowed outside the raft which will stream automatically without entanglement when the raft is inflated.

* * * * *

(13) *Instruction card.* A plastic card suspended from the inside canopy showing the immediate steps to be taken by survivors on entering a raft as recommended by Intergovernmental Maritime Consultative Organization Resolution 181, dated October 29, 1969. This card shall also explain the noise that can be expected to accompany the operation of any CO_2 relief valves that may be installed.

(c) *Ocean service equipment.* Equipment for life rafts intended for ocean service shall be stowed in watertight containers which are tied to the inside of the raft with short lengths of nylon line webbing, or equivalent. The contents of each watertight equipment container shall be listed on a plastic card attached to the container's opening. The following ocean service equipment shall be provided:

* * * * *

(7) *Repair kit.* A repair kit consisting of six sealing clamps in accordance with Military Specification MIL-L-19496; five 2-inch diameter tube patches and cement compatible with the raft fabric together with a roughing tool. Repair kit cement shall be replaced when a raft undergoes its annual servicing. A tube of cement shall show by a date of manufacture on its exterior, or by an accompanying affidavit, that it has been manufactured within 18 months of the time that the cement is packed in a raft.

(8) *Signals.* Two hand-held rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of this Subchapter Q (Specifications), and six hand red flare distress signals constructed in accordance with Subpart 180.021 or Subpart 160.023 of this Subchapter Q (Specifications). All overage signals are to be replaced when a raft undergoes its annual servicing. A signal previously in service in a raft can be packed if its allowed 3-year period of service has not expired.

* * * * *

(10) * * * A container of drinking water with a date of manufacture showing that its allowed 5-year period of service has not expired can be packed in a raft.

* * * * *

(d) * * * The contents of each watertight equipment container shall be listed on a plastic card attached to the container's opening. The following limited service equipment shall be provided:

* * * * *

(3) * * * Repair kit cement shall be replaced when a raft undergoes its annual servicing. A tube of cement shall show by a date of manufacture on its exterior, or by an accompanying affidavit, that it has been manufactured within 18 months of the time that the cement is packed in a raft.

(4) * * * All overage signals are to be replaced when a raft undergoes its annual servicing. A signal previously in service can be packed in a raft if its allowed 3-year period of service has not expired.

* * * * *

18. In § 160.051-8 a new sentence is added at the end of paragraph (a).

§ 160.051-8 Nameplate and marking.

(a) * * * A raft container shall also be provided with a stainless steel plate of 0.032-inch minimum thickness of sufficient size for showing a stamped record of the data of the annual inspections and the gas inflation tests described respectively in §§ 160.051-6(e) and 160.051-6(f)(2).

* * * * *

19. In § 160.051-9, paragraph (a) is revised to read as follows:

§ 160.051-9 Procedure for approval.

(a) *Preliminary plans and specifications.* Inflatable liferafts for use on vessels subject to Coast Guard inspection are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. 20590. Before any action is taken on any design arrangement and construction of the inflatable liferaft, material specifications, and a description of construction methods with a list of servicing facilities and their qualified employees, must be submitted to the Commandant through the Coast Guard District in which the inflatable liferafts are built.

* * * * *

Effective date. These amendments shall become effective on September 22, 1972.

(46 U.S.C. 375, 416; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b))

Dated: August 15, 1972.

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

[FR Doc.72-14107 Filed 8-23-72;8:57 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 10.105(a) published in the FEDERAL REGISTER on July 29, 1972 (37 F.R. 15310), established open hunting seasons for sea ducks in certain coastal States along the Atlantic Ocean, including Maine, during the period between September 23, 1972, and January 7, 1973. Because of the unusually late nesting season in Maine this year, and at the request of the State Wildlife Administrator, it is determined that the opening day of the sea duck season in the State of Maine should be delayed 1 week, affording some additional protection to late nesting birds.

Accordingly, the introductory paragraphs of § 10.105 and paragraph (a)(1) are amended to read:

§ 10.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea ducks.* (1) An open season for taking scooter, eider, and old-squaw ducks is prescribed during the period between September 23, 1972, and January 7, 1973, except in the State of Maine, where the first day of this season is September 30, 1972. * * *

* * * * *

For good cause found as herein set forth, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment will become effective on August 25, 1972.

(16 U.S.C. 703–711)

Effective date: August 25, 1972.

E. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1972.

[FR Doc.72–14378 Filed 8–23–72;8:53 am]

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH AND WILDLIFE

Export Permit

The Secretary of the Interior deems it in the public interest to amend 50 CFR 17 by deleting § 17.8. That section as adopted by publication in the FEDERAL REGISTER on June 2, 1970 (35 F.R. 8491), required a permit for exporting any species of fish or wildlife which appear on the United States List of Endangered Native Fish and Wildlife (50 CFR Appendix D). Further review of the enabling legislation (16 U.S.C. 668aa–668cc; 18 U.S.C. 43) under which Part 17 was issued raises serious questions concerning statutory authority for requiring said permit. Accordingly, Part 17 is amended by deleting § 17.8 in its entirety.

It is further found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest, and this amendment will become effective on August 25, 1972.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1972.

[FR Doc.72–14379 Filed 8–23–72;8:53 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–24–72).

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed and Sharp-tailed grouse, Snowshoe hare, gray and black squirrels, coyote, fox, porcupine, raccoon, skunk, and crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

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

(1) That portion of the refuge designated as area A is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1973.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 17, 1972.

[FR Doc.72–14377 Filed 8–23–72;8:53 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8–24–72).

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permited only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 33,525 acres of the refuge designated as area B, from October 1 through November 14; and on the 85,200 acres of the refuge designated as area A and area B, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River except in designated wilderness area during the gun season. A camp registration permit, obtainable at refuge headquarters, is required.

(4) All motorized conveyances are prohibited from travelling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1972.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 17, 1972.

[FR Doc.72–14376 Filed 8–23–72;8:53 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER (8–24–72).

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

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all State regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 7, 1972, to November 26, 1972, both dates inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1972.

JAMES W. SALYER,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

AUGUST 16, 1972.

[FR Doc.72–14329, Filed 8–23–72;8:49 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (8–24–72).

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

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of red fox subject to the following conditions.

(1) Hunting is permitted from 12 noon to sunset on November 10, 1972, and from sunrise to sunset November 11, 1972, through March 31, 1973.

(2) All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

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 March 31, 1973.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota 58434.

AUGUST 17, 1972.

[FR Doc.72–14330 Filed 8–23–72;8:49 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms: 1973-Crop

Sec.
855.88 Definitions.
855.89 General provisions.
855.90 State acreage allocations.
855.91 Determination of farm bases for old-producer farms.
855.92 Establishment of shares for old-producer farms.
855.93 Shares for reconstituted farms.
855.94 Redetermination of bases and shares because of use of incorrect data.
855.95 Acreage reserve for farms in Louisiana.
855.96 Reallotment of unused acres to farms in Florida.
855.97 Establishment of shares for new-producer farms.
855.98 Appeals or corrections.

AUTHORITY: Sections 855.88 to 855.98 issued pursuant to section 302 of the Sugar Act of 1948, as amended. (Secs. 301, 302, 403, 61 Stat. 929, 930, as amended; 932; 7 U.S.C. 1131, 1132, 1153).

§ 855.88 Definitions.

For the purpose of this part, the terms:

(a) "Act," "Secretary," "Deputy Administrator," "State Committee," "County Committee," "Producer," "Operator," and designation of a crop of sugarcane by year shall have the meanings set forth in § 892.1 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Cane" means sugarcane.

(d) "Old-producer Farm" means a farm which includes land on which there were accredited acres in any of the crop years 1970, 1971, or 1972.

(e) "New-producer Farm" means any farm that is not an old-producer farm.

(f) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(g) "Accredited acreage" or "accredited acres" means the area on the farm (within the share for such farm if shares are in effect) for any crop as designated by year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar except for use as livestock feed or for the production of livestock feed, or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment payments set forth in paragraphs (a) and (b) of § 845.4 of this chapter, as shown by office records of the county committee.

§ 855.89 General provisions.

Regulations pertaining to general conditional payments provisions are set forth in Part 892 of this chapter. Such regulations include provisions in regard to conditions which must be met to be eligible for payment, instructions for filing application for payment, requirements for harvesting within the farm share and for disposing of acreage in excess of the farm share. Also included are provisions covering sharecropper or share tenant protection, farm accredited acreage records, erroneous notice of the farm share or of excess acreage, acquisition of farm land by the right of eminent domain including the transfer of the share from the land so acquired to other land in the State, and provision for redetermination and review of determinations by county and State committees or the Deputy Administrator. Provisions pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title and in § 892.4 of this chapter. Provisions governing requests and appeals by producers for reconsideration or review of determinations by county or State committees or the Deputy Administrator are set forth in Part 780 of this title.

§ 855.90 State acreage allocations.

The acreage allocation shall be 276,352 acres for Florida and 440,803 acres for Louisiana, which includes the acreage made available under §855.97 for new-producer farms, under §855.98 for fulfilling appeals and correcting errors, and for Louisiana the acreage made available under §855.95 to compensate for unused proportionate share acreage.

§ 855.91 Determination of farm bases for old-producer farms.

The county committee for the county in which the farm headquarters is located shall determine a farm base for each old-producer farm or a portion thereof for the 1973 crop of cane as follows:

(a) For each old-producer farm, as constituted for the 1972 crop at the time the 1973 crop share is established, such base shall be the 1972 crop accredited acreage record of the farm, except that if the county committee determines that the 1972 crop accredited acreage is less than but at least 85 percent of the original 1972 crop share established pursuant to § 855.81, § 855.82, or § 855.86 for the farm or is less than 85 percent of such share because of reasons beyond the control of the operator, the farm base shall be such 1972 share. If it is known at the time farm bases are to be determined that 1973 crop acreage will not be harvested on a farm for which a base could be established, and the land was not acquired under right of eminent domain, a base will not be established.

(b) For each old-producer farm or part thereof removed from cane production by acquisition by a Federal, State, or other agency or entity entitled to exercise the right of eminent domain after the 1969 crop was harvested from such land, and the owner of such land did not have the State committee add the 1972 crop share established for such farm or part pursuant to § 855.81 or § 855.82 to the 1972 crop share established for other land owned by such owner under the provisions of § 855.81 or § 855.82, the farm base shall be the 1972 crop share so established for the farm or part removed from production.

§ 855.92 Establishment of shares for old-producer farms.

The county committee shall establish a 1973 crop share for any farm for which a base is determined pursuant to § 855.91 by applying to such farm base an adjustment factor computed by the State committee. In Louisiana, the factor shall be determined by dividing the State acreage allocation in § 855.90, less the sum of the acres made available to the State in §§ 855.95, 855.97, and 855.98 by the total of the bases established for all old-producer farms in the State pursuant to § 855.91. In Florida, the factor shall be determined by dividing the State acreage allocation in § 855.90, less the sum

of the acres made available to the State in § 855.97 and § 855.98 by the total of the bases established for all old-producer farms in the State pursuant to § 855.91. The share established by applying the adjustment factor to a farm base determined pursuant to § 855.91(b) shall, as provided in § 892.18 of this chapter, be added to the 1973 crop share established for other land in the State owned by the owner of the land who lost acreage under the right of eminent domain upon application to the State committee by such owner as provided in § 892.18 of this chapter. Provision is made in § 892.18 of this chapter for holding a share or part thereof in reserve for the future use of the owner of the land lost by the right of eminent domain.

§ 855.93 Shares for reconstituted farms.

(a) *Change in farm constitutions.* If the county committee determines after a 1973 crop share is established for the farm, that the 1973 crop farm will not be comprised of the same land as that included in the 1972 crop farm used as the basis for establishing the share or will not be comprised of the same land for which the application for a new-producer share was made, or determines that the farm was not properly constituted for the 1973 crop pursuant to the definitions of a farm and an operator, the farm or farms involved shall be reconstituted in accordance with such definitions. A share shall be determined as follows for the reconstituted farm.

(b) *Old-producer farms*—(1) *Subdivision.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1973 crop share established for the farm pursuant to § 855.92, including any adjustments made in such share pursuant to § 855.95, § 855.96, or § 855.98, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in § 892.9 of this chapter. However, if the method used for dividing such acreage record is other than by a written agreement of the interested persons to the division and if the share as so determined for any subdivision is greater than the acreage of cane growing on the subdivision for 1973 crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon, except that such reduction shall not be made if the county committee determines that acreage of cane on the subdivision was plowed down without the approval of the person acquiring the subdivision in order to obtain a larger share on the other subdivision or subdivisions. If such reduction is made, the acreage made available shall be distributed to increase the share in each of the other subdivisions of the parent farm on which the acreage growing for 1973 crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision.

(2) *Combinations.* The share for a reconstituted farm consisting of a combination of old-producer farms, a combination of subdivisions of such farms or combination of such farms and such subdivisions shall be the sum of the 1973 crop shares for such farms and subdivisions of such farms.

(c) *New-producer farms*—(1) *Subdivision.* The share established for a new-producer farm which is subdivided shall be prorated to the subdivisions by the percentage ratio that the acreage planted on each subdivision is to the total acreage planted on the farm. If there is no acreage of cane growing on the farm prior to subdivision, the share shall be canceled except that if the producer who requested the share retains a subdivision of the farm with sufficient cropland suitable for cane production at a level of such share, and before the share is canceled he files a written request with the county ASCS office to establish the share for his reconstituted new-producer farm, the share shall be established for such producer's reconstituted new-producer farm consistent with the requirements set forth in § 885.97 for establishment of new-producer farm shares.

(2) *Combinations*—(i) *Combined before planting.* The share for any new-producer farm or subdivision thereof which is combined with an old-producer farm or subdivision thereof prior to the planting of cane on the new-producer farm shall be canceled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm. If a new-producer farm or subdivision thereof is combined with another new-producer farm or subdivision thereof prior to the planting of cane on either of the new-producer farms or subdivision thereof, the shares for the new-producer farms shall be canceled and a share shall be established pursuant to § 855.97(d) for the reconstituted farm. The share established for a new-producer farm or for a subdivision thereof which is combined with land not part of a farm for which a share has been established, shall be the share for the reconstituted farm.

(ii) *Combined after planting.* If a new-producer farm or subdivision thereof is combined with another farm or subdivision thereof after cane has been planted on the new-producer farm the share established for the new-producer farm or portion of such share determined for the subdivision thereof shall be added to the share established for the other farm or subdivision thereof. However, if the county committee determines that the operator of the new-producer farm, at the time he applied for a new-producer share, had begun negotiations or had arranged to subsequently transfer the new-producer farm to the operator of the other farm, the share established for the new-producer farm or portion of such share determined for the subdivision shall be canceled, and the share established for the other farm or subdivision thereof shall be the share for the reconstituted farm.

§ 855.94 Redetermination of bases and shares because of use of incorrect data.

Where incorrect data were used in determining a farm base or a share, such share shall be canceled and a new base shall be computed in accordance with § 855.91 using the correct data. A new share shall be established for the farm in accordance with § 855.92. Any acreage by which the incorrect share exceeds the newly established share and any acreage available under § 855.98 shall be used to increase shares for farms whose shares were established at levels lower than those to which they were entitled. In Florida, any acreage remaining shall be realloted under § 855.96, but if there is insufficient acreage to increase shares for farms whose shares were established at levels lower than those to which they were entitled, acreage becoming available under § 855.96(b) shall first be used to increase shares for such farms.

§ 855.95 Acreage reserve for farms in Louisiana.

(a) *Acreage available.* To offset proportionate share acreage which will be unused on farms in Louisiana, there are available 20,000 acres for increasing shares of old-producer farms established pursuant to § 855.92 and § 855.94.

(b) *Filing requests.* Requests shall be filed at the ASCS County Office in the county in which the farm headquarters is located not later than 10 days after the notice of the 1973 crop farm share is mailed to the farm operator. Late requests filed before the distribution of the acreage made available may be accepted as timely filed if the county committee determines that the operators had delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

(c) *Handling requests.* The county committee of each county shall modify each request, if necessary, considering the ability of the farm operator to use additional acreage in light of the establishment of proper sugarcane rotation practices and the maintenance of a proper relationship between total sugarcane acreage and suitable cropland. The county committee shall forward the requests, as modified, to the Louisiana State Committee.

(d) *Establishing increases.* If the total of the requests for additional acreage, as modified by the county committees, does not exceed the acreage made available under paragraph (a) of this section, the State committee shall authorize county committees to increase the shares of farms by the amount requested, as modified. If the total of the requests for additional acreage, as modified by the county committees, exceeds the acreage made available under paragraph (a) of this section, the State committee shall prorate the acreage to all farms for which requests were made on the basis of requests, as modified. The State committee shall authorize county committees to increase shares for such farms in accordance with the proration.

§ 855.96 Reallotment of unused acres to farms in Florida.

(a) *Eligibility.* Any old-producer farm in Florida for which a share is established pursuant to § 855.92 is eligible for an increase in the share established for

the farm as provided in this section. A request for such increase must be filed by the operator of the farm in accordance with paragraph (c) of this section.

(b) *Source of unused acreage for increasing shares.* The following is available for reallocation:

(1) Unused acreage representing the total of the acreage of shares reduced pursuant to paragraph (h) of this section, excluding any acreage reserved by the State committee pursuant to § 892.18 of this chapter.

(2) Any acreage made available pursuant to § 855.97(a) for establishing shares for new-producer farms which is not requested by qualified applicants, and acreage representing new-producer shares which are cancelled pursuant to § 855.93(c) and is not used as provided therein.

(3) Any acreage made available pursuant to § 855.98 for fulfilling appeals or corrections for erroneous shares which is not used for such purpose, or under § 855.94.

(c) *Filing requests for additional acreage.* Requests shall be filed at the county ASCS office in the county in which the farm headquarters is located by not later than 30 days after the notice of share determined pursuant to § 855.92 is mailed to the producer. Late requests filed before the distribution of unused acreage may be accepted as timely filed if the county committee determines that the operators had delayed filing for reasons beyond their control. Other late requests may be accepted prior to harvest if there is acreage still available after filling all timely filed requests.

(d) *Priority of adjustments.* Unused acreage determined pursuant to paragraph (b) of this section shall be used first as needed to increase shares as provided in § 855.94; secondly, to adjust the shares of less than 300 acres for eligible old-producer farms, determined pursuant to § 855.92. Such share shall be adjusted by the amount requested, but not increased above 300 acres. If the acreage available is not sufficient to permit adjustments in the total amount needed to increase individual shares by the smaller of the requested acreage or to 300 acres, such acreage shall be prorated on the basis of the smaller of the requested acreage or the portion of the acreage requested which is needed to increase shares to 300 acres. Any acreage remaining shall be used to adjust the shares of 300 or more acres for eligible old-producer farms, determined pursuant to § 855.92. If there is acreage remaining after adjusting shares of 300 or more acres, such acreage may be used to further adjust shares of less than 300 acres determined pursuant to § 855.92.

(e) *Increasing shares.* Subject to the provisions of paragraph (d) of this section, acreage to be reallotted pursuant to paragraph (f) of this section shall be used to increase the shares of old-producer farms whereon additional acreage may be used and requests have been filed pursuant to paragraph (c) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, and (4) maintenance of a proper relationship between total cane acreage and suitable cropland.

(f) *Method for reallocating unused acreage.* Pursuant to the provisions of paragraph (e) of this section, unused acreage determined pursuant to paragraph (b) of this section, shall be used to increase shares of farms, the operators of which have filed requests which have been accepted pursuant to paragraph (c) of this section. The Florida State Committee shall determine and inform the county committees of increases to be made in the share for each farm.

(g) *Limitations.* No share shall be increased by an amount in excess of that requested or increased to cover acreage which was previously abandoned regardless of the cause of such abandonment.

(h) *Reduction in shares.* If the county committee determines for any farm that the total of the 1973 crop acreage of cane to be harvested for sugar and seed and the acreage which has been abandoned to the extent of fulfilling at least the requirements set forth in paragraphs (a) and (b) of § 845.4 of this chapter is less than the farm's 1973 crop share, including any adjustment made pursuant to this section or § 855.98, the share shall be reduced to the level of such total 1973 crop acreage. However, a share shall not be reduced if the county committee determines that the failure to plant such acreage resulted from any action of a processor of cane denying the producer an opportunity to market cane from the underplanted acreage of the share determined for his farm pursuant to § 855.92, § 855.97, including any adjustments made pursuant to § 855.98.

§ 855.97 Establishment of shares for new-producer farms.

(a) *Acreage available.* There are available 3,000 acres for use in Florida and 3,000 acres for use in Louisiana for establishing shares for new-producer farms.

(b) *Filing requests.* A person desiring a share for a new-producer farm shall file a request at the local county ASCS office not later than September 15, 1972. Late requests may be accepted as timely filed prior to the establishment of shares for new-producer farms if the State committee determines that the person delayed filing for reasons beyond his control. Other late requests may be accepted if there is acreage still available after filling all timely filed requests.

(c) *Rating of applicants.* Subject to review and redetermination by the State committee, the county committee shall rate the applicant as "qualified" or "not qualified" to utilize a new-producer farm share by considering (1) the availability and suitability of land, (2) availability of production and marketing facilities, and (3) whether the land on which cane will be grown is under his control through ownership or lease and there were no accredited acres on such land in any of the crop years 1970, 1971, or 1972, and such land is not an old-producer farm; *Provided,* That no applicant will be rated as "Qualified" unless the county committee determines he will be the operator of the farm as defined in paragraph (l) of § 892.1 of this chapter and he is not the operator of an old-producer farm.

(d) *Size of share.* Each share shall be 300 acres, or a lesser acreage if requested, or such lesser acreage as the State committee determines if either the county or State committee determines that the available cropland will not support a share in the amount requested.

(e) *Establishing shares.* The State committee shall establish a share for the new-producer farm of each "qualified" applicant if the acreage provided in paragraph (a) of this section is sufficient to establish such shares. If there is insufficient acreage, the selection of "qualified" applicants to receive shares shall be by lot. Each drawing shall be supervised by a representative of the State committee. Persons included in a drawing shall be given advance notice and an opportunity to attend. Names (or farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws." The person in charge shall announce the method of selection before the drawing.

(f) *Use of set-aside.* All acreage available for new-producers shall be allotted to qualified applicants if there are sufficient requests for such acreage. In Florida, any acreage within that provided in paragraph (a) of this section which is not requested by qualified applicants shall be used to increase shares of old-producer farms pursuant to § 855.96, but such acreage may not be used for this purpose before May 1, 1973.

§ 855.98 Appeals or corrections.

There are available 100 acres for use in Florida and 150 acres for use in Louisiana for fulfilling increases in shares resulting from appeals or for making corrections of erroneous shares. After the county committe has acted on its own initiative or on a request for reconsideration of the establishment of a share for an old-producer farm and has found that such share was in error because of the use of incorrect data or misapplication of these regulations, the State committee, upon its own initiative or upon application of the operator, may within the acreage made available under this section increase the share for such farm to a level so as to give effect to the use of correct data or proper application of these regulations. Any acreage within that made available which is not used for such purposes shall be used to increase shares of old-producer farms pursuant to § 855.94. In Florida, if there is any acreage remaining it should be used to increase shares of old-producer farms pursuant to § 855.96.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. The provisions with respect to producer compliance with the conditions for receiving payment, the basis for shares, and the protection of tenants and sharecroppers are set forth in sections 301 and 302 of the act (7 U.S.C. 1131, 1132).

General. The act requires that shares be established for farms in an area for a given crop when the Secretary determines that production will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Proportionate shares have been required in the Mainland Cane Sugar Area for the last eight crops. The total acreage allocated last October to the two States for the 1972 crop was 15 percent more than for the 1971 crop. In April of this year the 1972 crop initial allocations were increased by 5 percent, giving the area a total acreage 12 percent above the record acreage planted in 1964—the last year of uncontrolled production.

Sugar production from the 1971 crop amounted to 1,206,000 tons which was less than the area's 1971 marketing quota. As a result, the effective inventory on January 1, 1972, of 867,000 tons was about 52,000 tons less than a year earlier. The 1972 crop is growing on about 12 percent more acres than were planted for the 1971 crop.

If the most recent estimate by the industry is attained, production from the 1972 crop will be about 1,700,000 tons. This year's marketing quota for the Mainland Cane Sugar Area is 1,643,000 tons. At the current 1972 crop estimate of 1,700,000 tons, the estimated effective inventory on January 1, 1973, of 924,000 tons would be about 57,000 tons larger than a year earlier and would amount to about 58 percent of the area's expected marketing quota for the following year.

In the absence of controls, the production of sugar from 1973 crop acreage could exceed the quantity needed to enable the area to meet its quota and provide a normal carryover inventory. Therefore, a restriction of 1973 crop acreage to the extent provided by this regulation is necessary.

Public hearing. An informal public hearing was held in New Orleans, La., on April 14, 1972, to obtain the views and recommendations of interested persons on all matters relating to establishing 1973 crop shares. Spokesmen representing the American Sugar Cane League and Louisiana Farm Bureau, the Florida Sugar Cane League, a Florida association of independent producers, the Florida Farm Bureau, and a producers' cooperative testified at the hearing on this matter. Briefs were submitted after the hearing by three of the groups represented at the hearing and by an independent Florida producer, several members of the Louisiana Congressional Delegation, and the Sugar User's Group. All of the views and recommendations received were considered before formulating this determination.

Determination. This determination establishes a total acreage allocation of 697,155 acres for the 1973 crop, an increase of 15 percent over the initial 1972 crop allocation. State allocations of 276,352 acres for Florida and 420,803 acres for Louisiana are established. In addition to the allocation for Louisiana, a reserve of 20,000 acres is established for use in offsetting estimated underplantings of proportionate share acreage. If plantings in Louisiana exceed 420,803 acres in 1973, an adjustment will be considered in that State's proportionate share acreage for the following crop if such shares are required. The division of acreage between the two States continues to be on the basis of the sugarcane acreage planted in each State for the 1964 crop. The acreage allocation herein established will permit orderly expansion of sugarcane production and at the same time will step up raw sugar output in line with the area's increased quota as provided in the 1971 amendments to the Sugar Act.

The effect of this determination is to assign to the 1973 crop an acreage about 21 percent more than for 1964, the last unrestricted crop. The increase is nearly 5 percent above that recommended by Louisiana and about the same as that recommended by Florida. Both States recommended that the acreage continue to be divided between them on the basis of the sugarcane acreage in each State in 1964.

Farm bases will be determined in the same general manner as for the six prior crops. It has proven equitable and has not been subject to criticism. A base will be the larger of the 1972 crop accredited acreage record or the 1972 crop original share if the farm operator utilized less than such share but at least 85 percent of such share or was prevented from utilizing such percentage of the share for reasons beyond his control. Thus, unless an operator elected to underplant his farm's 1972 crop share by more than 15 percent, the base for his farm will not be less than the farm's original 1972 crop share. A base will also be determined for any farm for which production was lost or reduced after the 1969 crop harvest through the transfer of acreage to any agency having the right of eminent domain. In the past, a farm base was established at the level of the original share for the prior crop if the farm operator planted at least 90 percent of his farm's current share. This percentage has been lowered to 85 to protect those growers who were not in a position to utilize the 5-percent increase made late in the 1972 crop year.

The proportionate share for all old-producer farms will be computed by applying an adjustment factor to farm bases to keep the total of shares within each State allocation.

To offset estimated underplantings of proportionate share acreage on some farms in Louisiana, 20,000 acres are made available within that State's allocation for increasing the shares of old-producer farms on which additional acreage can be utilized. These increases will be made during the planting season and no further adjustment in shares would be made to compensate for unused acres. Producers desiring additional acreages must file a request for such acreage at the county office within 10 days after their notice of original share is mailed. Should the actual underplantings differ materially from the acreage reserve, consideration will be given to an appropriate adjustment in the proportionate share determination for the following crop, if shares are necessary. The ability of farm operators to use additional acreage will be closely examined by the county committees. If the total of the requests, as modified, exceeds the 20,000 acres provided, an adjustment factor, determined on the basis of requests, will be applied to the reserve acreage.

In Florida, reallotment of unused acres again will be permitted. A priority to receive reallotted acres has been established. Such acreage will be used first to increase the shares of 300 acres or less and for which additional acreages are requested. Acreage so allotted to a farm will be limited to the amount needed to bring the total share up to 300 acres. Since new-producer shares may be established at 300 acres, it is only equitable that smaller old-producers be permitted to attain this acreage level. If any acreage remains after the allocation, it will be used to increase the shares for larger farms whereon additional acreages are desired and can be used.

New-producer shares will be established at 300 acres or a lesser acreage if requested. The larger share should ease the economic difficulties associated with beginning a new sugarcane operation. Land having no acreage of cane within the years 1970 through 1972 will be classified as eligible for a new-producer share.

Provisions covering requirements for harvesting within the farm share, disposition of acreage in excess of the farm share, protection of sharecroppers and tenants and acquisition of farmland by the right of eminent domain are now included in the general conditional payments provisions.

The 1973 crop sugarcane acreage resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the act and provide a normal carryover inventory.

The provisions of this regulation constitute an equitable basis for establishing shares for farms in the area for the 1973 crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: Date of publication in the FEDERAL REGISTER (8–24–72).

Signed in Washington, D.C., on August 18, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-14415 Filed 8-23-72;8:56 am]

PART 859—TEXAS CANE SUGAR PRODUCING AREA

Farm Proportionate Shares Not Required for 1973-Crop Sugarcane

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, and effective upon publication in the FEDERAL REGISTER, Chapter VIII of Title 7 of the Code of Federal Regulations is amended by adding in Part 859 of Subchapter G the following section pertaining to 1973-crop proportionate shares.

§ 859.7 Proportionate shares for the 1973 crop of sugarcane not required.

It is determined for the 1973 crop of sugarcane that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1974, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Texas Cane Sugar Producing Area for the 1973 crop.

(Secs. 202, 301, 302, 403, 61 Stat. 924, as amended, 929, as amended, 930, as amended, 932; 7 U.S.C. 1112, 1131, 1132, 1153)

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Act. Section 302 of the Sugar Act, as amended, provides, in part, that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

Public hearing. In accordance with the provisions of the Act, an informal public hearing was held in Washington, D.C., on July 28, 1972. Interested persons were invited to submit views and recommendations on the need for establishing proportionate shares for the 1973 crop of sugarcane.

A written statement was submitted at the hearing on behalf of the Rio Grande Valley Sugar Growers, Inc. The growers recommended that proportionate shares not be established for the 1973 crop of Texas sugarcane. They pointed out that there will be no carryover inventory on January 1, 1973, in view of the fact that the 1973 crop will be the first crop produced commercially in Texas. The growers also stated that the sugar mill currently under construction by the corporation will not likely be in operation prior to about November 1, 1973. No other testimony was offered.

Determination. This determination provides that proportionate shares will not be established for farms in the Texas Cane Sugar Producing Area for the 1973 crop of sugarcane.

After a thorough review of all pertinent information, it is clear that the production of sugar from the 1973 crop of sugarcane will not, in the absence of proportionate shares, be greater than the quantity needed to enable the Texas Cane Sugar Producing Area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: Date of publication in the FEDERAL REGISTER (8–24–72).

Signed at Washington, D.C., on August 18, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–14414 Filed 8–23–72;8:56 am]

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

[Valencia Orange Reg. 406]

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

Limitation of Handling

§ 908.706 Valencia Orange Regulation 406.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeing during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 22, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 25, 1972, through August 31, 1972, are hereby fixed as follows:

(i) District 1: 294,000 cartons;

(ii) District 2: 306,000 cartons;

(iii) District 3: 20,000 cartons.

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

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

Dated: August 23, 1972.

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

[FR Doc.72–14553 Filed 8–23–72; 11:25 am]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Prorate Bases and Allotments

Notice was published in the FEDERAL REGISTER on July 20, 1972 (37 F.R. 14391), that the Department was giving consideration to proposed amendment of § 910.153 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), which regulate the handling of fresh lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was unanimously recommended by the Lemon Administrative Committee, established under said order as the agency to administer the terms and provisions thereof. Said notice allowed interested persons 10 days in which to submit written data, views, or arguments for consideration in connection with the proposed amendment. None were received.

The first amendment changes subparagraph (4) of § 910.153(a) *Application for a prorate base and allotment* by including "and the proposed picking schedule" in the reporting requirements of the subparagraph. The information obtained pursuant to these provisions forms the basis upon which the committee makes decisions regarding the computation of prorate base and granting allotment. The availability of "picking schedule" information will be necessary in connection with operations under the amended provisions of (1) § 910.153(a)(6)—longer or shorter individual prorate base period; (2) § 910.153(e)(3)—establishment of individual handler's seasonal midweek for purposes of adjusting average weekly picks; and (3) § 910.153(e)(5)—repayment of upward adjustment of weekly picks.

The second amendment changes subparagraph (6) of § 910.153(a) by adding a new second sentence containing the revised provisions of the existing third sentence which is deleted. The change involves primarily the handlers in Districts 1 and 3 by specifying that any such handler desiring to have a prorate base period longer or shorter than that specified in the order for the applicable district must submit an application to the committee not less than 3 weeks prior to picking or receiving lemons, other than off-bloom lemons. Currently, handlers in all districts are required to submit such requests at the time of application for prorate base, i.e., about 3 weeks before the beginning of each fiscal year (August 1). District 2 handlers would still be required to submit requests for adjusted prorate base periods at the time of submitting their applications for prorate base and allotment. Individual handlers in Districts 1 and 3 begin to pick and receive lemons later in the calendar year and on varying dates. Under the amendment they will not be required to decide upon the length of their prorate base period (for purposes of computing average weekly picks) so far in advance of maturation and harvest of the fruit.

The third amendment changes § 910.153(c) *Average weekly pick computation* by adding provisions that change the manner of computing average weekly picks for handlers in Districts 1 and 3. Under the order provisions of § 910.53(d)(2) a special computation of average weekly picks is made for handlers in those districts. Order operations have shown that such handlers who completed seasonal operations within the length of the applicable prorate base period, or sooner, received disproportionately large prorate base and allotments when such were computed as a percentage of their total available lemons. Under the amendment the computation of average weekly picks will be revised downward for handlers whose seasonal operations were of relatively short duration so that their prorate base (as a percentage of picks) should approximate the prorate base computed for handlers who operate during the whole season.

The fourth amendment deletes the last sentence in § 910.153(e)(3) *Granting of upward adjustments for Districts 1 and 3 applicants* and inserts in lieu thereof certain new provisions for establishing the middle week of the season for any Districts 1 or 3 handler who receives an upward adjustment in his average weekly picks. In such cases a middle week is established, by the committee, as an ending date for the upward adjustments and the beginning of repayment of such adjustments. The foreknowledge of their middle week also serves as a guideline to any handlers involved by helping them plan repayment of said upward adjustments through appropriate scheduling of their weekly picking and delivery operations during the last half of their seasonal operations.

The new provisions include and describe considerations, other than the past 3 years of picking performance, that the committee may use as a basis for establishing a middle week more representative of a requesting handler's anticipated seasonal picking schedule. Current inclusion of the 3-year picking pattern would be retained as a possible basis of consideration for establishing the middle week for handlers. Order operations have shown that the present method of establishing the middle week for many handlers does not make adequate provisions for the fact that they are still earning allotment after their picking operations are finished. Consequently, this amendment aims to (1) reduce the resulting forfeiture of allotment and (2) reduce the necessity for another alternative—large amounts of interdistrict allotment loans and repayments.

The fifth amendment designates the existing provisions of § 910.153(e)(5) *Repayment of upward adjustments* as subdivision (i) thereof and adds new subdivisions (ii) and (iii). The new subdivisions contain provisions giving handlers in Districts 1 and 3 longer periods for repayment of upward adjustments in average weekly picks. Order provisions of § 910.53(f)(1) specify that such upward adjustments may be granted for periods up to 8 weeks prior to the middle week of the season. Conversely, the present provisions of § 910.153(e)(5) specify that repayment of such adjustment in all districts shall be in the same quantity and the same order as the upward adjustments were granted. Order operations have shown that handlers are reluctant to request upward adjustment of average weekly picks which would have to be repaid considerably sooner than the end of picking because the remaining weekly picks are not available to repay the upward adjustment in such instances. Another undesirable consequence of current repayment requirements is the reduction of weekly allotments to the repaying handlers during a period when their lemons are in satisfactory condition for the fresh market followed by larger allotments for less desirable lemons after repayments are completed. Said experience has further shown that a substantial portion of the repayments were concentrated within a 2-week to 3-week period which actions do not contribute to the orderly marketing of lemons. Handlers still will be required to make repayments during consecutive weeks and to accelerate repayments when the committee deems such acceleration necessary to assure full repayment. The amendment thus allows considerably more flexibility in scheduling repayment requirements if a requesting handler can demonstrate to the committee that he has sufficient remaining picks (weekly pick averages) to assure repayment of his upward adjustments.

The amendment reflects the committee's evaluation of industry operations during the 1971–72 fiscal year under the current provisions of paragraphs (a), (c), and (e) of § 910.153 and its recommendations for amendments that will contribute to more effective operation of the order and the most equitable treatment of handlers under the order.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the amended order and will tend to effectuate the declared policy of the act. Said amendment is hereby approved.

The provisions of paragraphs (a)(4), (6), (c), (e)(3), and (5) of § 910.153 are revised to read as follows:

§ 910.153 Prorate bases and allotments.

(a) * * *

(4) The estimated production and the proposed picking schedule of lemons for the current season which the applicant owns or controls, and the bearing and nonbearing acreage of such lemons, including the acreage and number of trees planted to lemons during the preceding fiscal year, and the acreage and number of trees taken out of production during such fiscal year.

* * * * *

(6) If a handler desires a prorate base period different than that generally prevailing in the district in which the lemons are produced as provided in § 910.53(g) he shall so specify and present information showing how his operations with respect to such lemons are substantially different than those generally prevailing in such district, including differences in: (i) Production, such as the time when lemons under his control are mature and ready to harvest; (ii) storage, such as the capacity and type of his storage facilities; and (iii) marketing practices, such as the interval of time between harvesting and marketing of lemons. In the case of District 2, requests for such adjustment must be at the time the handler submits his application for a prorate base and allotment, and in the case of Districts 1 and 3,

requests must be made 3 weeks prior to the time the handler first picks and delivers lemons, other than off-bloom lemons covered by § 916.61a. Based upon such information and information otherwise available, the committee shall determine the extent to which the handler should be granted a different prorate base period and notify the handler of its determination.

* * * * *

(c) *Average weekly pick computation.* Average weekly picks shall be computed pursuant to § 910.53 as adjusted by the provisions of paragraphs (a)(6), (d), and (e) of this § 910.153 except that for any handler of lemons produced in District 1 or 3 the provisions of § 910.53(d)(2) are modified as follows pursuant to § 910.53(h):

(1) For the initial number of consecutive weeks after the beginning of such handler's new season, equal to the number of weeks in the applicable prorate base period or as such base period has been modified pursuant to paragraph (a)(6) of this section, the average weekly pick computed for the first week of picks and succeeding weeks shall be computed as follows:

(i) The total quantity picked and delivered to the handler in the first week divided by 1 week less than the number of weeks in the prorate base period multiplied by one-half the number of weeks as determined by the committee that the lemons will be substantially picked and delivered to the handler but not to exceed 1 week less than the number of weeks in the prorate base period.

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by 2 and then divided by 1 week less than the number of weeks in the prorate base period multiplied by ½ the number of weeks as determined by the committee that lemons will be substantially picked and delivered to the handler but not to exceed 1 week less than the number of weeks in the prorate base period.

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until the total number of the most recent weeks equals the total number of weeks in such handler's applicable prorate base period) divided by the total weeks of picks and deliveries so included and then divided by 1 week less than the number of weeks in the prorate base period for the district and multiplied by ½ the number of weeks, as determined by the committee, that lemons will be substantially picked and delivered to the handler but not to exceed 1 week less than the number of weeks in the prorate base period for the district.

(2) On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the average weekly pick for each applicant handler and the total of such average weekly picks for all applicant handlers.

* * * * *

(e) * * *

(3) *Granting of upward adjustment for Districts 1 and 3 applicants.* Upon receiving a duly filed application for an upward adjustment by a District 1 or 3 handler pursuant to § 910.53(f)(1) the committee shall adjust the average weekly pick of such handler by increasing such picks in the amount requested, but not in excess of 50 percent of his average weekly pick. Such adjustment may be granted for any 1 or more weeks (not exceeding eight) during the period beginning with the first week of the initial prorate base period of a season for which the handler's average weekly pick is computed and ending not later than the middle week of such handler's picking season. The committee shall determine such middle week, to the extent practicable, on the basis of the handler's performance for the last 3 fiscal years except where such handler's anticipated picking pattern for the current fiscal year is substantially different than his historical performance, in which case the committee may establish a middle week on the basis of some other time period deemed by the committee to be more representative of such handler's anticipated picking pattern for the current fiscal year.

* * * * *

(5) *Repayment of upward adjustments.* * * *

(ii) District 1 and District 3 handlers who deem it impracticable to repay upward adjustments in 8 consecutive weeks commencing with the week following their middle week as provided in subdivision (i) of this subparagraph may apply to the committee for a different repayment schedule. Applications for different repayment schedules must be filed with the committee on LAC Form 101B in accordance with § 910.106(b) not later than 3 weeks prior to the week during which such repayments would commence. LAC Form 101B shall contain the following information:

(*a*) The name and address of the applicant;

(*b*) The applicant's anticipated picking program for the balance of the season, including the applicant's estimate as to the number of field boxes of lemons remaining to be picked and delivered;

(*c*) The applicant's middle week and the week when the applicant will substantially complete picking and delivering lemons;

(*d*) The reasons why it would be impracticable for the applicant to make repayment of anticipated upward adjustments as provided in subdivision (i) of this subparagraph, and

(*e*) The applicant's requested repayment schedule in terms of the weeks of picking and delivering lemons and of the amount of weekly repayments.

(iii) Based upon the information contained in LAC Form 101B and such other information as the committee deems pertinent, the committee shall act upon such application and may grant the repayment schedule requested. The committee shall normally require repayment by the end of the week when the applicant substantially completes his last picks and deliveries of lemons for the season but may, in exceptional cases where it deems circumstances require and it is determined that the applicant will carry forward sufficient credit for picks and deliveries, extend the repayment schedule beyond such time. Handlers shall be promptly notified of the committee's action.

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

Dated: August 18, 1972, to become effective upon publication in the FEDERAL REGISTER (8–24–72).

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

[FR Doc.72-14291 Filed 8-23-72;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Rice Loan and Purchase Program

BASIC SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, and published in 37 F.R. 7875, which set forth specific requirements with respect to price support for the 1972 crop of rice are hereby amended to conform with the new AMS grading standards in which "head rice" is deleted and milling yields are expressed on the basis of whole kernels and total milled rice and to change the value factors for whole kernel rice and broken rice. It is impracticable to follow the notice of proposed rule making procedure with respect to this amendment because 1972-crop rice is being harvested and it is essential that the rates provided in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraph (a) of § 1425.328 is hereby amended to conform to the new AMS grading standards and to increase the value factors for all classes of whole kernel rice and for broken rice. The amended paragraph (a) reads as follows:

§ 1421.328 Loan and purchase rates.

* * * * *

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of whole kernel rice by the applicable value factor for whole kernel rice (as shown in the table below according to class), and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield (in pounds per hundredweight) and the whole kernel rice by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR WHOLE KERNEL AND BROKEN RICE

Rough rice class	Whole kernel rice	Broken rice
Long grains	8.89	4.48
Medium grains	8.39	4.48
Short grains	8.39	4.48

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER (8–24–72).

Signed at Washington, D.C., on August 18, 1972.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–14416 Filed 8–23–72;8:56 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 426.1]

PART 1806—REAL PROPERTY INSURANCE

Miscellaneous Amendment

Paragraphs (a) and (e) of § 1806.1, Part 1806, Title 7, Code of Federal Regulations (35 F.R. 17238) are amended as follows:

1. Section 1806.1(a) is amended to include Rural Cooperative Housing and Recreation loans with those types of loans for which insurance will be obtained in order to secure the interest of the Farmers Home Administration.

2. Section 1806.1(e) is amended to provide for the use of Form FHA 426-1, "Valuation of Buildings," in cases where no real estate appraisal is required or the appraisal report does not indicate the minimum insurance coverage.

As amended, the revised paragraphs (a) and (e) of § 1806.1 will read as follows:

§ 1806.1 General.

(a) *Authority.* This part prescribes the authorizations, methods, and procedures to be followed in obtaining and servicing property insurance on buildings on owned or leased land securing the interest of the Farmers Home Administration (FHA) in connection with farm ownership (FO), rural housing (RH), labor housing (LH), rural rental housing (RRH), rural cooperative housing (RCH), recreation loans (RL), other real estate (ORE), soil and water (SW), timber development (TD), and land conservation and development (LCD) loans.

* * * * *

(e) *Use of Form FHA 426–1, "Valuation of Buildings."* The minimum insurance required will be indicated in the appraisal report by the employee who makes the appraisal of property that includes insurable buildings. In the case where no real estate appraisal is required or the appraisal report does not indicate the minimum insurance coverage, Form FHA 426–1 will be prepared by the county supervisor. Revaluation of the buildings will not be done on appraisal reports; however, when new buildings are constructed or values increase or decrease materially and revaluation is necessary to properly reflect the buildings security interest of the FHA, the county supervisor will prepare or revise Form FHA 426–1 as appropriate. Changes made on an existing Form FHA 426–1 will be dated and initialed. The reason for any deletion will be noted on the form.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: August 10, 1972.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[FR Doc.72–14417 Filed 8–23–72;8:55 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

INSPECTION BY VARIABLES

Proposed U.S. Standards [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Inspection by Variables. This new standard would be issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official standards for the efficient and uniform implementation of an inspection program.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than December 31, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposal. These standards are proposed to formalize a procedure that has been in use by the Department on an administrative basis since 1960. The procedures provided in the proposed standards are currently known as the "Variables Control Chart Plan" which is a statistical procedure for use during production of processed fruits and vegetables to determine compliance of a measurable quality characteristic (variable).

As is the case with the Variables Control Chart Plan the proposed standards would be used as an optional procedure to determine compliance with requirements for fill of container with respect to the fruit or vegetable ingredient based on the in-going weight of such ingredient. They may also, however, be used to determine compliance with requirements of any other variable.

Most current grade standards for canned fruits and vegetables incorporate a method based on the drained weight of the finished product. This method does not provide an adequate means of process control. The proposed standards for inspection by variables would provide a standard procedure to aid fruit and vegetable canners to statistically control the filling process.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

The values representing the various specification limits required for the application of these standards are not included herein, but may be prescribed in a specification, grade standard, or other document under which inspection is to be performed.

The proposed standards are as follows:

PURPOSE, OPTIONS, REQUIREMENTS

Sec.

52.201 Purpose.
52.202 Options.
52.203 Requirements for application.

DEFINITIONS

52.204 Definitions.

RECORDS

52.205 Records.

PROCEDURE

52.206 Sampling.
52.207 Measurements, calculations, and recording data.
52.208 Application of sampling allowance.
52.209 Acceptance and rejection criteria.

SAMPLING ALLOWANCE CHART

52.210 Sampling allowance chart.

AUTHORITY: The provisions of this subpart issued under the Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PURPOSE, OPTIONS, REQUIREMENTS

§ 52.201 Purpose.

The purpose of these standards is to:

(a) Designate and define symbols and terminology associated with statistical quality control;

(b) Prescribe a procedure for collecting and recording data that is adaptable to use for statistical quality control; and

(c) Provide a statistical procedure for determining compliance of a variable, which may be any measurable product characteristic, with a specified requirement.

§ 52.202 Options.

These standards provide for three options, any one of which may be applied to determine compliance of a variable. These options are based on procedures employing the use of:

(a) Conventional averages;
(b) The median; or
(c) Moving averages.

§ 52.203 Requirements for application.

These standards are written in general terms to be applied to any variable. Therefore, in order to use these standards it will be necessary to predetermine:

(a) The sampling allowance code;
(b) The sampling frequency;
(c) The values for:
(1) Specified averages;
(2) Warning limits;
(3) Reject limits; and
(4) Maximum range, when requested.

DEFINITIONS

§ 52.204 Definitions.

Statistical and inspection symbols and terms and their respective definitions which are pertinent to the understanding and application of these standards follow.

(a) Symbols defined:

LRL—The lower reject limit for individual measurements. The lowest value an individual measurement may have without causing the production to be rejected for failure to meet prescribed requirements for individual measurements.

$_{LRL}\bar{X}$—The lower reject limit for subgroup averages. The lowest value the average of a subgroup may have without causing the production to be rejected for failure to meet prescribed requirements for subgroup averages.

LWL—The lower warning limit for individual measurements. This value serves as a warning point that the production may have reached a level where the chances of subsequently finding an individual measurement that will fall below the LRL have increased to a degree that the production may be in danger of rejection.

$LWL_{\bar{x}}$—The lower warning limit for subgroup averages. This value serves as a warning point that the quality of the production may have reached a level where the chances of subsequently finding a subgroup average that will fall below $LRL_{\bar{x}}$ have increased to a degree that the production may be in danger of rejection.

m—The number of subgroups in a sample.

Mi—The median of all the individual measurements in a subgroup.

$\bar{Mi}$—The median of all the individual measurements or subgroup medians (Mi) in a sample.

n—The total number of sample units or measurements in a sample. $n=(m)\ (n_s)$.

n_s—The number of sample units or measurements in a subgroup.

R—A range of measurements, the difference between the highest measurement and lowest measurement within a subgroup.

$\bar{R}$—The average range of all the subgroup ranges.

$\bar{R}'$—A specified average range value.

R_{max}—A specified maximum range for a subgroup.

s—The standard deviation of the individual measurements.

$s_{\bar{x}}$—The standard deviation of the averages.

URL—The upper reject limit for individual measurements. The highest value an individual measurement may have without causing the production to be rejected for failure to meet prescribed requirements for individual measurements.

$URL_{\bar{x}}$—The upper reject limit for subgroup averages. The highest value the average of a subgroup may have without causing the production to be rejected for failure to meet prescribed requirements for subgroup averages.

UWL—The upper warning limit for individual measurements. This value serves as a warning point that the quality of the production may have reached a level where the chances of subsequently finding an individual measurement that will exceed the

URL have increased to a degree that the production may be in danger of rejection.

$\overline{UWL}_{\bar{X}}$—The upper warning limit for subgroup averages. This value serves as a warning point that the quality of production may have reached a level where the chances of subsequently finding a subgroup average that will exceed the URL$_{\bar{X}}$ have increased to a degree that the production may be in danger of rejection.

X—The value of an individual measurement for a variable.

$\overline{X}$—The average of all the individual measurements in a subgroup.

$\overline{X}'_{max}$—A specified maximum lot average value.

$\overline{X}'_{max}$ adjusted—$\overline{X}'_{max}$ plus a sampling allowance.

$\overline{X}'_{min}$—A specified minimum lot average value.

$\overline{X}'_{min}$ adjusted—$\overline{X}'_{min}$ minus a sampling allowance.

$\overline{\overline{X}}$—The arithmetic mean of all the individual measurements in a sample. When the average is calculated for each subgroup in a sample for conventional averages, $\overline{\overline{X}}$ is also the average of the subgroup averages.

(b) Terms defined:

(1) *Average.* The arithmetic mean of two or more values; the sum of all measurements divided by the number of measurements.

(2) *Median.* The median is the middle value with respect to magnitude of all the individual measurements when the number of individual measurements is odd. When the number of individual measurements is even and arranged according to magnitude, the median is the arithmetic mean of the two middle values.

(3) *Moving average.* A scheme under which a series of consecutive measurements are made until such number equals the subgroup size; the average is then determined and recorded; as new data is collected from continuing production, the first measurement of the subgroup is dropped, the next new value is added, and a new average is calculated; this process of adding new measurements, dropping the oldest measurement in the subgroup, and calculating the average on the new data is continued throughout the production.

Example: $\overline{X}_1 = \frac{5+7+3}{3} = 5.00$

$\overline{X}_2 = \frac{7+3+4}{3} = 4.67$

$\overline{X}_3 = \frac{3+4+6}{3} = 4.33$

(4) *Moving range.* The difference between the highest measurement and lowest measurement within a subgroup from which a moving average is obtained.

(5) *One-sided specification.* A specification with rejection limits applicable to only one side of the specified lot average. When only lower reject limits apply, the term "low-sided specification" may be used. When only upper reject limits apply, the term "high-sided specification" may be used.

(6) *Two-sided specification.* A specification with both upper and lower rejection limits applicable.

(7) *Sample.* Any number of sample units to be used for inspection of a lot.

(8) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, a composite mixture of a product, or any other unit of container or commodity to be used for inspection.

(9) *Sampling allowance.* The amount that the sample quality may deviate from the lot quality due solely to the fact that only a portion has been taken from the whole lot.

(10) *Subgroup.* Generally a small group of sample units representing a portion of a sample. The term "subgroup" is synonymous with the term "sample" when the sample contains only one subgroup.

(11) *Variable.* Any measurable product characteristic.

Records

§ 52.205 Records.

(a) *General.* Records required for use in the implementation of these standards consist of a data sheet referred to as an "X and R data sheet", on which numerical values are recorded, may consist of a control chart on which certain numerical values are recorded in the form of plottings. The control chart may be incorporated on the same sheet with the $\overline{X}$ and R data sheet.

(b) *$\overline{X}$ and R data sheets.* (1) A separate data sheet shall be maintained for each item. When a single item is simultaneously produced on more than one processing line, it is desirable to maintain one data sheet for the item. In such instances, the processing line designation shall be recorded with the corresponding data.

(2) The $\overline{X}$ and R data sheets shall provide for recording the following information:

(i) The time a sample unit or subgroup has been drawn;

(ii) The X values;

(iii) The total values of all the X values in the subgroups when conventional averages are used;

(iv) The values for $\overline{\text{Mi}}$, R, $\overline{\text{R}}$, Mi, $\overline{\text{X}}$, and $\overline{\overline{\text{X}}}$.

(c) *$\overline{X}$ and R control charts.* Control charts consist of an $\overline{X}$ chart and may consist of an R chart. When both are used they are contained on the same sheet with the limits for the $\overline{X}$ chart on the top portion and the limits for the R chart on the lower portion with a space separating the two such that plottings from one does not overlap those of the other. Separate control charts shall be maintained for each item. More than 1 day's production of an item may be plotted on a single control chart.

(1) *$\overline{X}$ charts.* (i) The $\overline{X}$ charts for two-sided specifications shall consist of lines and values properly representing both the upper and lower reject and warning limit(s), and may require the use of minimum and maximum specification lot averages.

(ii) The $\overline{X}$ chart for one-sided specifications shall consist of lines and values properly representing, as applicable, the upper or lower reject and warning limit(s), and the minimum or maximum specification lot average.

(2) *R charts.* When the R chart is used, it shall consist of lines and values properly representing $\overline{R}'$, R_{max}, and the lower limit for R. For subgroup sizes of 6 or less the value of the lower limit for R will always be zero.

Procedure

§ 52.206 Sampling.

(a) *General.* (1) In order to obtain the most reliable results, sampling should be performed at a point where no further change in the variable can occur.

(2) Sample units or subgroups shall be drawn separately for each code, container size, and style.

(b) *Subgroup sampling.* (1) Sampling by subgroups consists of drawing more than one sample unit at approximately the same time. This type of sampling is required in the use of the conventional $\overline{X}$ and R determinations for variables.

(2) When a single code is processed on more than one line simultaneously, it is desirable to obtain a subgroup representing a single line, alternating the lines each time a subgroup is drawn for that code. If the processing procedure prohibits obtaining a subgroup representing a single line, it shall be necessary to sample by code only, omitting line identity. Each subgroup thus obtained will generally represent more than one line and consequently reflect variations in the code as a whole but not variations for a single line.

(c) *Sample unit sampling.* This procedure consists of drawing a single sample unit at random at specified intervals from a production. This type of sampling may employ the use of a moving average and is applicable to a variable or a process when subgroup sampling is not feasible.

§ 52.207 Measurements, calculations, and recording data.

(a) *General.* Immediately after the sample unit or subgroup has been taken, measurements and calculations shall be made and recorded on the appropriate form as required.

(b) *Recording data on the $\overline{X}$ and R data sheet.* The data to be recorded on the $\overline{X}$ and R data sheet is as follows:

(1) The time the sample unit or subgroup is taken;

(2) The value for each individual measurement (X value);

(3) The total value for all the X values in the subgroup, when applicable;

(4) The average value ($\overline{X}$) for each subgroup, when applicable;

(5) The Mi value for each subgroup, when applicable;

(6) The range value (R) for each subgroup, when applicable;

(7) The average median value ($\overline{\text{Mi}}$) when the median is used;

(8) The sample average value ($\overline{\overline{X}}$) when required; and

(9) The average range value ($\overline{R}$) when applicable.

(c) *Recording data on the $\overline{X}$ and R control chart.* The data to be recorded on the $\overline{X}$ and R control chart is as follows:

(1) *Individual measurements (X values).* The values representing the individual measurements of each subgroup (X value) shall be plotted on the $\overline{X}$ chart. The distance between the smallest and largest values of the individual measurements in the subgroup may be used for R in lieu of plotting the range on the R chart. It is desirable to plot all the values for a subgroup on the same linear segment of the chart. Identical values are plotted adjacently in such a manner as to associate such values with the subgroup in which they occur.

(2) *The median.* (i) When the median option is used, the median for each subgroup shall be identified on the $\bar{X}$ chart in such a manner as to make it readily distinguishable from the rest of the values in the subgroup. When a subgroup consists of an even number of individual measurements, the median represented by the arithmetic mean of the two middle values shall also be plotted on the $\bar{X}$ chart in such a manner as to associate it with the subgroup from which it was calculated.

(ii) When the median option is used for a particular production, it is not permissible to change to the option for conventional averages during the same shift.

(3) *Subgroup averages ($\bar{X}$ values).* When the option for conventional averages is used, the average of each subgroup is calculated and recorded on the $\bar{X}$ and R data sheet. The subgroup average is then plotted on the $\bar{X}$ chart in such a manner as to associate it with the subgroup from which it was calculated. When this option is used, it is not permissible to change to the median option during the same shift.

(4) *The range (R value).* The range of each subgroup, when required, shall be plotted on the R chart.

(5) *The average median ($\overline{Mi}$ value) and sample average ($\bar{X}$ value).* When the plotted values obviously indicate the acceptability of the lot, $\overline{Mi}$ or $\bar{X}$ need not be obtained. When the plotted values for Mi or $\bar{X}$ or both indicate the acceptability of a lot may be questionable, $\overline{Mi}$ in the case of the median option, or $\bar{X}$ in the case of the option for conventional averages must be obtained and recorded. Acceptability of the lot with respect to the sample median or sample average may then be determined in accordance with acceptance criteria as prescribed under § 52.209(a) of these standards.

(a) The amount of sampling allowance is obtained from the sampling allowance chart in these standards. The actual value for the sampling allowance is obtained from the point of intersection of a horizontal line drawn from a point on the vertical axis representing the sample size to the diagonal line for the item involved. The value on the horizontal axis corresponding to the vertical line nearest to this point of intersection is the sampling allowance.

(b) The sampling allowances are applied to the specified lot averages to allow for deviations from these averages that are inherent in any sampling procedure. These allowances are applied to the specified lot averages only when the sample average ($\bar{X}$ or $\overline{Mi}$) is less than $\bar{X}'_{min}$ or greater than $\bar{X}'_{max}$. When this occurs, the specification average is adjusted by subtracting the allowance from $\bar{X}'_{min}$ or adding to $\bar{X}'_{max}$, whichever is applicable.

§ 52.209 Acceptance and rejection criteria.

(a) *Conventional averages and the median*—(1) *Acceptance.* A lot shall be accepted as meeting specified requirements for a variable provided that:

(i) All X values are equal to or greater than LRL and equal to or less than URL;

(ii) All Mi or $\bar{X}$ values are equal to or greater than $LRL_{\bar{X}}$ and equal to or less than $URL_{\bar{X}}$;

* * * * *

(iii) $\overline{Mi}$ or $\bar{X}$ is equal to or less than $\bar{X}'_{max}$ adjusted and equal to or greater than $\bar{X}'_{min}$ adjusted; and

(iv) The condition under subparagraph (2) (ii) of this paragraph does not exist.

(2) *Rejection.* A lot shall be rejected for failure to meet specified requirements for a variable under the following conditions:

(i) Failure to meet any of the requirements under subparagraph (1) (i), (ii), or (iii) of this paragraph; or

(ii) All Mi or $\bar{X}$ values are less than $\bar{X}'_{min}$ or greater than $\bar{X}'_{max}$.

(b) *Moving averages*—(1) *Acceptance.* A lot shall be accepted as meeting specified requirements for a variable provided that:

(i) All X values are equal to or greater than LRL an equal to or less than URL;

(ii) All $\bar{X}$ values are equal to or greater than $LRL_{\bar{X}}$ and equal to or less than $URL_{\bar{X}}$;

(iii) $\bar{X}$ is equal to or less than $\bar{X}'_{min}$ adjusted and equal to or greater than $\bar{X}'_{max}$ adjusted; and

(iv) The condition under subparagraph (2) (ii) of this paragraph does not exist.

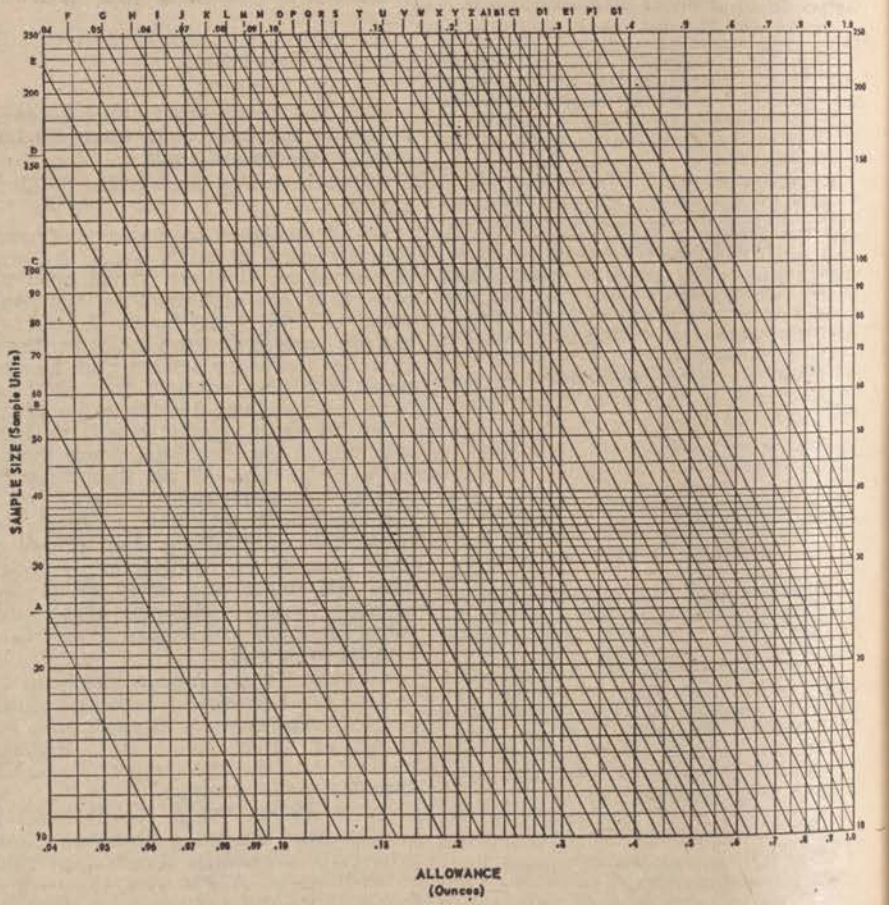
(2) *Rejection.* A lot shall be rejected for failure to meet specified requirements for a variable under the following conditions;

(i) Failure to meet any of the conditions under subparagraph (1) (i), (ii), and (iii) of this paragraph; or

(ii) All $\bar{X}$ values are less than $\bar{X}'_{min}$ or greater than $\bar{X}'_{max}$.

§ 52.210 Sampling allowance chart.

SAMPLING ALLOWANCE CHART



Dated: August 17, 1972.

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

[FR Doc.72-14226 Filed 8-23-72;8:45 am]

[7 CFR Part 52]

DETERMINATION OF FILL WEIGHTS

Proposed U.S. Standards [1]

Notice is hereby given that the U.S. Department of Agriculture is considering issuing U.S. Standards for Determination of Fill Weights. This new standard would be issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official standards for the efficient and uniform implementation of an inspection program.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than December 31, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposal. These standards are proposed to formalize a procedure which has been in use by the Department since 1960. The instructions contained in this proposal were originally issued by the Department under the title "Instructions for Adaptation of the Variables Control Chart Plan to Fill Weights." These instructions supplement the variables control chart plan, currently proposed as the "U.S. Standards for Inspection by Variables," to adapt that procedure specifically to the determination of compliance with requirements of the in-going weight (fill weight) of a canned fruit or vegetable ingredient.

The procedure contained in this proposal would be used by the Department as an optional procedure, in lieu of drained weights, for determining compliance with requirements for the amount of fruit or vegetable ingredient filled into the cans. Drained weights are taken on the finished product. Although the drained weight procedure serves its purpose well for lot inspection purposes, it is not as well adapted for in-plant control purposes as the fill weight procedure.

These instructions contained in these proposed standards have been used by members of the canning industry as an aid in controlling their filling process since it was first issued. The Department has used the fill weight procedure since it was first issued to determine compliance with requirements for fill of container with respect to the fruit or vegetable ingredient in plants where a USDA inspector was present to observe the filling process and keep appropriate records.

Fill weight values are not incorporated in this proposal but may be prescribed in a specification, grade standard, or other document under which inspection is performed.

The proposed standards are as follows:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

GENERAL

Sec.
52.221 Purpose.
52.222 Explanation.
52.223 Options.
52.224 Type of specification and applicable limits.

PROCEDURE

52.225 Preparation of forms.
52.226 Posting control charts.
52.227 Determination of tare of containers.
52.228 Sampling.
52.229 Measurements.
52.230 Calculations and recording data.

INTERPRETATIONS

52.231 Interpretation of plotted values with respect to limits.

OPTIONAL FILL WEIGHT PROCEDURE FOR SMALL LOTS

52.232 Optional fill weight procedure for small lots.

ATTACHMENTS

Attachment 1—Sample $\bar{X}$ and R data sheet.
Attachment 2—Sample Control chart.

AUTHORITY: The provisions of this subpart are issued under the Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GENERAL

§ 52.221 Purpose.

These proposed standards supplement the proposed U.S. Standards for Inspection by Variables so as to adapt them to the determination of fill of container, based on fill weights, for canned fruits, vegetables, and related products.

§ 52.222 Explanation.

(a) The variables inspection standards may be used, where applicable, by any food processor for quality control purposes. Certification by the U.S. Department of Agriculture (USDA) of fill weights based on these standards, however, is applicable only under on-line inspection when a USDA inspector is present at time of packing and maintains appropriate records of the filling process.

(b) The procedure for determination and certification of fill of container, based on drained weights, may be used in the case of lot inspection as well as in-line inspection. This procedure, where applicable, is outlined in the U.S. standards for the respective products.

§ 52.223 Options.

The options of the median or conventional average may be used for determining compliance of fill weights with a specified minimum average fill weight.

§ 52.224 Type of specification and applicable limits.

(a) For the determination of fill weights, a low-sided specification applies.

(b) The specification limits, and values for such limits, are specified in those U.S. Standards for Grades of canned fruits, vegetables, and related products which incorporate the fill weight procedure. Suggested specification limits, and the values for such limits, for those products for which fill weights have been established—but are not yet incorporated in the USDA grade standards—may be obtained as supplements to these standards upon request to:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) All of these limits, whether stated in the USDA grade standards or supplements hereof, are to be applied in accordance with the proposed U.S. Standards for Inspection by Variables.

PROCEDURE

§ 52.225 Preparation of forms.

(a) Prepare the data sheet and control charts prior to the start of a processing period. Draw lines representing the $\bar{X}'_{min}$, $LRL_{\bar{X}}$, and LRL values applicable for the product, container size, and style on the appropriate linear segment of the $\bar{X}$ chart in such a manner as to be clearly visible when posted in the plant. Lines representing $LWL_{\bar{X}}$ and LWL may be drawn on the chart at the option of the user; however, all the values representing each limit ($\bar{X}'_{min}$, $LWL_{\bar{X}}$, $LRL_{\bar{X}}$, LWL, and LRL) are placed on the $\bar{X}$ chart adjacent to the appropriate limit and identified (in brief form) as $\bar{X}'$, $WL_{\bar{X}}$, $RL_{\bar{X}}$, WL, or RL accordingly).

(1) When the R chart is used, it is desirable to place it on the lower portion of the control chart, using the bottom as zero, which is the lower limit for R.

(2) Space the limits for $\bar{R}'$ and R_{max} on the appropriate linear segment above the zero line. The upper portion of the control chart is then used for the $\bar{X}$ chart.

(b) Attachment 1 is an example of an $\bar{X}$ and R data sheet. Attachment 2 is an example of a control chart which combines the $\bar{X}$ chart and the R chart. However, use of the R chart is not required. The $\bar{X}$ chart illustrates the use of the median option as prescribed in the proposed U.S. Standards for Inspection by Variables. The dots plotted on the $\bar{X}$ chart represent the X values for the subgroup. The encircled dot represents the median of each subgroup. For easier identification the circle should be in a different color than the dots.

§ 52.226 Posting control charts.

It is desirable to post the control charts in such a place in the plant as to be clearly visible to the filler operator as well as other responsible plant personnel. The control charts serve as an aid to responsible plant personnel in controlling the filling process.

§ 52.227 Determination of tare of containers.

(a) Variations in the weight between individual empty containers (tare) must be taken into consideration when determining fill weights under the proposed U.S. Standards for Inspection by Variables.

(b) Determine tare weights of each container size at least twice a week. In addition, determine tare weights whenever it is suspected that the present tare weight is no longer applicable. Some of the more common reasons for checking tare weights are changes in supply of containers, thickness of tin plate, and type of container.

(c) The number of empty containers taken at random from a given lot of

containers to determine the average tare weight is as follows: For containers equivalent to:

No. 2½ container and smaller ------ Not less than 10 empty containers.
Larger than No. 2½ ------ Not less than 15 empty containers.

§ 52.228 Sampling.

(a) *Subgroup size.* (1) Unless otherwise specified, the subgroup size shall be five (5) sample units.

(2) The control chart values, except for $\bar{X}'_{min}$, will always be based on the specified subgroup size. When a subgroup size other than that specified is used, the values for the applicable limits must be changed accordingly.

(b) *Time and point of sampling.* (1) Sampling is performed after the containers have been filled with fruit and prior to the addition of packing medium.

(2) The subgroups are drawn at a point in the process where no further change in the fill weight of the fruit ingredient can occur.

(c) *Sampling frequency.* (1) Unless otherwise specified, the sampling frequency for all canned fruits, vegetables, and related products, for which fill weights have been established shall be approximately every forty-five (45) minutes.

(2) The sampling frequency should be arranged to obtain subgroups at varying intervals and drawn in such a manner that the filler operators will not know when a subgroup will be drawn or which containers will be in the subgroup. This is important so that a nonbiased sample will be selected which will reflect the normal filling process.

§ 52.229 Measurements.

(a) Immediately after the subgroup has been drawn, invert each container on the hand or sieve and allow the product to drain until free from liquid but in no case less than 10 seconds. In this step, do not remove the product from the container. The sample units are then weighed and the net weight of the fruit or vegetable ingredient (total weight minus tare weight) for each sample unit is recorded on the $\bar{X}$ and R data sheet.

(b) If it is suspected that the weight of individual empty containers deviates sufficiently from the average tare weight to cause an individual measurement to fall slightly below (or slightly above) LRL, the following procedure may be used:

(1) After the X value has been obtained as previously described, empty the contents of the suspected container and wipe it clean and dry.

(2) Weigh the suspected dry container. The amount of deviation is the difference between the weight of the individual container and the average tare weight.

(2) When an X, Mi, or $\bar{X}$ value(s) causes a code or distinctive mark to be

(3) Adjust the suspected X value by the amount of deviation thus found.

(c) When adjustments for tare weight are made for individual measurements that fall slightly below LRL, adjustments must also be made for individual measurements that are slightly above LRL.

§ 52.230 Calculations and recording data.

(a) Immediately after the measurements have been obtained, the required calculations are made. $\bar{X}$ and $\bar{\bar{X}}$ values are recorded to the nearest 0.1, rounding the values as follows:

(1) Drop any values less than 0.050—

EXAMPLE:

$\bar{\bar{X}}$ calculated to be 18.743

Record $\bar{\bar{X}}$ as 18.7

(2) Increase any values to the next 0.1 when they are 0.050 or more—

EXAMPLE:

$\bar{\bar{X}}$ calculated to be 10.650

Record $\bar{\bar{X}}$ as 10.7

(b) After the required calculations are made and recorded, the appropriate values are plotted in accordance with the proposed U.S. Standards for Inspection by Variables.

INTERPRETATIONS

§ 52.231 Interpretation of plotted values with respect to limits.

(a) *Warning limits.* The values representing LWL and LWL_X are provided for the processor's benefit to use for control purposes. These limits are not to be confused with the reject limits.

(1) An X value that falls between LWL and LRL or an Mi or $\bar{X}$ value that falls between LWL_X and LRL_X may be expected occasionally, even when the process is still meeting requirements.

(2) This is the point, however, at which corrective action in the filling procedure may be taken.

(b) *Code segregation.* (1) The acceptance criteria specified in the proposed U.S. Standards for Inspection by Variables requires all X values to be above LRL for a low-sided specification and all $\bar{X}$ values to be above $LRL_{\bar{X}}$. rejected, the code or mark for the remainder of the shift may be changed to provide a chance for subsequent production for that shift to pass.

(c) *Sampling allowances.* (1) The sampling allowance code for each can size and style is specified in the grade standards which incorporate fill weights and the supplement to these standards for the applicable product. To determine the sampling allowance, first obtain the letter code for the appropriate container size and style from the table containing the fill weight values. Locate the line represented by this code on the sampling allowance chart accompanying the proposed U.S. Standards for Inspection by Variables. This line represents the sampling allowance for the various sample sizes.

(2) The sampling allowance does not apply to a sample size of less than ten sample units.

OPTIONAL FILL WEIGHT PROCEDURE FOR SMALL LOTS

§ 52.232 Optional fill weight procedure for small lots.

(a) For lots consisting of 100 cases or less which require 4 hours or more to pack, the following minimum sampling rate and acceptance criteria may be used in lieu of the requirements and procedures outlined in the proposed U.S. Standards for Inspection by Variables.

(b) Draw a minimum of 15 sample units, one or two at a time throughout the entire production of the lot. The sampling intervals shall be such that the total sample will be representative of the lot.

(c) Accept the lot if:

(1) No X value is less than LRL.

(2) $\bar{X}$ is equal to or greater than $\bar{X}'_{min}$ adjusted; and

(3) The condition under (c) (3) does not exist.

(d) Reject the lot if:

(1) $\bar{X}$ is less than $\bar{X}'_{min}$ adjusted; or

(2) One or more X values are less than LRL; or

(3) All X values are less than $\bar{X}'_{min}$.

X AND R DATA SHEET

USDA-AMS F & V DIVISION

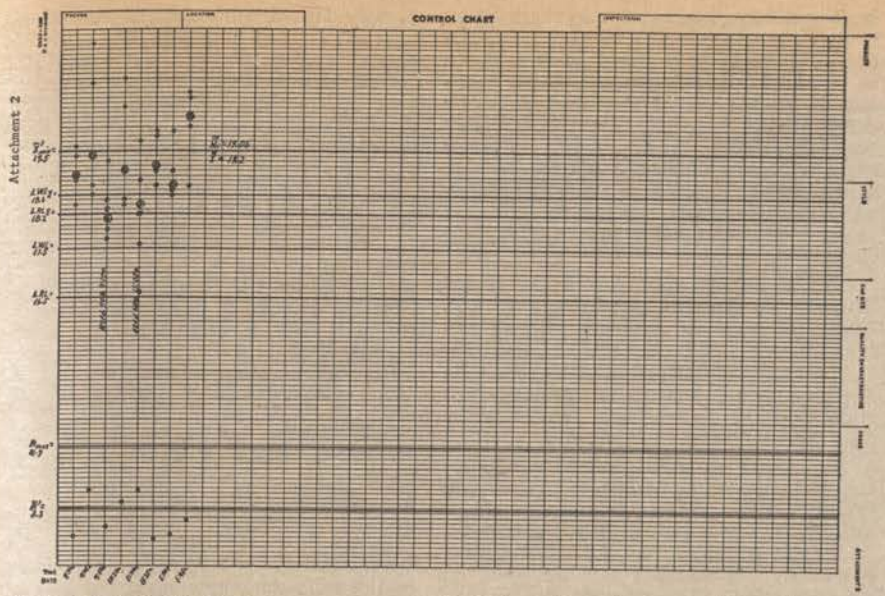
PRODUCT		STYLE	VARIETY	TARE WT.	SIZE OF CONTAINER	DATE	CODE
PLANT			INSPECTOR			RECORDED BY	

TIME	8:30a	9:05a	9:50a	10:20a	11:00a	11:35a	1:00P	1:45P				
X VALUES 1	19.4	18.6	18.5	19.1	18.4	19.8	18.7	20.2				
X VALUES 2	18.4	20.9	17.7	21.0	16.6	18.8	18.6	20.6				
X VALUES 3	19.0	19.4	17.9	18.5	17.6	19.9	19.9	20.0				
X VALUES 4	18.9	18.8	19.3	18.4	19.7	19.2	19.1	18.8				
X VALUES 5	19.6	21.7	18.2	20.4	18.4	19.1	18.8	20.7				
SUM OF X VALUES	95.3	99.4	91.6	97.4	91.2	96.8	95.1	100.3				
$\bar{X}$	19.1	19.9	18.3	19.5	18.2	19.4	19.0	20.1				
R	1.2	3.1	1.6	2.6	3.1	1.1	1.3	1.9				

REMARKS

$\bar{\bar{X}}$ = 19.05
$\bar{X}$ = 19.2
R = 2.0

ATTACHMENT 1



Dated: August 17, 1972.

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

[FR Doc.72-14227 Filed 8-23-72;8:45 am]

[7 CFR Part 932]
OLIVES GROWN IN CALIFORNIA
Proposed Expenses and Rate of Assessment

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1972, through August 31, 1973, will amount to $267,095.

(b) That the Secretary of Agriculture fix the rate of assessment for said period payable by each first handler in accordance with § 932.39, at $13 per ton of olives.

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

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

Dated: August 18, 1972.

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

[FR Doc.72-14325 Filed 8-23-72;8:48 am]

[7 CFR Part 989]
[Docket No. AO-198 A 7]
RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA
Decision and Referendum Order With Respect to the Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Fresno, Calif., on March 28–29, 1972, after notice thereof was published in the FEDERAL REGISTER on March 14, 1972 (37 F.R. 5300), on proposals to amend the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act".

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture. Notice thereof, affording opportunity to file written exceptions thereto, was published July 26, 1972, in the FEDERAL REGISTER (F.R. Doc. 72–11578; 37 F.R. 14879).

Material issues, findings and conclusions, rulings, and general findings. The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 72–11578; 37 F.R. 14879) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as is set forth in full herein.

Rulings on exceptions. An exception to the recommended decision was filed by the amendments subcommittee of the Raisin Administrative Committee. This exception has been considered carefully and fully, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions contained herein. To the extent that the findings and conclusions contained herein are at variance with the exception pertaining thereto, such exception is denied on the basis of the findings and conclusions relating to the issues to which the exception refers.

The exception, and rulings thereon, are as follows:

The exceptor indicated that it is not clear from the discussion in Material Issue (8) of the recommended decision (37 F.R. 14883) whether a handler could ask the committee to relocate reserve raisins on his premises and later ask the committee to remove these same raisins from his premises, and whether the committee would bear the costs in both instances. The exceptor indicated that any handler should be permitted to request removal of reserve raisins after the committee relocated these raisins on his premises, but in such circumstances the committee should be required to bear only the costs of one action; e.g., the cost of removal. Otherwise, the committee would be obliged to incur additional and needless expenses. In order to obviate any possible doubt, a seventh paragraph is added to Material Issue (8) as follows:

> Any handler should be permitted to request the committee to remove reserve raisins from his premises which were previously relocated by the committee pursuant to the handler's request. However, this would cause the committee to incur additional and needless expenses on behalf of equity holders and hence, the handler should bear those costs which the committee would not have incurred if the handler had not requested relocation.

The exceptor indicated that it is not clear from material issue (9) (37 F.R. 14885) and proposed § 989.67(d)(2) how the percentage reduction, provided for in § 989.67(d)(2), would be applied to a handler's allocation of an offer of reserve raisins after removal of reserve raisins from his premises by the Committee pursuant to § 989.66(f). Pursuant to proposed § 989.67(d)(2) and material issue (9), a handler having reserve raisins removed from his premises would continue to have his allocation determined by the

formula in § 989.67(d)(2) after such removal. The percentage reduction would not be employed in the formula to determine such allocation, but would be applied to reduce such allocation after its determination pursuant to this formula. This is consistent with the evidence of record and the views expressed by the exceptor, and no change in the findings and conclusions in the recommended decision is necessary. Also, the exceptor questioned the meaning of the parenthetical expression "(i.e., such succeeding crop year)" in the penultimate sentence of the 18th paragraph of material issue (9). This expression was included to indicate the sequence of time. Handler requests for removal of raisins generally would occur between June 1 and August 31, which is prior to the beginning of a new crop year (September 1) and the reduced allocation of reserve offers to the handler would become effective on offers subsequent to such removal and continue until October 31 of the subsequent crop year. On November 1, the share allocation basis shifts to the new year (i.e., such succeeding crop year). No change in the proposed language in § 989.67(d)(2) is necessary.

The exceptor requested clarification of a phrase in the final sentence of paragraph eight of material issue (9) (37 F.R. 14886). Such phrase reads, "that there should be only one such release." The paragraph in which this phrase appears deals only with sale of reserve raisins to handlers for free tonnage use when shipments of free tonnage in the first 10 months of a crop year exceed such shipments during the comparable period of the preceding crop year by 5 percent or more. Thus, the phrase cited by the exceptor is applicable solely to such release. It does not preclude a release based on inadequate carryover or any other bases contained in § 989.67(j). Thus, no change in the findings and conclusions in the recommended decision is necessary.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California," and "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period September 1, 1971, through July 31, 1972 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the State of California, in the production for market of grapes which were sun-dried or dehydrated by artificial means until they become raisins, to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of raisins produced from grapes grown in California.

Charles Fuqua, Richard Van Diest, and William J. Higgins, of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot, or other necessary information will be able to obtain the same from any appropriate county director of agricultural extension, or from Charles Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1130 O Street, Room 3114, Fresno, CA 93721.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: August 18, 1972.

RICHARD E. LYNG,
Assistant Secretary.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

§ 989.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5136; 20 F.R. 6435; 21 F.R. 8182; 25 F.R. 12814; 29 F.R. 9482; 32 F.R. 12157.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in Fresno, Calif., on March 28–29, 1972, on a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of raisins produced from grapes grown in California, in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of raisins in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of raisins produced from grapes grown in California, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of raisins produced from grapes grown in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Revise § 989.5 to read:

§ 989.5 Raisins.

"Raisins" means grapes of any variety grown in the area, from which a significant part of the natural moisture has

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

been removed by sundrying or artificial dehydration, either prior to or after such grapes have been removed from the vines. Removal of a significant part of the natural moisture means removal which has progressed to the point where the grape skin develops wrinkles characteristic of wrinkles in fully formed raisins.

2. Revise § 989.15 to read:

§ 989.15 Handler.

"Handler" means: (a) Any processor or packer; (b) any person who places, ships, or continues natural condition raisins in the current of commerce from within the area to any point outside thereof; (c) any person who delivers off-grade raisins, other failing raisins or raisin residual material to other than a packer or other than into any eligible nonnormal outlet; or (d) any person who blends raisins: *Provided,* That blending shall not cause a person not otherwise a handler to be a handler on account of such blending if he is either: (1) A producer who, in his capacity as a producer, blends raisins entirely of his own production in the course of his usual and customary practices of preparing raisins for delivery to processors, packers, or dehydrators; (2) a person who blends raisins after they have been placed in trade channels by a packer with other such raisins in trade channels; or (3) a dehydrator who, in his capacity as a dehydrator, blends raisins entirely of his own manufacture.

3. Add a new § 989.26c to read:

§ 989.26c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the board or may discontinue dehydrator representation on the board. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the board.

4. Add a new § 989.39c to read:

§ 989.39c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the committee or may discontinue dehydrator representation on the committee. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the committee.

5. Revise paragraph (a) and that part of paragraph (b) which precedes subparagraph (1) thereof, of § 989.54 to read:

§ 989.54 Marketing policy.

(a) *Desirable free tonnage.* On or before September 10 of each crop year, the committee shall review shipment data, inventory data, and other matters relating to the quantity of raisins of any varietal type which should be made available as free tonnage for such varietal type during the crop year. Such quantity for any varietal type of raisin for which a free tonnage percentage may be designated shall be referred to as the desirable free tonnage for such varietal type and shall be recommended by the committee to the Secretary. Whenever the Secretary finds, from the recommendation and supporting information supplied by the committee, or from other avaliable information, that to designate a desirable free tonnage for any varietal type of raisin for a crop year would tend to effectuate the declared policy of the act, he shall designate such desirable free tonnage.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall submit to the Secretary an estimate of raisin production of any varietal type for which the committee recommended a desirable free tonnage. If the committee determines that a field price is firmly established on any varietal type of raisin for which it has recommended a desirable free tonnage, it shall recommend a preliminary free tonnage percentage to the Secretary which, when applied to the estimated production of that varietal type, would release 85 percent of the desirable free tonnage for such varietal type. If the committee determines that a field price is not firmly established, it shall recommend a preliminary free tonnage percentage to the Secretary which would release 65 percent of the desirable free tonnage for such varietal type. No later than February 15, the committee shall recommend to the Secretary a free tonnage percentage which will tend to release the full desirable free tonnage designated for any varietal type. Prior to February 15, interim changes of percentages may be recommended by the committee to the Secretary to release less than the full desirable free tonnage designated for any varietal type. The difference between any free tonnage percentage designated and 100 percent shall be the reserve tonnage percentage. In developing its free and reserve percentages for any varietal type, the committee shall consider and report to the Secretary on the following factors:

* * * * *

6. Revise § 989.58(a) to read:

§ 989.58 Natural condition raisins.

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later changed and then in effect: *Provided,* That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning, and may receive or acquire off-grade raisins for use in eligible nonnormal outlets: *And provided further,* That a handler may acquire natural condition raisins which exceed a tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

* * * * *

7. Revise § 989.59 by adding a proviso at the end of paragraph (a); revise the third and fourth sentences of paragraph (f) to include "other failing raisins" and revise paragraph (g):

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulation.* * * *

And provided further, That a handler may grind raisins, which do not meet the minimum grade standards for packed raisins because of mechanical damage or sugaring, into a raisin paste.

* * * * *

(f) * * * The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the off-grade raisins, other failing raisins, and raisin residual material subject to this paragraph. Such rules may include a requirement that the disposition and use of all or any class of off-grade raisins, other failing raisins, or raisin residual material be confined to the area. * * *

(g) *Exemption of experimental and speciality packs.* The committee may establish, with the approval of the Secretary, rules and procedures providing for the exemption of raisins in experimental and specialty packs from one or more of the requirements of the minimum grade standards of this section, together with the inspection and certification requirements if applicable.

8. Revise § 989.60 by designating the current provisions thereof as paragraph (a) and adding a new paragraph (b) to read:

§ 989.60 Exemption.

* * * * *

(b) The committee may establish, with the approval of the Secretary, such rules and procedures as may be necessary to exempt from any or all regulations raisins produced in southern California (i.e., the counties of Riverside, Imperial, San Bernardino, Ventura, Orange, Los Angeles, and San Diego) and disposed of for distillation, livestock feed, or by export in natural condition to Mexico.

9. Revise paragraphs (a), (c), and (f) and subparagraphs (1) and (2) of paragraph (b) of § 989.66:

§ 989.66 Reserve tonnage generally.

(a) The standard raisins acquired by a handler which are designated as reserve tonnage and reserve tonnage transferred to a handler by the committee shall be held by him for the account of the committee and subject to the applicable restrictions of this part.

(b) (1) Each handler shall hold in storage all reserve tonnage acquired by him and all reserve tonnage transferred to him by the Committee until he has been relieved of such responsibility by the Committee either by delivery to the Committee or otherwise. Such handler shall store such reserve tonnage raisins in natural condition without addition of moisture and in such manner as will maintain the raisins in the same condition as when he acquired them, except for normal and natural deterioriation and shinkage, and except for loss through fire, acts of God or other conditions beyond the handler's control: *Provided*, That in the case of Layer Muscat raisins, the Committee may permit handlers to satisfy the applicable reserve tonnage obligations with residual Muscat raisins obtained by them in layering operations subject to such safeguards as it may prescribe.

(2) Reserve tonnage acquired by a handler or transferred to a handler by the Committee shall be stored separate and apart from other raisins to such extent and identified in such manner as the Committee shall specify in its rules and procedures with the approval of the Secretary.

* * * * *

(c) Each handler shall, at all times, hold in his possession or under his control reserve tonnage referable to his acquisitions of standard raisins and reserve tonnage transferred to him by the Committee, less any quantity of such reserve tonnage released to him by a change of percentages, delivered by him pusuant to instructions of the Committee, or sold to him by the Committee.

* * * * *

(f) Handlers shall be compensated for receiving, storing, fumigating, handling, and inspection of that tonnage of reserve raisins determined by the reserve percentage of a crop year and held by them for the account of the Committe, in accordance with a schedule of payments established by the Committee and approved by the Secretary. A box rental shall be paid by the Committee to producers or handlers for boxes used in storing reserve tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the Committee and approved by the Secretary. The handler compensation shall be reviewed annually and shall be paid, as to the amount determined to be earned and unpaid, as soon as practicable after the end of the second quarter of the crop year and quarterly thereafter. Any handler may request the Committee, by registered or certified mail, at any time after June 1 of a crop year to remove or relocate reserve tonnage raisins of the current crop year which remain in his possession. At any time during a crop year, a handler may request removal or relocation of reserve tonnage of a prior crop year. In each instance, he may request that the Committee provide the necessary containers for any such removal or relocation. When so requested as to current crop year raisins, the Committee shall make the removal or relocation, the availability of containers, storage space and time of request permitting, by September 15 of the subsequent crop year, and as to raisins of the prior crop year, within 30 days, supplying the necessary containers if so requested. If the Committee removes or relocates reserve raisins of the current crop year pursuant to a handler's request, and such raisins are released to him by September 15 of the subsequent crop year, the handler shall reimburse the Committee for any costs incurred by it in such removal or relocation. If any handler requests removal or relocation of reserve raisins, the Committee shall immediately give notice thereof to the Secretary.

* * * * *

10. In § 989.67, revise: The proviso in paragraph (a); paragraph (c); subparagraphs (1), (2), (3), and (4) of paragraph (d); and paragraph (j).

§ 989.67 Disposal of reserve raisins.

(a) * * *: *Provided*, That whenever the Secretary finds, based upon a recommendation of the Committee, or on the basis of information otherwise available to him that because of national emergency, crop failure, an insufficient supply of reserve tonnage for export, or other major change in economic conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such raisins may be disposed of in any outlet recommended by the Committee and approved by the Secretary.

* * * * *

(c) The Committee shall sell reserve raisins to handlers for export sale to countries on a list established by the Secretary, on the basis of the recommendation of the Committee or from other available information. The list of countries shall be reviewed by the Committee annually when it reviews matters relating to the desirable free tonnage, and shall recommend any changes in the list to the Secretary for approval. No country may be removed from the list for the purpose of permitting direct sale by the Committee unless a finding is made by the Committee and approved by the Secretary, that such removal and subsequent direct sale by the Committee shall not lead to disruption of sale of reserve tonnage raisins by handlers in other countries on the list, and that although handlers have been able to offer reserve tonnage raisins as competitive prices to the country to be so removed, there remains an unfilled demand in such country which has not been supplied by handlers and which could be supplied by the Committee at the same prices by means of direct sale.

(d) (1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by or before November 1 of the subsequent crop year. The Committee may pay the cost of transporting reserve tonnage from one handler to another and in the event a handler has more than one plant, the Committee may pay the cost of transporting reserve tonnage to the handler's plant of its choice. In each offer or reoffer of reserve tonnage raisins for export, the Committee may include a quantity of raisins not to exceed 2 percent of the total tonnage offered in such offer or reoffer, which it may sell to handlers whose regular allocation provides insufficient tonnage to fill a containerized freight shipping container: *Provided*, That such sale may be made only when the remaining portion of a handler's regular allocation will fill at least 50 percent of such container and shall be made to a handler only one time in each offer or reoffer of reserve tonnage raisins. No offer or reoffer shall be made until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer or reoffer, and the Secretary may disapprove the offer or reoffer or any term thereof: *Provided*, That at any time prior to the expiration of the 5-day period, the offer or reoffer may be made to handlers upon the Committee receiving from the Secretary notice that he does not disapprove the making of the offer or reoffer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offer or reoffer, the Committee may withdraw an offer or reoffer to sell reserve tonnage raisins to handlers or may extend the offer or reoffer period but not when such extension would deprive one or more handlers of an opportunity to purchase raisins. If the Committee includes in its terms of sale the minimum packer resale prices (effective pursuant to provisions of its export sales agreement with packers) it shall review annually the costs which determine the spread between the Committee's sale price of natural condition raisins and the packer's resale price of packed raisins and make such adjustments as it concludes are appropriate.

(2) Except for the final offer of the reserve tonnage from a crop year, an offer of reserve tonnage raisins for export shall provide for a specific tonnage. Each handler's share of the reserve tonnage offered prior to November 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. If reserve tonnage raisins have been removed by the committee from a handler's premises pursuant to § 989.66(f), such handler's allocation of reserve pool offers subsequent to such removal and prior to November 1 of the following crop year shall

be reduced by the percentage such removed reserve tonnage is of the total reserve tonnage acquired by such handler in the crop year. Subsequent to October 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of reserve tonnage raisins offered prior to November 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handler shall, for the purposes of determining the shares of all handlers prior to November 1, be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(3) With respect to any offer of reserve for tonnage sale to handlers for resale in export, the Committee may provide that any such tonnage unpurchased at the end of the share reservation period will be reoffered to handlers without regard to shares and that approval for handlers' applications for purchase may be made in the same order in which the applications are received by the Committee. Such reoffer may be made by the Committee at the time it makes a regular offer of reserve tonnage, at any time during the period a regular offer is in effect, or within a reasonable time after a regular offer has expired.

(4) The final offer of the reserve tonnage from a crop year may be offered to handlers without regard to shares and approval of handlers' applications for purchase may be made in the same order in which the applications are received by the Committee.

* * * * *

(j) The committee shall not sell reserve tonnage raisins of any varietal type to handlers to provide them with raisins to sell as free tonnage unless it files with the Secretary complete information and receives from the Secretary notice that he does not disapprove of such sale and that because of: National emergency; crop failure; major change of economic conditions; free tonnage shipments during the first 10 months of the then current crop year exceeding shipments of the comparable period of the prior crop year by more than 5 percent: *Provided,* That such sale of reserve tonnage shall be limited to the quantity exceeding 105 percent of shipments for the first 10 months of the prior crop year; or an inadequate carryover for September shipments, the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the free tonnage percentage for that varietal type. Any quantities of reserve raisins made available for such sale to handlers shall be offered to them in the same manner as in subparagraph (1) of paragraph (d) of this section, with shares determined pursuant to subparagraph (2) of paragraph (d) of this section. However, such raisins shall not be sold at a price below that which the Committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the Committee, to which shall be added the costs to the equity holders incurred by the Committee on account of receiving, inspecting, storing, fumigating, insuring, and holding of said raisins, and including costs of taxes and interest: *Provided,* That, where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage raisins or in the prices received by handlers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the Committee. The Committee may sell reserve tonnage raisins of any varietal type to any handler to provide him with raisins to sell as free tonnage if such handler has lost all or part of his free tonnage because of fire or other disaster beyond his control subject to the applicable provisions of this paragraph and in an amount equal to such tonnage so lost.

11. Revise the second sentence of § 989.82 to read:

§ 989.82 Expenses of reserve raisin operations.

* * * The Committee is authorized to pay any taxes assessed against raisins held by or for the account of the Committee on March 1, or such assessment date as later changed and then in effect, in the reserve pool established pursuant to this subpart: *Provided,* That any equity holder may pay his taxes upon giving notice to the Committee on or before May 1 of each year of his intention to do so. * * *

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Farmers Home Administration

[7 CFR Part 1804]

[FHA Instruction 424.5]

SITE DEVELOPMENT WORK

Planning and Performance

Notice is hereby given that the Farmers Home Administration has under consideration an amendment to Subchapter A, General Regulations, by adding a new Subpart D to Part 1804: "Planning and Performing Site Development Work." This new Subpart D prescribes the policies, methods, and responsibilities with respect to planning and performing site development work in connection with all types of loans and grants authorized by title V of the Housing Act of 1949. The purpose is to provide policies and guidelines for the orderly development of building sites and related facilities in rural areas, and to establish standards of subdivision design to encourage development of sound and economically stable communities in a healthful living environment. The site development requirements have been adopted as minimum standards and developers should be encouraged to go beyond the standards of these regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, the addition will read as follows:

Subpart D—Planning and Performing Site Development Work

Sec.

1804.61 General.
1804.62 Definitions.
1804.63 Purpose and general policy.
1804.64 Planning development.
1804.65 Locations.
1804.66 Water and waste disposal systems.
1804.67 Streets.
1804.68 Grading and drainage.
1804.69 Lot layout.
1804.70 Utilities.
1804.71 Modification of requirements and recommendations in this subpart.
1804.72 Subdivision reviews.
1804.73 Performing development.
1804.74 Planning and submission of documents.

AUTHORITY: The provisions of this Subpart D issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

§ 1804.61 General.

This subpart prescribes the policies, methods, and responsibilities with respect to planning and performing site development work in connection with all types of loans and grants authorized by title V of the Housing Act of 1949.

§ 1804.62 Definitions.

As used in this subpart:

(a) The term, "new subdivisions" means any division of "raw" land or property in which five or more lots or building sites are created. This applies

to original subdividing as well as resubdivision of property. This also applies to expansion of existing subdivisions.

(b) The term, "existing unimproved subdivision" means any series of contiguous recorded lots or building sites which do not have the streets developed and/or all or part of the public utilities installed.

(c) The term, "acceptable existing subdivisions" means any series of contiguous lots or building sites which have been developed to comply with all local requirements and with the existing subdivision standards of this subpart.

(d) The term, "scattered sites" means lots or building sites which have established boundaries, but because of location or number, are considered individually rather than as subdivisions. They may be skipped lots in old subdivisions or scattered lots in open country.

(e) The term, "construction" or "development" means the act of building structures and installing site improvements.

(1) The term, "building development" means the construction of all roofed structures for shelter.

(2) The term, "land development" means all land clearing, rough and finish grading, drainage facilities, retaining walls, water supply facilities, waste disposal facilities, streets, curbs, and gutters, sidewalks, entrancewalks, driveways, parking areas, landscaping and other related structures.

(f) The term, "county supervisor" means the Farmers Home Administration (FHA) County Supervisor. It also includes the assistant county supervisor when, in the opinion of the district supervisor and the county supervisor, he has sufficient training and experience to properly perform the required actions. Redelegation will be in writing in accordance with applicable regulations.

(g) The term, "builder-developer" means any individual, group, or corporation which has as its intent to create a site or group of homesites and may or may not have intent to construct the dwellings on the sites created.

§ 1804.63 Purpose and general policy.

(a) The purpose of this subpart is to provide policies and guidelines for the orderly development of building sites and related facilities in rural areas. These regulations are designed to assure:

(1) The establishment of standards of subdivision design which will encourage and lead to the development of economically stable communities, and the creation of attractive, healthful, and permanent living environments.

(2) Installation by the land developer of facilities and improvements meeting the standards prescribed by this subpart.

(3) The efficient and adequate supply of utilities and services at reasonable costs.

(4) The prevention of traffic hazards and the establishment of safe and convenient means for the circulation of traffic, both vehicular and pedestrian.

(b) The proposed development must comply with all local regulations, ordinances, and codes.

(1) All proposed development planning should conform where applicable with general planning policies and regulations of the local, regional, or State planning agency having jurisidiction.

(2) In addition to, or in the absence of local regulations, the proposed subdivision planning and construction will meet the requirements of this subpart. Copies of a booklet entitled, "Site Development Design Standards," are available for review by writing to: Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

(c) If the Department of Housing and Urban Development and/or the Veterans Administration is reported to be insuring or guaranteeing mortgages in a subdivision, evidence of their acceptance of the subdivision should be obtained before FHA loans are made.

§ 1804.64 Planning development.

All planning will be the responsibility of the builder-developer for new subdivision development, expansion of existing subdivisions, and existing unimproved subdivisions.

(a) *FHA advice and assistance.* On subdivisions which will have 10 or more building sites in the foreseeable future, builder-developers will be encouraged to seek the advice and assistance of the FHA before significant expenditures are made. When a county supervisor receives an inquiry about housing to be financed in a proposed new or existing subdivision of 10 or more sites he will:

(1) Discuss with the builder-developers the requirements of the FHA with respect to compliance with local, regional, and State regulations and land planning policies as well as the FHA requirements with respect to nondiscrimination, market, location, land development, good house planning, and construction practices.

(2) Explain to the builder-developer the need for completion of Form FHA 424–20, "Request for Subdivision Feasibility Analysis" to obtain FHA assistance. (A draft of this form is available in the national office.) The county supervisor also will explain the form and provide the required Form FHA 400–4, "Nondiscrimination Agreement" and Form FHA 400–1, "Equal Opportunity Agreement."

(3) Advise the builder-developer regarding publications, planning aids, engineering data, soils data, and other technical advice and assistance available through local, State, and Federal agencies, planning commissions, and private institutions and organizations.

(4) Make this subpart and any guidelines available to the builder-developer for viewing. County supervisors may requisition additional copies of these guidelines from the finance office to be used as handouts to assist the builder-developer.

(b) *Technical services.* Residential areas must be planned according to the purposes and general policies stated in § 1804.63, therefore, professional planning of residential neighborhoods is required. Poorly drawn, incomplete, or uncoordinated plans and specifications are not acceptable.

(1) The builder-developer proposing a new subdivision which will have 10 or more dwelling sites will secure the services of a competent site planner, registered architect, or civil engineer qualified to provide complete planning, drawings, specifications, and supervision on land, street, utility, and grading development.

(2) Complete technical services will be obtained and paid for by the builder-developer with his own funds.

(c) *Plans, specifications, and other documentations.* Required plans, specifications, and other documents are listed in § 1804.74.

(1) Section 1804.74 will serve as a guide for the documents a builder-developer should prepare in submitting a proposal for subdivision development in which 10 or more sites will be created in the foreseeable future, and provide additional information regarding documents required in Form FHA 424–20.

(2) Section 1804.74 may also be used by FHA county supervisors and State directors in checking submissions for subdivision feasibility analysis.

(3) Other documents listed as additional supplemental information may be included in the proposals to illustrate and further clarify difficult areas of development and to help reduce possible misunderstandings.

§ 1804.65 Locations.

New subdivisions to be eligible for FHA participation must be located in a rural area as defined in FHA's rural housing regulations, and comply with the following:

(a) Will be in compliance with the general planning policy of the applicable planning agency having jurisdiction.

(b) Will be so located as to provide desirable permanent living conditions for the residents and be convenient to services such as shopping, schools, churches, employment opportunities, recreation, and communications.

(c) Wherever practicable, be a part of a rural place, village or town, and take advantage of established facilities such as central water and sewerage systems, solid waste disposal, public and private transportation and police and fire protection.

(d) Be located and planned so as to insure long-term market demand and acceptability.

(e) No structure will be located within flood plains of rivers or streams unless approved adequate protection has been provided.

(f) Existing subdivisions must meet the same location requirements as those for new subdivisions.

(g) The type of houses and the facilities planned for scattered sites will comply with local regulations, codes, and ordinances and with the appropriate requirements of this subpart.

§ 1804.66 Water and waste disposal systems.

(a) *For new subdivisions and expanded existing subdivisions.* (1) Where eco-

nomically feasible, the subdivision will have central water and waste disposal systems. The systems should be publicly owned and operated, although privately owned and operated systems may be accepted if they comply with the requirements of subparagraph (4) of this paragraph.

(2) All central systems, public, community, or private, will meet the design requirements of the State department of health or other comparable reviewing and regulatory authority. The approval will be in writing.

(3) Subdivisions which are not presently served by a public system but which are scheduled for tie-in to the public system in a few years, should have all lines installed during the initial development. Such subdivisions must have an approved interim community system installed capable of satisfactory service until the scheduled tie-in occurs.

(4) In addition to written assurance of compliance with State and local requirements there must be adequate assurance of continuous service at reasonable rates for central water and waste disposal systems. Public ownership is preferred whenever possible. In cases where interim facilities are installed, pending extension or construction of permanent public services, the developer should assume responsibility for the operation of the interim facility or establish an acceptable entity for its operation. If a system is not or will not be publicly owned and operated, it must comply with one of the following:

(i) Be an organization that meets the ownership and operation requirements for water or waste disposal system financing of the FHA, or be dedicated to such an organization.

(ii) Be an organization or individual that meets other acceptable methods of ownership and operation as outlined in HUD–FHA Booklet No. 1300, "Ownership and Organization of Central Water and Sewerage Systems." In the case of third party beneficiary contracts, the FHA can become the "representative" and become a party to the contract. The contracts should contain a clause naming "the United States of America, acting through the Farmers Home Administration," as "representative." The advice and assistance of the regional attorney should be obtained in making the needed changes in the "third party beneficiary contract" form.

(iii) Be adequately controlled as to rates and service by a public body (unit of Government or public service commission). In some States this control may not be adequate to protect the borrower's or the FHA's interest, but in others it will be adequate because both rates and facilities are subject to adequate control. In some cases, the control may be provided by means of a franchise.

(5) Where central systems are not available or economically feasible to construct in subdivisions having not more than 25 building sites, the State director may permit individual systems.

(i) Any request to the State director for such an exception submitted by the county supervisor should contain statements from local health and civil authorities indicating specifically why connection to or installation of a central system is not feasible at this location.

(ii) The State office technical staff will make a thorough study of any request or authority to use individual systems to determine whether central systems might be feasible considering the market for homes over a 2- or 3-year period at the proposed location. Computations should indicate allowable value for property served by central systems versus the cost of individual systems. More lots at a higher value will accrue when central systems are provided. Where comparable costs are found, central systems should be required allowing appropriate value for lots so served.

(iii) If individual systems must be utilized, the information prepared by the local, county, or State health authority and the county supervisor, with written opinions by the technical staff of the State office will indicate whether individual systems are feasible on all of the building sites in question. Supporting factual data should include evidence that clearly shows individual systems will perform satisfactorily for a reasonable period of time with reasonable maintenance cost. Reasonable time and reasonable cost can be equated with the charges for a central sewerage system if one were available. An individual sewage disposal system that requires cleaning or repairs every few months cannot be considered as giving trouble-free service or an individual water system that requires extensive treatment equipment to provide an acceptable safe potable water supply cannot be considered as within reasonable cost. All documentation, calculations and written opinions substantiating the decision will remain in the county office file. Supporting factual data should cover all of the following points:

(*a*) *Water systems.* (*1*) Documentation of how individual water supplies can be developed in satisfactory quantity at a reasonable cost. Explain how an acceptable water quality will be achieved at a reasonable cost using the 1962 Public Health Service (PHS) Drinking Water Standards Publication No. 956 as a guide if the State health authority has no standard of its own for water quality. The PHS publication No. 956 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(*2*) Report on water tests—individual water systems will be tested for quantity, bacteriological quality, and in certain areas where problems may be anticipated, tested for chemical quality. This last test may be a partial chemical test limited to analysis for the defects common to the area such as iron and manganese, hardness, nitrates, pH (concentration of hydrogen ions), turbidity, color, or other undesirable elements.

(*3*) A polluted or contaminated source of supply is unacceptable. If the supply is found to be unacceptable the most acceptable and economical means will be used to make the correction; the deficiency will be corrected before the final inspection and written evidence must be furnished showing acceptance by the State, county or local health authority having this jurisdiction.

(*4*) In areas where difficulty may be anticipated and in order to develop an acceptable supply, contingency funds will be included in the original loan estimate and returned as a refund subsequently if not required. Such contingency funds may be necessary for such items as drilling to a greater depth than is common to other wells in the area or for providing additional storage to supplement a limited source supply of water, or to provide for treatment to soften or remove iron, or correct some other quality defect.

(*b*) *Sewerage systems.* (*1*) Provide assurance of nonpollution of ground water supply. State health authorities or their locally approved agents will be consulted to insure that installation of septic tank systems will not pollute ground water sources or create other health hazards. In some cases, a department other than State health may provide this data.

(*2*) Description of exploratory pit observations.

(*3*) Determination of soil types and description. The assistance of the Soil Conservation Service (SCS) should be obtained for soil type determination and a copy of their recommendations included in the documentation.

(*4*) Describe ground water elevations showing seasonal variations.

(*5*) Include records of percolation rates. U.S. Department of Health, Education, and Welfare, Public Health Administration "Manual of Septic Tank Practice" criteria may be used as a guide in obtaining accurate percolation tests.

(*6*) Confirmation of space allowances. An accurate drawing to indicate that lot sizes will insure that adequate space is available for the satisfactory operation of individual water and/or sewage disposal systems; likewise, documented assurance of compliance with all local requirements. Such determination will also be subject to FHA State office review and acceptance.

(6) In subdivisions of more than 25 building sites where the State director determines that individual water system and/or sewage disposal systems are the only feasible solution, national office approval is required. A request for authority for approval will be accomplished by full documentation as listed in subparagraph (5) (i), (ii), and (iii) of this paragraph and with the written recommendation of the State director and his technical staff.

(b) *For existing subdivisions.* (1) Existing central water and sewage systems must comply with all State and local regulations and also must meet the requirements of paragraph (a)(4) of this section.

(2) Central systems operating in a subdivision must be proved adequate for the additional loads imposed by the proposed development.

(3) If individual water and/or sewage disposal systems have been in use and it is not feasible to convert to central sys-

tems, determine the following and document the file accordingly.

(i) State and local regulations will not force the community to install central systems within a year or two.

(ii) Verify that the existing individual systems in the immediate area are operable and giving satisfactory service.

(iii) The lots in question comply with all of the requirements of paragraph (a) (5) (iii) of this section.

(c) *For scattered sites.* Scattered sites which are not in established residential neighborhoods and which are not part of a proposed or existing subdivision or which are scattered in open country, must have facilities designed and installed in accordance with State and local regulations. Individual water supplies and sewage disposal systems may be used only when other means are not available.

(1) Individual wells and/or individual sewage disposal systems will comply with the same requirements as for new subdivisions, expanded existing subdivisions, and existing subdivisions. (See paragraph (a) (5) (iii) of this section.) In the case of loans on existing homes, the seller will be responsible for corrections to meet local regulations and approval of the State director.

§ 1804.67 Streets.

(a) *New subdivisions and expansions of existing subdivisions.* (1) Streets must conform to master street plans, design standards, and construction specifications of the applicable public body, city, town, county or State, and the requirements of the FHA.

(2) Streets must be dedicated to and accepted by the public body which will be responsible for continuous maintenance. No variations of this requirement may be authorized by the State director without prior national office approval.

(3) Hard-surfaced streets are mandatory in all new subdivisions and expansion of existing subdivisions, except that the State director may waive this requirement when all of the following conditions exist:

(i) Not required by local ordinances and codes.

(ii) Property or subdivision is not adjacent to streets that are or soon will be hard surfaced.

(iii) The street serves or will serve a subdivision of not more than 10 home sites in the foreseeable future.

(iv) The street has an all-weather surface approved by and maintained by a public body.

(v) The local authority to whom the street is to be dedicated does not have available the required equipment necessary for maintenance and will not accept dedication and be responsible for maintenance of hard-surfaced streets, notwithstanding the fact that the hard surfacing would be provided initially by the builder-developer in accordance with standard local requirements and practices.

(vi) Other lending institutions and agencies active in the area will make housing loans or insure mortgages in the subdivision when it is provided only with all-weather streets.

(4) Hard surfaces are portland cement concrete, soil cement, asphaltic concrete, and bituminous wearing surfaces. Other hard wearing surfaces may be used when acceptable to the local public body and acceptable to local climate, soil, gradient, and volume and character of traffic as determined by the State director; however, no variations of the hard surface may be authorized by the State director without prior approval of the national office.

(5) The State director with prior approval of the national office may waive hard-surface streets in the case of a new subdivision or a new expansion of an existing subdivision in which 10 or more home sites are proposed. The waiver request to the national office will include the documentation of information contained in subparagraph (3) (i), (ii), (iv), (v), and (vi) of this paragraph, and the following documents:

(i) Map indicating location of subdivision in relation to other subdivisions and/or towns with types of surfacing present on the access streets or roads to the proposed subdivision.

(ii) Complete street layout plan.

(iii) Street cross-sections with other necessary details.

(iv) Topographic maps.

(v) Drainage plans.

(vi) All specifications for proposed street construction.

(vii) Other pertinent information.

(6) Streets will have curbs and gutters where required by local regulations or where necessary for drainage or protection of pavement edges. Where curbs and gutters are not provided, adequate shoulders or other suitable means will be constructed to prevent raveling of the roadway edges and shifting of the pavement base. (Refer to section 204–5 for right-of-way, pavement widths and parking requirements, and section 204–6.2 for curb and gutter alternates in the booklet, "Site Development and Design Standards," available in the national office.)

(7) Preferably, homes should be occupied after street hard surfacing is completed, however, occupancy may occur after the pavement base is in place and properly cured. In cases of delays due to unsuitable weather conditions or when hard surfacing is not done by the builder-developer but by the local public body on a geographically sequenced moving schedule or on a seasonal basis, an all-weather street acceptable to the local public body will be provided prior to occupancy.

(8) When the developer is responsible for providing street surfacing, a letter of certification, a performance and payment bond, escrow agreement, or similar assurance must be provided by the builder-developer to assure that the required street work will be completed within about 1 year from the date construction is started. The State director will determine action and procedure according to local jurisdictional practices or requirements.

(9) Where local public bodies provide final surfacing, the subgrade and base will be prepared according to the specifications of the local body. Written assurance will be obtained from the public body that suitable hard surface will be provided within a reasonable period usually not more than 1 year.

(b) Existing subdivisions and scattered sites within the subdivision will be approved according to the requirements in paragraphs (a) (1), (2), (6), and (8) of this section.

(1) Sites within existing neighborhoods will be approved only if the street providing access to the lot is dedicated to and accepted by the local public body and acceptable to the FHA. If the street is soon to be paved and the local authorities will assess such cost to the homeowners, the county supervisor will inform applicants of these intentions.

(2) Sites outside of developed areas will have direct access by means of a publicly owned all-weather street which is not susceptible to blockage by flooding, subsidence, or other probable natural occurrences. Developments with more than 20 sites will have two accesses available, unless an exception is granted by the State director.

(c) The requirements in paragraphs (a) and (b) of this section will not apply to an individual site for which a private extended driveway must be provided. The private access drive to one or two individual houses may have an all-weather wearing surface material. An easement will be established in both properties' deeds that provides for equal rights to use. An acceptable means of maintenance will also be provided. The access driveway must be properly drained and must be located so as not to be susceptible to blockage by flooding, subsidence, or other probable natural occurrences.

§ 1804.68 Grading and drainage.

(a) *New subdivisions and expansion of existing subdivisions.* (1) All sites and/or streets which require 4 feet or more of cut or fill operations will be designed by a registered land surveyor and/or engineer and will comply with State and local regulations and the requirements of the FHA.

(2) All streets and building sites will have adequate invert elevations to provide for expedient runoff of storm water. All drainage design will be executed by a registered engineer or land surveyor and will comply with State and local ordinances and regulations.

(3) The county supervisor should seek the advice of the SCS regarding identification of soils and its characteristics that may reflect related problems in grading and drainage. The county supervisor should obtain the SCS recommendations for possible solutions to soil problems that may exist.

(b) *For existing subdivisions and scattered sites.* (1) Dwelling sites will not be developed which are subject to flooding

or subsidence, are located on highly expansive soils, or are subject to other undesirable conditions. If corrective measures are practicable, soil tests and analysis will be made by a competent engineering firm and the recommended corrective measures will be implemented before the site is accepted.

(2) Design and construction of new sites will not cause undesirable conditions for existing lots such as erosion, flooding, or subsidence.

(3) All sites will conform to applicable State and local regulations and the requirements of the FHA.

§ 1804.69 Lot layout.

(a) *For new subdivisions and expansions of existing subdivisions.* (1) All lots will be surveyed and plotted by a registered land surveyor or engineer with permanent markers placed at all lot corners.

(2) Lots will meet all requirements of State and local authorities and the FHA.

(3) Lot arrangement will provide for the most effective use of the building sites with minimum lengths of streets and utility runs.

(b) *For existing subdivisions.* (1) Lots will meet the requirements of paragraph (a) (1) and (2) of this section.

(2) Lots will be consistent in size and design with the existing development except where the prior design has proven uneconomical, infeasible, or unmarketable.

§ 1804.70 Utilities.

Adequate, economic, safe, dependable sources are required. An analysis will be made of the cost of locally available sources of heat and the most practical and economical source should be required.

(a) *Electricity.* Power supplier will be consulted to assure that installation is coordinated with their service line plans. Lines must be placed underground where required and in other cases where economical.

(b) *Gas service.* Where adequate and dependable service is available, this service should be installed according to local requirements.

(c) Street lighting. This service should be provided when required.

(d) *Other utilities.* Other utilities such as the telephone, should be available.

§ 1804.71 Modification of requirements and recommendations in this subpart.

(a) *Higher standards may be required.* The site development requirements of §§ 1804.65 through 1804.70 of this subpart have been adopted as minimum standards, and developers should be encouraged to go beyond the standards of these regulations. The State or local authority or the FHA, however, may find it necessary to require standards above those contained herein whenever it determines that the public health and safety would be in danger. Some examples of considerations for justification for altering standards are:

(1) The site cannot be served adequately and economically with such public and central facilities and services as are normally required. For example, where the local public body does not have adequate drainage requirements, the State director may require more rigid specific drainage standards than required locally or than provided for in this subpart. An example would be that in certain cases the street drainage system will be tied in with irrigation or storm drainage systems to provide storm drainage in a controlled manner.

(2) Land proposed for use as building sites cannot be used safely for building purposes because of danger from flood or other inundation, or as a result of natural conditions which could assure a menace to health, safety, or public welfare. For example, if the local minimum lot size of 10,000 square feet for use of individual septic tanks and seepage beds does not provide an adequate seepage bed area according to professional analysis of percolation tests and soil types on a particular site, the State director may raise the minimum requirement to that which will be safe and sanitary.

(b) *Reduced standards.* The State director may not grant variances which may reduce the intent of this subpart. Such variances may only be made by the national office.

§ 1804.72 Subdivision reviews.

(a) *Preliminary submission.* When a county supervisor receives Form FHA 424–20 from a builder-developer, the county supervisor will:

(1) Discuss with the builder-developer Form FHA 424–20 and any inadequacy of the required documents, and determine the completeness of the submission for possible need for further information.

(2) Accompany the builder-developer to the proposed site to determine the feasibility of the location and to become familiar with the natural and fixed features influencing the site.

(3) Review the proposals to determine the compliance with FHA requirements and the local, regional, and State planning policies and codes, regulations, and ordinances.

(4) Review the plans, specifications, and cost estimates item by item with the builder-developer to avoid any misunderstandings as to intent, extent, kind and quality of work to be performed, and materials to be used.

(5) Offer suggestions to the builder-developer, when appropriate, as to how the design, plans, and specifications may be altered to improve the facilities and better serve the needs of the public. For revisions that require technical determinations, the builder-developer will be requested to obtain additional technical assistance.

(i) Notification letters. As appropriate, the county supervisor will notify the builder-developer in writing regarding the action determined as the result of a review of the preliminary submissions using one of the following:

(*a*) A letter of acceptance suggesting that the builder-developer may continue with preparations of the proposal, according to this subpart, and any minor recommendations for improvement of the submission to FHA for final review and final acceptance, before commencing any development.

(*b*) A letter of conditional acceptance that will include the FHA's recommendations and suggesting that the builder-developer may continue with some assurance of acceptance, provided the FHA recommendations are incorporated before final submission to the FHA for review.

(*c*) A letter of rejection of the proposal that includes the reasons for nonacceptance by the FHA.

(ii) The builder-developer should consider all the recommendations of the FHA when he receives the notification letter before determining the feasibility of securing the services of a competent land planning firm, architectural firm, and/or an engineering firm to complete the final proposal for submission.

(6) When the proposed subdivision involves 10 or more lots or building sites, the county supervisor will forward the proposal package to the State director for further review. The county supervisor will include his comments and recommendations in the remarks section of Form FHA 424–20, or attach separate sheets.

(i) The State director's review of the preliminary submission involving 10 or more homesites will include a comprehensive study to assure compliance with all local, regional, and State regulations, codes, ordinances, plans for future development and compliance with the requirements of this subpart. In making this review the State director will utilize the services of the State office rural housing architect and the community services engineer.

(ii) The State director will make recommendations in writing and/or sketched overlays for improvements of the design, plans, and specifications and will prepare notification letters to inform the builder-developer of the results of the review of the preliminary submission.

(b) *Intermediate assistance by the FHA.* The county supervisor will work closely with the builder-developer and his technical assistants to assist them with interpretations of any FHA recommendations.

(c) *Final submission and evaluation.* (1) When the county supervisor receives a final submission of a subdivision proposal, he will review the proposal to determine:

(i) The market needs.

(ii) Eligibility of the location.

(iii) The completeness of the plans and specifications.

(iv) The suitability and soundness of the proposal.

(v) The compliance with the plans of local, regional, or State planning authority having jurisdiction.

(vi) The compliance with FHA policies and standards.

(*a*) One set of the subdivision proposal

will remain in the county supervisor's office.

(b) One or two sets of the subdivision proposal, as appropriate, will be returned to the builder-developer after the final review and a determination has been reached.

(2) The builder-developer will be notified that his final submission has been approved or has been conditionally accepted by receipt of a final notification letter. The builder-developer should consider the action taken and any recommendations for improvement that may be necessary for compliance. The changes should be made in the plans and specifications and initialed by the county supervisor to indicate acceptance of the changes before the builder-developer commences development of the subdivision.

(3) In the case of a proposed subdivision involving 10 or more lots or building sites, the county supervisor will forward the submission proposal with his comments and recommendations to the State director for final review.

(i) When the State director receives a final subdivision proposal he will again, with the assistance of the rural housing architect and community services engineer, review the proposal for compliance, considering all the recommendations made on the premliminary submission with the applicable local, regional, and State plans and regulations and the compliance with the FHA policy, regulations, and technical standards.

(ii) The State director will recommend to the county supervisor the actions to be taken in the form of one of the notification letters described in § 1804.65 (a) (5) (i). The recommendations will include any minor changes that should be considered by the builder-developer for improvement of the design.

(iii) The State director will retain one copy of the proposed subdivision documents and return two copies with his recommendations to the county supervisor.

§ 1804.73 Performing development.

All development will be arranged for and completed by the builder-developer according to local, State, or Federal regulations and requirements, including applicable health and safety standards pertaining to building construction or development, and the requirements of this subpart.

(a) The FHA will not become a part of any construction contract. The builder-developer will execute all of the contract documents with competent contractors and subcontractors and they will provide their own necessary, applicable, and acceptable bonding and insurance normally required for performing the type of work necessary to assure completion of the work.

(b) The work will be performed in accordance with FHA accepted plans and specifications.

(c) Written assurance of completion by responsible public authority will be required when local city, county, State or other public authority codes, regulations, and ordinances require inspections of final acceptance. This written assurance of completion will be required prior to final acceptance by the FHA.

§ 1804.74 Planning and submission of documents.

A list of documents for development of new subdivisions, expansion of existing subdivisions and existing unimproved subdivisions which contain 10 or more building sites in the foreseeable future is provided herein to assist builder-developers with a list of the required supporting information. This list includes the written documents and the design drawings, planning materials, working drawings, and specifications for submission of Form FHA 424–20.

(a) *Preliminary submission.* One set of sketch plans, outline specifications, and documents will be required to accompany the request submitted to the county supervisor.

(1) *Required visual documents.* This section includes only enough data to make a preliminary analysis in order to reduce the initial cost to the builder-developer.

(i) *Location map.* A general site location map of the area indicating the access roads or future roads to the site as well as the proximity to shopping, schools, churches, major transportation facilities with note of traffic volumes. If a satisfactory map of the locality is not available, a clear and preferably scaled rough sketch map that provides the required information will be sufficient.

(ii) *Property survey map.* A survey showing the boundaries as well as all existing known features specifically including utilities, access roads, flood plains, drainage, rock, outcroppings, and wooded areas or specimen trees.

(iii) *Topographic map.* If a published topographic map is not available from the U.S. Coast and Geodetic Survey, U.S. Department of Agriculture Soil Conservation Service, U.S. Army Corps of Engineers, or regional agency such as Tennessee Valley Authority, and local, county, regional or State planning authorities, the builder-developer may substitute a sketch. This sketch should include the grade elevations and drainage patterns of the surrounding area that may influence or be influenced by development of the subject subdivision. Photographs of the area either at eye level, above the ground, or aerial may be submitted to further explain the sketch.

(iv) *Soils map or report.* Where available, a complete soils map or report from the local county or the U.S. Department of Agriculture, Soil Conservation Service Office, should be included with the preliminary submission. The SCS local office should be consulted for any additional soils information that may be appropriate for the proposed site.

(v) *Preliminary subdivision plan.* A rough sketch showing proposed street layouts, lot layouts, major drainage ways, and other development planned. This plan should also indicate all current and known planned usage of adjacent land. This sketch should be at a scale of about 1″=100′ or larger with all pertinent dimensions shown.

(2) *Preliminary required written documents.* (i) Statement of regulation compliance local, county, or State as applicable. A zoning restriction map may be included with the written statement.

(ii) A statement of the professional technical services that will be used to develop the design, plans, specifications, and cost estimates for the site development.

(iii) Statements of approval and feasibility for water and/or waste disposal systems as follows:

(a) Approval to tie-in with local existing water and/or waste disposal systems when available.

(b) Feasibility study of construction of a community central water and/or waste disposal system.

(c) Tentative approval of local or State health authority for individual water and/or waste disposal systems when it is clear that central systems are infeasible at this time. Use § 1804.66(a)(5) as a guide in preparing information required.

(iv) Evidence that appropriate public body will accept and maintain streets and/or other common areas when dedicated to said body.

(v) Preliminary outline specifications describing all the proposed materials to be used and how they are to be applied. These are only the materials used in the land development and improvement construction for the streets, drainage, and utility work.

(vi) Incremental slopes map to identify common slopes and determine feasible housing sites.

(vii) Preliminary grading map to indicate degree of work required to provide positive drainage of all building sites and control measures to be taken to eliminate soil erosion. Dwelling locations may be shown if they can be predetermined.

(viii) Discussion of marketing analysis and determining factors for location, costs, and number of proposed building sites.

(b) *Intermediate consultation.* Intermediate consultation with FHA county supervisor and/or the FHA State director should be as frequent as necessary to reduce chances of misunderstandings and limit the amount of time and expenses for all parties concerned.

(c) *Final submission.* When the proposed subdivision involves 10 or more lots or home sites, three copies of each item will be required. In cases of less than 10 sites, the county supervisor may request only two copies of each item.

(1) *Required visual documents.* All items requiring revision or more detailed information as determined by the State office review of the preliminary submission will be completed and included in this final submission. All documents will be executed in a professional manner and will carry the appropriate designation attesting to the professional qualifications of the land planner, architect, or engineer. All documents will be accurately drawn at an appropriate scale. Visual exhibits will include at least the following:

(i) Location map.

(ii) Property survey map.

(iii) Topographic map of the site and surrounding area influencing or influenced by drainage on the site.

(iv) Incremental slopes map.

(v) Soils map where available.

(vi) Streets, alleys, easements, lot layout plans with details of any pavements, curbs, gutters, ditches, culverts, retaining walls, sidewalks, and any other necessary details for construction. Include recreational and other special purpose or common areas. Dwelling locations are not mandatory; however, they may be shown on the lot layout plan in lieu of individual plot plans if conditional commitments are involved and dwelling locations can be predetermined. Scale should be 1''=40' when dwellings are shown, and all drainage and utilities are included on one drawing.

(vii) Drainage plans including sewers, both sanitary and storm, manholes, drainage piping, and all details thereto, may be combined on lot layout plan if scale is 1''=40' larger.

(viii) Grading plan and cross sections through streets.

(ix) Water supply and waste disposal system plans and details not included elsewhere.

(x) Detailed plans and necessary specifications for other utilities such as natural gas lines, telephone, street lighting when applicable, street signs, and other utilities and their required easements and details.

(xi) Landscaping plan for applicable areas especially common areas or protective screening. Detailed plan for existing tree preservation with details for protection during construction and/or if fills or cuts are involved.

(xii) Aerial or ground photographs of the area to be developed if available.

(xiii) Typical dwelling site plan for each site involving a characteristic situation when dwelling locations can be predetermined. Drawings should be at a scale of at least 1''=20' or 1/16''=1'0''. When the builder-developer will construct the buildings the dwelling site plans will be required.

(2) *Required written documents.* (i) Statement of approval by local, regional, or State planning commission or authority having jurisdiction over the area.

(ii) Statement of local or when applicable, State approval of water systems, waste disposal systems, and solid waste disposal facilities.

(iii) Statement of local acceptance of streets for perpetual maintenance.

(iv) Statement of the utility companies' willingness to service the area.

(v) Complete specifications for all development proposed.

(vi) Other items that may be required in any particular situation.

Dated: August 4, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72-14418 Filed 8-23-72;8:56 am]

VETERANS ADMINISTRATION

[38 CFR Part 36]

RELEASE OF LIABILITY

Proposed Regulatory Development

The Veterans Administration is considering amending §§ 36.4323(g) and 36.4508(c), Title 38 of the Code of Federal Regulations to implement the provisions of section 204 of Public Law 92-328 (86 Stat. 393). The proposed amendment is issued pursuant to the authority of section 210(c), title 38, United States Code. The proposed regulations set forth the conditions under which a veteran who has disposed of residential property securing a guaranteed, insured, or direct loan obtained by him under 38 U.S.C. Ch. 37 without receiving a release from liability with respect to such loan may, after termination of the loan, be released from liability on the resulting indebtedness.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective on the date of approval of the Administrator.

It is proposed to amend §§ 36.4323 and 36.4508 of Title 38 of the Code of Federal Regulations to read as follows:

1. In § 36.4323, paragraph (g) is added to read as follows:

§ 36.4323 Subrogation and indemnity.

* * * * *

(g) If, on or after July 1, 1972, any veteran disposes of residential property securing a guaranteed or insured loan obtained by him under 38 U.S.C. Ch. 37, without receiving a release from liability with respect to such loan under 38 U.S.C. 1817(a) and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines that:

(1) A transferee either immediate or remote is legally liable to the Administrator for the debt of the original veteran-borrower established after the termination of the loan, and

(2) The original loan was current at the time such transferee acquired the property, and

(3) The transferee who is liable to the Administrator is found to have been a satisfactory credit risk at the time he acquired the property.

2. In § 36.4508, paragraph (c) is added to read as follows:

§ 36.4508 Transfer of property by borrower.

* * * * *

(c) If, on or after July 1, 1972, any veteran disposes of the property securing a direct loan obtained by him under 38 U.S.C. Ch. 37, without receiving a release from liability with respect to such loan under 38 U.S.C. 1817(a) and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines that:

(1) A transferee either immediate or remote is legally liable to the Administrator for the debt of the original veteran-borrower established after the termination of the loan, and

(2) The original loan was current at the time such transferee acquired the property, and

(3) The transferee who is liable to the Administrator is found to have been a satisfactory credit risk at the time he acquired the property.

Approved: August 18, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-14393 Filed 8-23-72;8:54 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1972—Rev., Supp. No. 2]

LAKELAND FIRE & CASUALTY COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $196,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Lakeland Fire and Casualty Company
Minneapolis, Minnesota
Minnesota

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: August 21, 1972.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.72-14396 Filed 8-23-72;8:54 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 1029]

ARIZONA

Modification of Classification of Public Lands for Multiple-Use Management A 1029

AUGUST 17, 1972.

By notice published in 32 F.R. 14162, Thursday, October 12, 1967, the public lands described in paragraph 2 were classified for multiple-use management. Publication of this notice had the effect of segregating the land from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from sale under the Act of September 19, 1964 (43 U.S.C. 1421–1427); from Recreation and Public Purposes Act (43 U.S.C. 869); from Private Exchange (43 U.S.C. 315g (c)); from State Selection (43 U.S.C. 851, 852); from R.S. 2477 (43 U.S.C. 932); and from appropriation under the mining laws.

Pursuant to the authority delegated by BLM Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, the Notice of Classification A 1029 is hereby modified to the extent necessary to permit the grant of a right-of-way under sec. 2477, U.S. Revised Statutes (43 U.S.C. 932) to Pinal County, Ariz., over the following described lands, as delineated on a map filed with the Bureau of Land Management under A 5844, for construction of a public road:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 8 E.
Sec. 1, lots 13 and 14.

The area described aggregates 32.02 acres in Pinal County.

Excepted from the modification, and reserved to the United States is a right-of-way for, and the right to construct and maintain a water pipeline across, this strip of land, said pipeline to be used to furnish water for the recreation development north of this strip.

HAROLD H. RAMSBACHER,
Acting State Director.

[FR Doc.72-14388 Filed 8-23-72;8:54 am]

[S 5149]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 18, 1972.

The National Park Service, U.S. Department of the Interior, has filed an application, serial No. S 5149, for the withdrawal of the national forest land described below from all forms of appropriation under the public land laws and the general mining laws, including the mineral leasing laws, subject to valid existing rights, for use as part of the El Portal Administrative Site in connection with the administration of the Yosemite National Park.

The land is located in Mariposa County within the exterior boundaries of the El Portal Administrative Site. The National Park Service has immediate need of the land for the construction of a sewage treatment facility which is necessary for the proper protection, development, and administration of Yosemite National Park for the use, benefit, and enjoyment of the public.

On or before September 27, 1972, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce area to the minimum essential to meet maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 20 E.,
Sec. 18, a parcel of land situated in the S½SW¼ bounded by a line particularly described as follows:
Beginning at Corner No. 1, from which the quarter corner between sections 17 and 18 of said township and range bears N. 60°-35'11" E., 4101.2' distant; thence N. 0°55'15" W., 393.6 feet to Corner No. 2; N. 32°37'30" W., 640.0 feet to Corner No. 3; thence N. 48°28' W., 174.9 feet to Corner No. 4; thence S. 12°9'15" W., 921.7 feet to Corner No. 5; thence S. 77°41'45" E., 692.3 feet to Corner No. 1, the point of beginning.

The area described aggregates approximately 9.78 acres.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

AUGUST 18, 1972.

[FR Doc.72-14389 Filed 8-23-72;8:54 am]

[S 5239]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 17, 1972.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed an application, serial No. S 5239, for the withdrawal of the following described land from appropriation under the public land laws including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights, for inclusion in the Modoc National Wildlife Refuge.

The land adjoins the present boundary of the refuge on two sides and its inclusion will provide needed access as well as a buffer zone for the Modoc National Wildlife Refuge. The land is determined to have a high development potential for waterfowl nesting and will provide browse forage for Canada geese.

On or before September 26, 1972, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 12 E.,
Sec. 12, SE¼NW¼.

The area described aggregates 40 acres.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

AUGUST 17, 1972.

[FR Doc.72-14374 Filed 8-23-72;8:53 am]

[BLM 049147]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Land

Correction

In F.R. Doc. 72-12722 appearing on page 16413 of the issue for Saturday, August 12, 1972, the first line of the land description should read, "T. 44S., R. 22E.," instead of "T. 45S., R. 23E.,".

[Wyoming 20934, Wyoming 20952; Power Site Classification 8; Cancellation 309]

WYOMING

Order Providing for Opening of Public Lands

AUGUST 18, 1972.

By published notice (36 F.R. 219, November 12, 1971) the U.S. Geological Survey canceled Power Site Classification No. 8 of November 3, 1921, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 108 W.,
Sec. 10, SW¼SW¼.
T. 34 N., R. 108 W.,
Sec. 26, S½SE¼;
Sec. 34, lot 3, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 35, SW¼NW¼.

The areas described aggregate 436.73 acres in Sublette County.

JESSE R. LOWE,
Acting State Director.

[FR Doc.72-14375 Filed 8-23-72;8:53 am]

[Power Site Cancellation 220; Utah 0146319]

UTAH

Order Providing for Opening of Public Lands

By its order of October 22, 1971 (36 F.R. 20993, November 2, 1971), the U.S. Geological Survey canceled Powersite Classification Nos. 6, 12, 16, 23, 68, 95, 129, 135, and 204, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands affected by the Geological Survey's cancellation order.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights and Bureau of Land Management classifications for multiple-use management:

SALT LAKE MERIDIAN

T. 27 S., R. 3 W.,
Sec. 31, NE¼SW¼, NW¼SE¼.
T. 28 S., R. 3 W.,
Sec. 6, lots 4, 5, and 6.
T. 25 S., R. 4 W.,
Sec. 26, NW¼NW¼;
Sec. 27, S½NE¼;
Sec. 31, SE¼NW¼.
T. 28 S., R. 6 W.,
Sec. 29, lots 5, 6, and 7.
T. 29 S., R. 6 W.,
Sec. 5, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, lot 6, E½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 18, NW¼NE¼, E½NW¼.
T. 29 S., R. 7 W.,
Sec. 18, lots 1 and 2.
T. 29 S., R. 8 W.,
Sec. 7, lot 3, E½SW¼, SE¼;
Sec. 8, S½S½;
Sec. 9, SE¼SW¼, S½SE¼;
Sec. 10, S½SW¼;
Sec. 13, N½;
Sec. 14, N½N½, SE¼NE¼;
Sec. 15, N½N½.
T. 34 S., R. 8 W.,
Sec. 30, lots 2, 3, 4, E½SW¼;
Sec. 31, lots 1, 2, 3, E½NW¼.
T. 28 S., R. 9 W.,
Sec. 28, SW¼NW¼, NW¼SE¼;
Sec. 34, NW¼SW¼.
T. 29 S., R. 9 W.,
Sec. 3, lots 1, 2, S½NE¼;
Sec. 11, S½NE¼, NW¼, N½SE¼;
Sec. 12, SW¼NW¼, NW¼SW¼, N½SE¼.
T. 34 S., R. 9 W.,
Sec. 25, lots 2, 6, 7, SW¼NE¼, W½SE¼.
T. 36 S., R. 10 W.,
Sec. 17, NW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 18, N½NE¼, S½SE¼;
Sec. 20, NW¼SE¼, SE¼NE¼;
Sec. 21, SW¼NE¼, W½NW¼, NE¼SW¼;
Sec. 28, SW¼NW¼, NW¼SW¼.
T. 28 S., R. 11 W.,
Sec. 1, SW¼SW¼;
Sec. 3, lots 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 4, lot 1;
Sec. 11, NE¼NE¼;
Sec. 12, N½NW¼, SE¼NW¼.
T. 27 S., R. 12 W.,
Sec. 19, lots 3, 4, S½NE¼, SE¼NW¼;
Sec. 20, SW¼NE¼, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 21, SW¼, S½SE¼;
Sec. 22, SW¼SW¼;
Sec. 25, SW¼NW¼, N½SW¼, SE¼;
Sec. 26, S½N½, NW¼NW¼, NE¼SE¼;
Sec. 27, N½N½, SE¼NE¼.
T. 27 S., R. 13 W.,
Sec. 21, lot 1, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 22, lots 7, 8, 9, 11, S½SW¼;
Sec. 23, lot 5;
Sec. 24, lots 3, 4, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 25, lot 1;
Sec. 26, lots 1, 2, 3, 4;
Sec. 27, lot 1, NW¼NE¼.
T. 13 S., R. 5 E.,
Sec. 31, SE¼SE¼.

The areas described aggregate approximately 7,643 acres in Piute, Sevier, Beaver, Iron, and San Pete Counties.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 125 South State Street, Salt Lake City, UT 84111.

R. D. NIELSON,
State Director.

[FR Doc.72-14328 Filed 8-23-72;8:48 am]

Fish and Wildlife Service

DEER FLAT NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on September 29, 1972, at the Malheur County Library, 388 Southwest 2d Avenue, Ontario, Malheur County, OR, and continued at 9 a.m. on September 30, 1972, at the Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Ada County, ID, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Snake River Islands Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 734 acres within Deer Flat National Wildlife Refuge, which is located in Malheur County, State of Oregon, and Washington, Canyon, Payette, and Owyhee Counties, State of Idaho.

A study summary containing a map and information about the Snake River Island Wilderness proposal may be obtained from the Refuge Manager, Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the regional director at the above address by October 30, 1972.

E. V. SCHMIDT,
Acting Deputy Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 14, 1972.

[FR Doc.72–14405 Filed 8–23–72;8:55 am]

Office of the Secretary

[DES 72–86]

PROPOSED PROCESS AND EQUIPMENT REVISIONS TO SYNTHETIC FUELS PILOT PLANT, CRESAP, W. Va.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement covering proposed extensive revisions to the process and equipment sections in the existing synthetic fuels pilot plant located at Cresap, W. Va. Written comment is invited within sixty (60) days of this notice.

Copies are available for inspection at the Office of Coal Research, and may be obtained by writing the National Technical Information Service, Department of Commerce, 5285 Fort Royal Road, Springfield, VA 22151, and enclosing $3. Please refer to the DES number above.

Written comment should be addressed to the Director, Office of Coal Research, Room 4643, Department of the Interior, Washington, D.C. 20240.

Dated: August 17, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72–14334 Filed 8–23–72;8:49 am]

[INT DES 72–85]

SAVERY-POT HOOK PROJECT, COLORADO AND WYOMING

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the authorized Savery-Pot Hook Project, Colorado and Wyoming. Work would involve earthfill dams on Savery Creek in Wyoming and Slater Creek in Colorado, tributaries to the Little Snake River, for the purpose of providing regulatory storage for irrigation purposes, maintenance of fishery habitat, and water oriented recreation. Written comments are invited within forty-five (45) days of this notice.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–4991.

Regional Office, Region 4, Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street, Salt Lake City, UT 84111, telephone (801) 524–5471.

Grand Junction Projects Office, Bureau of Reclamation, Room 326A, Atomic Energy Commission Compound, Grand Junction, Colo. 81501, telephone (303) 242–8621.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or Regional Director. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the statement number above.

Dated: August 17, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72–14333 Filed 8–23–72 8:49 am]

[FES 72–27]

PROPOSED WOLF ISLAND WILDERNESS AREA, GA.

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a final environmental statement for the proposed Wolf Island Wilderness Area, McIntosh County, Ga.

The environmental statement proposes wilderness designation for approximately 4,218 acres of Wolf Island National Wildlife Refuge, located about 10 miles offshore from Darien, Ga. This action will include the subject area within the National Wilderness Preservation System.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 809 Peachtree, Seventh Building, Room 825, Atlanta, GA 30323.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets, Washington, DC 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

Dated: August 17, 1972.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

[FR Doc.72–14332 Filed 8–23–72;8:49 am]

JOHN S. ANDERSON

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 25, 1972.

Dated: July 25, 1972.

JOHN S. ANDERSON.

[FR Doc.72–14335 Filed 8–23–72;8:49 am]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 28, 1972.

Dated: July 28, 1972.

CHARLES A. CAMPBELL.

[FR Doc.72–14336 Filed 8–23–72;8:49 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1972.

Dated: July 31, 1972.

RAY F. DAVIS.

[FR Doc.72-14337 Filed 8-23-72;8:49 am]

GLENN J. HALL

Statement of Changes in Financial Interests

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

(1) No change.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Light Co., Utah Power & Light Co., Union Pacific Corp., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Corp., Puget Sound Power & Light Co., Howmedica Corp., Anaconda, Gulf Oil, A.T. & T. Co.
(3) No change.
(4) No change.

This statement is made as of July 24, 1972.

Dated: July 24, 1972.

GLENN J. HALL.

[FR Doc.72-14338 Filed 8-23-72;8:49 am]

DAVID G. JETER

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 1, 1972.

Dated: July 24, 1972.

DAVID G. JETER.

[FR Doc.72-14339 Filed 8-23-72;8:50 am]

J. W. KEPNER

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1972.

Dated: August 9, 1972.

JACK W. KEPNER.

[FR Doc.72-14340 Filed 8-23-72;8:50 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 24, 1972.

Dated: July 24, 1972.

O. A. LENTZ.

[FR Doc.72-14341 Filed 8-23-72;8:50 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 23, 1972.

Dated: July 23, 1972.

ROBERT R. MCLAGAN.

[FR Doc.72-14342 Filed 8-23-72;8:50 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 24, 1972.

Dated: July 24, 1972.

HARRY H. MOCHON, JR.

[FR Doc.72-14343 Filed 8-23-72;8:50 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1972.

Dated: July 31, 1972.

JULIO A. NEGRONI.

[FR Doc.72-14344 Filed 8-23-72;8:50 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1972.

Dated: August 8, 1972.

LEROY J. SCHULTZ.

[FR Doc.72-14345 Filed 8-23-72;8:50 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 24, 1972.

Dated: July 24, 1972.

C. W. WATSON.

[FR Doc.72-14346 Filed 8-23-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

WAREHOUSE-STORAGE LOANS FOR 1970 AND 1971 CROPS

Notice of Extension

Pursuant to the provisions of § 1421.6 of the general regulations governing price support for the 1970 and subsequent crops of grains and similarly handled commodities, as amended, CCC published a notice of the extension of warehouse-storage loans for 1970 and 1971 crop wheat and 1971 crop grain sorghum. The notice was published in the FEDERAL REGISTER on April 19, 1972, at 37 F.R. 7723. The notice is hereby amended to include the extension of warehouse-storage loans on 1971 crop corn for an additional 10-month period from the current maturity date for such loans with respect to producers who, prior to such maturity date, or such later date as may be authorized for good cause by the Deputy Administrator, State and County Operations, ASCS, notify in writing the county ASCS office through which they obtained such loans that they wish to have such maturity date extended. Loans with respect to which no such requests for extension are received will mature on the current maturity date of such loans.

The table in the notice is amended to include 1971 corn as follows:

	From current maturity date	To extended maturity date
Corn in all States	July 31, 1972	May 31, 1973

The maturity date for corn will occur in the near future. It is determined to be impracticable and against the public interest to comply with the public participation provisions prescribed by 5 U.S.C. 553 (b) and (c). Therefore, this notice shall be effective upon publication in the FEDERAL REGISTER (8-24-72).

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425)

Signed at Washington, D.C., on August 18, 1972.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corportion.

[FR Doc.72-14326 Filed 8-23-72;8:48 am]

[Amdt. 1]

WAREHOUSE-STORAGE LOANS

Final Date for Redemption

The final date for repayment of warehouse storage loans under 1971 CCC loan programs was published in the FEDERAL REGISTER on April 20, 1972, at 37 F.R. 7818. The notice is hereby amended by adding to the table contained in the notice the following:

	Maturity date	Final date of repayment
Corn: [1]		
In all States	July 31, 1972	July 31, 1972

The footnote following the table is also made applicable to corn and is amended to read as follows:

[1] This notice does not apply to loans on corn, grain sorghum, and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER (8-24-72).

Signed at Washington, D.C., on August 18, 1972.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation,

[FR Doc.72-14327 Filed 8-23-72;8:48 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Action on Proposed Withdrawal

In accordance with the provisions of § 10.12 of the Department's published "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the 36 commerical standards (CS) and 25 simplified practice recommendations (SPR) identified below. Each of these standards has been found to be obsolete, no longer technically adequate, no longer generally acceptable to and used by the industry, inconsistent with established policy, or otherwise inappropriate, and revision is not feasible or would serve no useful purpose.

CS 14-51 Boys' sport and dress shirt (woven fabrics) size measurements.
CS 33-43 Knit underwear (exclusive of rayon).
CS 56-60 Strip oak flooring.
CS 70-41 Phenolic disinfectant (emulsifying type).
CS 71-41 Phenolic disinfectant (soluble type).
CS 90-58 Power cranes and shovels.
CS 101-63 Flue-connected oil-burning space heaters and recessed heaters with vaporizing pot-type burners.
CS 104-63 Warm-air furnaces equipped with vaporizing-type oil burners.
CS 106-57 Boys' pajama sizes (woven fabrics).
CS 109-44 Solid-fuel-burning forced-air furnaces.
CS 111-43 Earthenware (vitreous-glazed) plumbing fixtures.
CS 113-63 Oil-burning floor furnaces equipped with vaporizing pot-type burners.
CS 128-52 Men's sport shirt sizes—woven fabrics (other than those marked with regular neckband sizes).
CS 129-47 Materials for safety wearing apparel.
CS 131-46 Industrial mineral wool products, all types—testing and reporting.
CS 134-46 Cast aluminum cooking utensils (metal composition).
CS 135-46 Men's shirt sizes (exclusive of of work shirts).
CS 145-47 Testing and rating hand-fired hot water supply boilers.
CS 152-48 Copper naphthenate wood preservative (spray, brush, dip applications).
CS 158-49 Model forms for girls' apparel.
CS-165-50 Zinc naphthenate wood preservative (spray, brush, dip applications).
CS 174-41 140-F drycleaning solvent.
CS 177-62 Bituminous-coated metal septic tanks (residential).
CS 178-51 Testing and rating ventilating fans (axial and propeller types).
CS 180-52 Model forms for boys' apparel.
CS 183-51 Boys' trouser size measurements.
CS 185-52 Wool felt.
CS 186-52 Boys' sport outerwear size measurements.
CS 195-60 Warm-air furnace burner units equipped with pressure-atomizing or rotary type oil burners.
CS 196-55 Model forms for toddlers' and children's apparel.
CS 198-55 Infants', children's, girls' and boys' knit underwear (exclusive of rayon, acetate, and nylon).
CS 216-58 Asphalt insulating siding.
CS 235-61 Pressure treated wood fence posts (with oil-type preservatives).
CS 249-62 Pressure-treated Douglas fir marine piles.
CS 250-62 Pressure-treated southern pine marine piles.
CS 271-65 Grading of abrasive grain for grinding wheels.
SPR 17-47 Heavy forged hand tools.
SPR 44-49 Boxboard thicknesses.
SPR 60-55 Machine, carriage and lag bolts, and nuts (case quantity and gross weight).
SPR 72-27 Solid section steel windows.
SPR 77-45 Hickory handles.
SPR 100-47 Welded chain.
SPR 125-31 Waxed tissue paper.
SPR 136-32 Flax and hemp twine.
SPR 147-42 Wire diameters for mineral aggregate production screens.
SPR 157-50 Steel firebox boilers and steel heating boilers (commercial and residential).
SPR 168-37 Braided shoe laces.
SPR 180-41 Copper conductors for building purposes.
SPR 183-46 Brass or bronze valves (gate, globe, angle, and check).
SPR 184-47 Iron valves (gate, globe, angle, and check).
SPR 185-47 Pipe fittings (gray cast-iron, malleable iron, and brass or bronze).
SPR 190-42 Stove pipe and accessories.
SPR 198-50 Wire rope.

SPR 207–60 Pipes, ducts and fittings for warm air heating and air-conditioning systems.
SPR 214–55 Metal-cutting band saws (hard edge flexible back).
SPR 220–46 Open-end and box wrenches.
SPR 227–47 Plumbing fixture fittings and trim for housing.
SPR 229–63 Vises (machinists' and other bench-mounted vises).
SPR 238–50 Convectors.
SPR 245–51 Weldless chain and chain products.
SPR 259–56 Hexagon-head cap screws (case quantity and gross weight).

Public notice of the intention to withdraw these standards was published in the FEDERAL REGISTER on June 21, 1972 (37 F.R. 12248), and a 45-day period was provided for the submission of comments or objections concerning the proposed withdrawal of any of these standards. No valid objections to the withdrawal of any of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as voluntary product standards developed under the Department of Commerce Procedures.

LAWRENCE M. KUSHNER,
Acting Director.

AUGUST 18, 1972.

[FR Doc.72-14465 Filed 8-23-72;8:57 am]

National Oceanic and Atmospheric Administration

[Docket No. B-545]

CHARLES ROBERT BEGIN

Notice of Loan Application

AUGUST 17, 1972.

Charles Robert Begin, Wiscasset Road, Boothbay, Maine 04537, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiberglass vessel, about 36 feet in length, to engage in the fishery for lobsters and shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-14300 Filed 8-23-72;8:46 am]

[Docket No. S-586]

ORVILLE JOHN AND DENNIS O. CUTTING

Notice of Loan Application

AUGUST 14, 1972.

Orville John Cutting and Dennis O. Cutting a.k.a. Cutting and Cutting, 1135 Southwest Mark Street, Newport, OR 97365, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new steel vessel, about 55 feet in length, to engage in the fishery for salmon, shrimp, bottomfish, and albacore off the coasts of California, Oregon, and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.72-14299 Filed 8-23-72;8:46 am]

Office of Import Programs

BRIGHAM YOUNG UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00485-33-46070. Applicant: Brigham Young University, Provo, Utah 84601. Article: Scanning electron microscope, Model SSM-2. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used as a teaching and training instrument for undergraduate and graduate students in the biological sciences in the courses entitled "Electron Microscopy, Electron Microscopy Laboratory, Cell Biology, and Ultrastructural Interpretation."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 29, 1970).

Reasons: The captionad application is a resubmission of Docket No. 71-00257-33-46070 which was denied without prejudice to resubmission on January 21, 1972. The foreign article is a relatively simple instrument deliberately designed to minimize the many variables which which must be considered in operating the more sophisticated and complex scanning electron microscopes designed for research. This simplicity of design permits the novice to operate the article with confidence and to obtain useful micrographs with a minimum of supervision. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 4, 1972, that the article's simplicity and ease of operation are pertinent to the applicant's educational purposes. HEW further advises that domestic instruments available at the time the foreign article was ordered did not match the pertinent specifications of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-14419 Filed 8-23-72;8:55 am]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00451-33-07730. Applicant: The Pennsylvania State University, 511 Life Sciences I, University Park, PA 16802. Article: Searle X-ray camera complete with Franks Optics and Ancillary services collar. Manufacturer: Baird & Tatlock, United Kingdom. Intended use of article: The article is intended to be used for X-ray diffraction experiments on biological crystals with large (500-1,000A) unit cells. The article will also be used to teach the technique of X-ray diffraction in the course, Biophysics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a minimum exposure time by means of focusing optics reflecting the X-ray beam at near grazing incidence. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 28, 1972, that the characteristics of the article described above are pertinent to the applicant's X-ray diffraction experiments involving biological crystals that are relatively unstable. HEW further advises that it knows of no domestic X-ray camera which provides the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-14421 Filed 8-23-72;8:55 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00467-75-14200. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Image analysing computer, Model 720. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article will be used to study the microstructural properties and parameters of materials and their relationship to temperature, mechanical stress, radiation effects, and other factors.

Comments: Bausch & Lomb (B & L) commented in its telegram dated July 7, 1971, that their Model QMS is fully equivalent to the foreign article for the applicant's intended use.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Among the materials the applicant intends to study with the foreign article are irradiated fuel and cladding which vary to a great degree in structure. The study of these materials requires the automation of a large number of parameters from a large number of fields in order to obtain an acceptable statistical base and to allow operator safety with respect to radiation. The foreign article provides the capability of measuring and recording up to 32 parameters from each of 1000 fields automatically. The National Bureau of Standards (NBS) advises in its memorandum dated April 21, 1972, that this capability is pertinent to the applicant's intended use of the article. The Model QMS was considered by NBS as the comparable domestic instrument for the purpose of comparison with the article. NBS advises, however, that it knows of no domestic instrument including the QMS satisfying the pertinent specification cited above.

We, therefore, find that the B & L Model QMS is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-14420 Filed 8-23-72;8:55 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00170-33-46095. Applicant: University of Chicago, Pathology Department, Billings Hospital, 950 East 59th Street, Chicago, IL 60637. Article: Computerized flying-spot microscope, Mark II. Manufacturer: University of London, England. Intended use of article: The article will be used to obtain in a rapid and automatic fashion a quantifiable description of the structure of brain specimens and blood smears, which is important for the proper study of disease in these tissues, as well as to train Ph. D. students in the neurosciences and resident M.D.'s working toward their specialty boards.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of detecting 32 levels of grey scale values and has the potential of detecting 256 levels if such detection is desired. In addition the article is capable of following the curve of an object in the field of view and then automatically and selectively scanning within the boundary of that curve. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 31, 1972, that the capabilities of the article described above are pertinent to the applicant's use in complex measurement of optical density, areas, size distribution etc. of structures in tissues and within cells of normal and diseased brain. HEW further advises that it knows of no domestic instruments matching the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[F.R. Doc.72-14422 Filed 8-23-72;8:55 am]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00459-33-02700. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Watanabe's arthroscope Type No. 21. Manufacturer: Kamiya Tsusan Kaisha, Japan. Intended use of article: The article is intended to be used for sampling of damaged knee cartilage to

determine chemical and biochemical abnormalities of protein polysaccharrides in protoeolytic enzymes and to evaluate results of research-oriented therapy. Students at various levels of medical training will also observe the method and what can be learned from the procedure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides capabilities for photographing the interior of the knee joint and for joint tissue biopsy. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 4, 1972, that the capabilities of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no comparable instrument or apparatus of equivalent scientific value to the article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-14423 Filed 8-23-72;8:55 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00460-33-84100. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Teleprinter projector, Model 2510T. Manufacturer: I. P. Sharp Associates, Ltd., Canada. Intended use of article: The article is intended to be used to supplement IBM 2741 telecommunications terminals which are connected to an IBM 360 Model 67 computer. The article will project the computer output upon a screen for viewing by all members of the group for their individual analysis in the health services research training program.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article provides bright, legible projection of data generated at a computer terminal. Such projection is essential to the success of projects requiring timely (on-line) input, observation, analysis and use of information from remote sources by large groups cooperating in an investigation or demonstration. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 4, 1972, that the brightness and legibility of presentation to a group which the article provides are pertinent to the applicant's intended purposes. HEW further advises that it knows of no comparable domestic instrument of equivalent scientific value to the article for the applicant's intended purposes.

The Department of Commerce knows equivalent scientific value to the foreign of no other instrument or apparatus of article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-14424 Filed 8-23-72;8:55 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Announcement of Meeting Dates

Pursuant to Executive Order 11671, the Administrator, Health Services and Mental Health Administration, announces the meeting dates and other required information for the following national advisory bodies scheduled to assemble the month of September 1972, in accordance with provisions set forth in section 13(a) (1) and (2) of that Executive order:

Committee name	*Date/time/place*	*Type of meeting and/or contact person*
Epidemiologic Studies Review Committee.	September 6 and 7, 9 a.m., Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Dr. Robert Markush, Code 301-443-3737.

Purpose: The Committee is charged with the review of grant applications in the area of psychiatric epidemiology, basic and applied research, demonstrations, training, fellowships, and conferences and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education,and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

National Advisory Council on Health Manpower Shortage Areas.	September 8 and 9, 9 a.m., Conference Room I, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open, Contact Jane Hoffman, Code 301-443-4437.

Purpose: The Council is charged with establishing guidelines and regulations to improve the delivery of health care services; assigning Public Health Service personnel to areas where medical manpower and facilities are inadequate to meet the health needs of persons living in such areas; and on a nationwide basis recommending the criteria and personnel on which selection of areas are based.

Agenda: Agenda items will cover status report on Scope of Services Workgroup; status report on Scarcity Areas Workgroup discussion of Five Year Plan.

National Advisory Mental Health Council.	September 11 and 12, 9:30 a.m., Conference Room 14-105, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open, Contact Mr. K. P. Okura, Code 301-443-4597 and Mrs. Barbara O'Konek, Code 301-443-4335.

Purpose: Advises on matters of program planning and evaluation relevant to mental health programs and reviews applications for grants-in-aid relating to research, training and instructions in the field of psychiatric disorders.

Agenda: Agenda items will include a report by the Director, National Institute of Mental Health, on administrative and legislative developments, and discussion with the Administrator, Health Services and Mental Health Administration. The Council will discuss international activities, human services integration, and community mental health centers.

Preclinical Psychopharmacology Research Review Committee.	September 11 and 12, 9 a.m., Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Marion Miller, Code 301-443-3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research, and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Mental Health Services Research Review Committee.	September 12 to 14, 9 a.m., Marriott Twin Bridges Motel, Washington, D.C.	Closed, Contact James T. Cumiskey Code 301-443-3626.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare, on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Narcotic Addiction and Drug Abuse Review Committee.	September 12 to 15, 9 a.m., Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Dorothea de Zafra, Code 301-443-2680.

Purpose: The Committee is charged with the initial review of research grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Committee name	Date/time/place	Type of meeting and/or contact person
Crime and Delinquency Review Committee.	September 13 to 15, 9 a.m., Executive Room, Dupont Plaza Hotel, Washington, D.C.	Closed, Contact Carol Beall, Code 301-443-3728.

Agenda: The Committee will be perfoming initial review of research grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas of the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health, individual violent behavior, and social deviance, and makes recommendations to the National Advisory Council in that program for final review.

Health Services Research Training Committee	September 14, 8:45 a.m., Conference Room M., 5600 Fishers Lane, Rockville, MD.	Closed, Contact Elliot Lesser, Code 301-443-2950.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, relating to research training activities and makes recommendations to the National Advisory Councils in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Metropolitan Mental Health Problems Review Committee.	September 14 and 15, 9 a.m., Quality Motor Inn, Capitol Hill, Washington, D.C.	Closed, Contact A: Robert Polcari, Code 301-443-3373.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance (research, fellowships and training) in the program areas administered by the National Institute of Mental Health and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Experimental and Special Training Review Committee.	September 14 and 15, 9 a.m., Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Dr. Ralph Simon, Code 301-443-3893.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Juvenile Problems Research Review Committee.	September 14 and 15, 9 a.m., Madison Room, Sheraton Park Hotel, Washington, D.C.	Closed, Contact Joseph Marches, Code 301-443-3566.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to the developmental growth of juveniles and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing the initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare, on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13 (d).

Social Problems Research Review Committee.	September 15 and 16, 9 a.m., Franklin Room, Sheraton Park Hotel, Washington, D.C.	Closed, Contact Marguerite Young, Code 301—443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Health Services Research Study Section.	September 17 to 20, 8 p.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Alan E. Mayers, Ph. D., Code 301—443-2920.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, relating to research activities and makes recommendations to the National Advisory Councils in that program for final review.

Committee name	Date/time/place	Type of meeting and/or contact person
Continuing Education Training Review Committee.	September 18 and 19, 9 a.m., Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Closed, Contact Mr. Warren Lamson, Code 301-443-4735.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance in the program area administered by the National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

ClinicalP sychopharmacology, Research Review Committee.	September 19 and 20, 9 a.m., Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Md.	Closed, Contact Dr. Ronald Lipman, Code 301-443-3527.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Alcoholism and Alcohol Problems Review Committee.	September 20 to 22, 9 a.m., The Embassy Row Hotel, Washington, D.C.	Closed, Contact James Teegarden, Code 301-443-4223.

Purpose: This Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Neuropsychology Research Review Committee.	September 20 to 23, 9 a.m., Congressional Board Room, Sheraton Park Hotel, Washington, D.C.	Closed, Contact Leonard Lash, Code 301-443-4424.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

National Advisory Council on Alcohol Abuse and Alcoholism.	August 21 and 22, 9:30 a.m., Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Open, Contact Mr. Edward Sands, Code 301—443-3864 or Ms. Judith Katz, Code 301—443-4377.

Purpose: The Council advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of Alcohol Abuse and Alcoholism. It reviews all grant applications submitted to the National Institute on Alcohol Abuse and Alcoholism and evaluates these in terms of scientific merit and coherence with Department policies.

Agenda: The September meeting will be devoted in its entirety to a discussion of policy issues. It will include a Legislative Report by the Director, National Institute on Alcohol Abuse and Alcoholism, and a Report by the Task Force on Monitoring of Community Assistance Funds.

Disease Control Study Section	September 21 and 22, 8:30 a.m., Center for Disease Control, Buckhead Office, Conference Room 308, 255 East Paces Ferry Road NE., Atlanta, GA.	Closed, Contact Dr. William Buren, Code 404—633-7731.

Purpose: The Committee is charged with the initial review of research grant applications for Federal assistance in the program areas administered by the Center for Disease Control, and making recommendations to National Advisory Councils for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Health Services Developmental Grants Study Section.	September 21 and 22, 9 a.m., Mayflower Hotel, Capital Suite, 1127 Connecticut Avenue NW., Washington, D.C.	Closed, Contact David McFall, Code 301—443-2930.

Committee name	Date/time/place	Type of meeting and/or contact person

Purpose: The Committee is charged with the initial review of developmental grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Regional Medical Programs Review Committee.	September 21 and 22, 8:30 a.m., Conference Room G–H, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact Cleveland Chambliss, Code 301—443–1580.

Purpose: The Committee is charged with the initial review of applications for grants under Title IX and makes recommendations to the National Advisory Council in that program with respect to the approval and funding of such applications.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Social Sciences Research Review Committee.	September 21 to 23, 9 a.m., Council Room, Washington Hotel, Washington, D.C.	Closed, Contact Rae Carlson, Code 301—443–4423.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Experimental Psychology Research Review Committee.	September 21 to 23, 9:30 a.m., Plaza Room, Dupont Plaza Hotel, Washington, D.C.	Closed, Contact John Hammack, Code 301—443–4423.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Clinical Projects Research Review Committee.	September 21 to 23, 9 a.m., Williamsburg Room, Watergate Hotel, Washington, D.C.	Closed, Contact Edna Hardy, Code 301–443–4527.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Mental Health Small Grant Committee.	September 21 to 23, 2 p.m., District Room and Room 334, Washington Hotel, Washington, D.C.	Closed, Contact Stephanie B. Stolz, Code 301–443–4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Health Care Technology Study Section.	September 25 and 26, 8:45 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, MD.	Closed, Contact John R. Hall, Code 301–443–2920.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, relating to the use of systems analysis, operations research and computer sciences in the broad fields of community health services, hospital medicine, and patient care, and makes recommendations to the National Advisory Councils in that program for final review.

Agenda: The Committee will review grant applications for Federal assistance. The sessions will not be open to the public in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972 pursuant to the provisions of Executive Order 11671, section 13(d).

Alcohol Training Review Committee.	September 28 to 30, 9 a.m., Potomac Room, Mayflower Hotel, Washington, D.C.	Closed, Contact Leonard Mitnick, Code 301–443–2590.

Committee name	Date/time/place	Type of meeting and/or contact person

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, relating to training activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Clinical Program-Projects Research Review Committee.	September 29 and 30, 9:30 a.m., Williamsburg Room, Watergate Hotel, Washington, D.C.	Closed, Contact Edna Hardy, Code 301–443–4527.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972 pursuant to the provisions of Executive Order 11671, section 13(d).

Personality and Cognition Research Review Committee.	September 29 to October 1, 9 a.m., Board Room, Sheraton Park Motel, Silver Spring, MD.	Closed, Contact E. Wayne Herron, Code 301–443–3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Council in that program for final review.

Agenda: The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare on June 24, 1972 pursuant to the provisions of Executive Order 11671, section 13(d).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: August 18, 1972.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.72–14290 Filed 8–23–72;8:45 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2–B, organization and functions, of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare as amended is hereby amended as follows:

The Office of the Deputy Commissioner for Planning, Evaluation, and Management, Office of Program Planning and Evaluation (37 F.R. 10527) is amended to read:

OFFICE OF PLANNING, BUDGETING, AND EVALUATION

Elementary and Secondary Division. Is responsible for the overall planning of program and budgets, and for evaluating the effectiveness of elementary and secondary education programs. In coordination with appropriate deputyships and bureaus, reviews the 5-year program and financial plan and supporting analyses for the planning, programing, and budgeting system, serves as monitor for appropriate operational planning system activities, designs and directs major national evaluation studies of the effectiveness of assigned programs.

Post Secondary and International Division. Is responsible for the overall planning of program and budgets, and for evaluating the effectiveness of post secondary and international education programs. In coordination with appropriate deputyships and bureaus, reviews the 5-year program and financial plan and supporting analyses for the planning, programing, and budgeting system,

serves as monitor for appropriate operational planning system activities, designs and directs major national evaluation studies of the effectiveness of assigned programs.

Vocational and Handicapped Division. Is responsible for the overall planning of program and budgets, and for evaluating the effectiveness vocational education programs and programs of education for the handicapped. In coordination with appropriate deputyships and bureaus, reviews the 5-year program and financial plan and supporting analyses for the planning, programing, and budgeting system, serves as monitor for appropriate operational planning system activities, designs and directs major national evaluation studies of the effectiveness of assigned programs.

Developmental Programs Division. Is responsible for the overall planning of program and budgets, and for evaluating the effectiveness of development programs. In coordination with appropriate deputyships and bureaus, reviews the 5-year program and financial plan and supporting analyses for the planning, programing, and budgeting system, serves as monitor for appropriate operational planning system activities, designs and directs major national evaluation studies of the effectiveness of assigned programs.

Budget Division. Directs the preparation, presentation, and execution of the program and administrative budget of the Office of Education, including the following: Represents the Office of Education, and provides liaison in planning and policy discussions with the Department, the Office of Management and Budget, and Appropriation Committees of Congress, on matters relating to appropriation requests. Coordinates the development of budget justifications and testimony for appropriation requests. Coordinates, through the Office of the Deputy Assistant Secretary, Budget, requests regarding Office of Education programs and operation originating from the Senate and House appropriation subcommittees. Replies to inquiries dealing with appropriations. Attends hearings relating to appropriation requests with the Department, the Office of Management and Budget, and Appropriation Committees of Congress. Is responsible for the receipt of all funds received by transfer or direct appropriation. Establishes safeguards to prevent violations of the antideficiency regulations. Issues allotments and limitations, for the use of all funds received by the Office of Education, to appropriate subdivisions. Reviews and approves all reprograming actions. Maintains personnel ceiling controls at the appropriation and agency level. Reviews proposed legislation for budgetary implications.

Dated: August 17, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-14391 Filed 8-23-72;8:54 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2-C, delegations of authority, of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare published in the FEDERAL REGISTER on April 5, 1972, at 37 F.R. 6881, is hereby amended as follows:

Item number 23 is hereby amended to read:

23. Approval of recognized bodies for accrediting schools of medicine, dentistry, optometry, osteopathy, pharmacy, podiatry, nursing, and public health; and membership on the National Advisory Council on nurse training under the Public Health Service Act (Public Law 88-120, approved September 24, 1963, as amended, sections 721, 841(a)(1), and 843(f) (42 U.S.C. 293a(b)(1), et seq.).

Dated: August 17, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-14390 Filed 8-23-72;8:54 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendments To Facility Operating Licenses

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendments Nos. 4 and 2 to facility operating licenses Nos. DPR-29 and DPR-30, respectively. These licenses authorize the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. to possess, use and operate the Quad-Cities Nuclear Power Station Units 1 and 2 (both single-cycle, boiling water reactors and located in Rock Island County, Ill.) each at steady state power levels up to (1) 620 megawatts (thermal) at any time, (2) 1,550 megawatts (thermal) when, in the judgment of the system load dispatcher, total demand is likely to exceed available capacity and other power sources are not available to meet system load demand, and (3) 2,260 megawatts (thermal) if, after exhausting all means reasonably available, system load demand requires the facility to exceed 1,550 megawatts (thermal).

The amendments that are the subject of this notice authorize Commonwealth Edison Co. (acting for itself and Iowa-Illinois Gas and Electric Co.) to operate units 1 and 2 of the Quad-Cities Nuclear Power Station each at continuous power levels up to 2,260 megawatts (thermal) with the diffuser-pipe system in operation. The amendments are effective as of the date of issuance since the diffuser-pipe system has been put into operation as noted in Commonwealth Edison Co.'s letter to the Commission dated August 3, 1972. The amendment also extends the licenses expiration date from September 15, 1972, to October 30, 1973, unless extended for good cause shown or upon the earlier issuance of a superseding licensing action.

The Commission has found that the application for the license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I, and has made the remainder of the findings as set forth in the amendments and has concluded that the issuance of these license amendments will not be inimical to the common defense and security or to the health and safety of the public. The Commission also has found that (1) considering and balancing the factors as described in the Commission's regulations in 10 CFR Part 50, Appendix D, section D.3, the balance of such factors warrants the issuance of these amendments, (2) the emergency demands for power in the area served by the station warrant the issuance of these amendments, and (3) that the addition of and operation with the diffuser-pipe system provides protection to the environment prior to installation of the spray canals addressed in Commonwealth's Supplement 5 (dated April 24, 1972) to its Environmental Report for Quad-Cities Units 1 and 2. This supplement and the Commission's analysis thereof, issued as Addendum I (dated June 1972) to its Draft Detailed Statement on Environmental Considerations, were noticed in the FEDERAL REGISTER on June 9, 1972 (37 F.R. 11598), and provided 30 days for comments.

Notice of AEC Consideration of Issuance of Facility Operating Licenses for operation of each of the Quad-Cities Units 1 and 2 at 2,511 megawatts (thermal), full-power, was published in the FEDERAL REGISTER on March 16, 1971 (36 F.R. 5008). However, licenses for full-power have not been issued pending review of the additional environmental considerations, including the balancing of factors, required by the September 9, 1971, revision of Appendix D to 10 CFR Part 50. On March 9, 1972, the Commission's Draft Detailed Statement on Environmental Considerations (which discusses, among other things, the diffuser-pipe system) was published in the FEDERAL REGISTER (37 F.R. 5073), and thereafter on March 24, 1972, a Supplementary Notice of AEC Consideration of Issuance of Facility Operating Licenses was published in the FEDERAL REGISTER (37 F.R. 6142). The supplementary notices provided 30 days for intervention on the environmental aspects of the operation of Quad-Cities Units 1 and 2. No request for a hearing by the applicants or petition for leave to intervene by any interested person have been filed following publication of the Notice of Consideration of Issuance of Facility Operating Licenses on March 16, 1971, and the publication of the supplementary notice

thereby permitting the licensing actions that are herein being noticed.

For further information concerning these actions, see copies of the following items which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Moline Public Library at 504 17th Street, Moline, IL 61265: (1) Amendment No. 4 to Facility Operating License No. DPR-29 and Amendment No. 2 to Facility Operating License No. DPR-30, (2) Change No. 3 to the Technical Specifications (a reissuance of the Technical Specifications in their entirety) concurrently issued as part of Amendments 4 and 2, (3) Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.'s application for the amendments dated July 7, 1972, and supplement thereto dated August 3, 1972, (4) the Commission's Safety Evaluation for the Quad-Cities Units 1 and 2 dated August 25, 1971, (5) the report of the Advisory Committee on Reactor Safeguards dated March 9, 1971, (6) the Discussion and Conclusions of Environmental Impact by the USAEC Directorate of Licensing concerning the Proposed Issuance of Licenses to the Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. dated May 4, 1972, (7) the Discussion and Conclusions pursuant to Appendix D to 10 CFR Part 50 dated January 24, 1972, and Supplement 1 thereto dated March 31, 1972, (8) the Commission's Draft Detailed Statement of Environmental Considerations dated March 6, 1972, and Addendum I thereto issued June 1972, and (9) the Discussion and Conclusions of Environmental Impact by the USAEC Directorate of Licensing concerning the Issuance of Licenses dated August 1972. A copy of each of the above items, except for item (3), may be obtained, as supply lasts, upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 15th day of August 1972.

For the Atomic Energy Commission.

R. C. DE YOUNG,
Acting Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-14295 Filed 8-23-72;8:45 am]

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Issuance of Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated August 11, 1972, the Deputy Director for Reactor Licensing has issued Construction Permits Nos. CPPR-85 and CPPR-86 to the Alabama Power Co. for construction of pressurized water nuclear reactors at the Alabama Power Co.'s site in Houston County, Ala. The site is located about 15 miles north of Jackson County, Fla., and across the river from Early County, Ga. The proposed reactors, designated as the Joseph M. Farley Nuclear Plant, Units 1 and 2, each has a rated thermal output of 2,652 megawatts.

A copy of the initial decision and Construction Permits are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, AL 36301.

Dated at Bethesda, Md., this 16th day of August 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-14294 Filed 8-23-72;8:45 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Establishment of Atomic Safety and Licensing Board

On July 18, 1972, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Georgia Power Co. for a construction permit for the Edwin I. Hatch Nuclear Power Plant, Unit No. 2. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Lester Kornblith, Jr., Dr. Paul W. Purdom, and Elizabeth S. Bowers, Esq., Chairman. Dr. Donald P. de Sylva has been designated as a technically qualified alternate and Mr. Jerome Garfinkel, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of August 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-14297 Filed 8-23-72;8:46 am]

[Docket Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Establishment of Atomic Safety and Licensing Board

On August 10, 1972, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Southern California Edison Co. and San Diego Gas and Electric Co. for a construction permit for the San Onofre Generating Station, Units 2 and 3. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2, Rules of Practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Lester Kornblith, Jr., Dr. Franklin C. Daiber, and Mr. Michael Glaser, Esq., Chairman. Dr. Gerard A. Rohlich has been designated as a technically qualified alternate and Mrs. Elizabeth S. Bowers, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of August 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-14298 Filed 8-23-72;8:46 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice and Order for Continuation of Evidentiary Hearing

Take notice: *And it is hereby ordered,* That an evidentiary hearing on the environmental aspects of the application filed by the Maine Yankee Atomic Power Co. for an operating license shall convene at 10 a.m., local time, on Thursday, September 14, 1972, in the Fire Barn, Municipal Building, Route 1, Wiscasset, Maine.

This hearing was ordered by the Atomic Energy Commission, through official notice duly issued, to consider the application filed by Maine Yankee for a license to operate the Maine Yankee Atomic Power Station at approximately 2,440 thermal megawatts with a net output of approximately 830 megawatts. An evidentiary hearing on the radiological health and safety aspects of the pending application has been concluded. A prehearing conference in preparation for this evidentiary session will be held on August 24, 1972.

Issued at Washington, D.C., this 18th day of August 1972.

By order of the Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-14293 Filed 8-23-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24684; Order 72-8-84]

ALL NIPPON AIRWAYS CO., LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 18th day of August 1972.

By Order E-17120, approved July 6, 1961, All Nippon Airways Co., Ltd. (All Nippon) was issued a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to (a) persons, property, and mail between the terminal point Kagoshima, Japan [1] and the terminal point Naha, Okinawa, and (b) off-route charter trips pursuant to Part 212 of the Board's Economic Regulations.

As a result of an agreement between the governments of the United States and Japan, the United States has relinquished to Japan full responsibility and authority for the exercise of all powers of administration, legislation, and jurisdiction over the territory of the Ryukyu Islands, of which Okinawa is a part.[2]

Since the air transportation between Okinawa and Japan that is the subject of the carrier's permit no longer constitutes air transportation subject to Board jurisdiction, the Board tentatively finds that it is in the public interest to cancel the foreign air carrier permit now held by All Nippon Airways Co., Ltd.

Unless objections are received within 20 days of the date of service of this order, the Board shall make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by All Nippon Airways Co., Ltd.;

2. All interested persons having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [3]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. All Nippon Airways Co., Ltd. and the Ambassador of Japan in Washington shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.72-14394 Filed 8-23-72;8:54 am]

[1] Order E-21898, approved March 11, 1965, amended the permit by redesignating the Japanese terminus of the route as a point or points in Japan (Docket 15677).

[2] The transfer of authority took effect May 15, 1972 (TIAS 7314).

[3] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 24685; Order 72-8-85]

CATHAY PACIFIC AIRWAYS LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of August 1972.

By Order E-24950, approved April 5, 1967, Cathay Pacific Airways Ltd. (Cathay Pacific) was issued a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to: (a) Persons, property, and mail between the terminal point Hong Kong, the intermediate point Taipei, Taiwan, and the terminal point Okinawa, and (b) charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations. In addition, the Board, by Order E-24951 effective April 5, 1967, authorized Cathay Pacific, in accordance with Part 375 of the Board's Special Regulations, to navigate between Okinawa and Japan the same aircraft operated over the carrier's Hong Kong-Taipei-Okinawa route pursuant to its foreign air carrier permit, and to carry on such aircraft persons, property, and mail moving between Hong Kong or Taipei, on the one hand, and Japan, on the other hand, without stopover in Okinawa.

As a result of an agreement between the Governments of the United States and Japan, the United States has relinquished to Japan full responsibility and authority for the exercise of all powers of administration, legislation, and jurisdiction over the territory of the Ryukyu Islands, of which Okinawa is a part.[1]

Since the air transportation between Hong Kong; Taipei, Taiwan; and Okinawa that is the subject of the carrier's permit no longer constitutes air transportation subject to Board jurisdiction, the Board tentatively finds that it is in the public interest to cancel the foreign air carrier permit now held by Cathay Pacific Airways Limited.[2]

Unless objections are received within 20 days of the date of service of this order, the Board shall make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Cathay Pacific Airways Ltd.;

2. Any interested person having objections to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [3]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Cathay Pacific Airways Ltd. and the Ambassador of the United Kingdom of Great Britain and Northern Ireland in Washington shall be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.72-14395 Filed 8-23-72;8:54 am]

[1] The transfer of authority took effect May 15, 1972 (TIAS 7314).

[2] The authority conferred by Order E-24951 to commingle Japan-Taipei-Hong Kong traffic on flights serving Okinawa and to navigate between Okinawa and Japan aircraft operated pursuant to its foreign air carrier permit will by the terms of the order cease to be effective upon cancellation of Cathay Pacific's permit.

[3] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

CIVIL SERVICE COMMISSION

HISTORIAN (EDUCATION), NATIONAL PORTRAIT GALLERY, SMITHSONIAN INSTITUTION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on August 1, 1972, for a single position of Historian (Education), GS-170-11, National Portrait Gallery, Smithsonian Institution, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the Institution may pay the expense of travel and transportation to first post of duty for an appointee to this position.

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

[FR Doc.72-14403 Filed 8-23-72;8:55 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-40]

BOSTON GAS CO.

Notice of Application

AUGUST 18, 1972.

Take notice that on August 9, 1972, Boston Gas Co. (Applicant), 2900 Prudential Tower, Boston, Mass. 02199, filed in Docket No. CP73-40 an application pursuant to section 3 of the Natural Gas Act for authorization to import from Algeria into the United States, by ship, up to approximately 13,500 metric tons of liquefied natural gas (LNG) (equivalent to approximately 675,000 Mcf of vaporous natural gas) during the period August 1, 1972, through April 10, 1973, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to import LNG from production at Hassi R'Mel, Algeria, by Sonatrach, and purchased from Alocean, Ltd. (Alocean), a Bermuda corporation. Applicant states that the price of the LNG to be imported will be $91 per metric ton, cargo and freight Boston, Mass., which will be the equivalent of approximately $1.78 per Mcf or $1.87 per Mcf of vaporous gas after due allowance for in-transit boil-off and ship cooldown. Applicant further states that it has the option, exercisable prior to February 1, 1973, to purchase from Alocean up to an additional 7,400 metric tons of LNG at $91 per metric ton. Applicant proposes to transport the LNG from LNG processing plants in Arzew and/or Skikda, Algeria, to Boston Harbor by the oceangoing tanker *Euclides*. Applicant indicates that the LNG will be transferred on arrival in Boston from the tanker to Applicant's LNG tanks at Commercial Point, Boston, by direct lines from dockside. Applicant states that the proposed importation of LNG, in conjunction with other sources of peak shaving gas, will enable Applicant to insure adequate service to its customers during the 1972-73 winter season.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14303 Filed 8-23-72;8:46 am]

[Dockets Nos. G-8934 and G-10008]

EL PASO NATURAL GAS CO.

Further Notice of Petition To Amend

AUGUST 17, 1972.

Take notice that on August 11, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Dockets Nos. G-8934 and G-10008 an amendment to its petition to amend filed November 30, 1970, pursuant to section 7(c) of the Natural Gas Act to request authorization for the delivery of natural gas on both a firm and interruptible basis to Union Carbide Nuclear Co. (Union Carbide), at Uravan, Colo., by means of Petitioner's existing Northwest Division System facilities, all as more fully set forth in said amendment to petition which is on file with the Commission and open to public inspection.

On November 30, 1970, Petitioner filed a petition in Dockets Nos. G-8934 and G-10008 to amend, to the extent necessary, the orders of November 25, 1955 (14 FPC 157) and May 8, 1956 (15 FPC 1378), so as to authorize Petitioner to deliver to Union Carbide at Uravan, Colo., on a firm basis, quantities of natural gas of up to 23,700 therms.

Petitioner now states that Union Carbide, as a result of the installation of approximately $180,000 of standby alternate fuel facilities, now requires the firm quantity of only 1,120 therms which represents the minimum quantity necessary to satisfy space heating and other "human needs" for the town of Uravan, Colo. Consequently, Petitioner has executed a new industrial gas sales contract dated May 25, 1972, with Union Carbide which provides for firm deliveries of up to 1,120 therms daily on a firm basis and 22,580 therms daily on an interruptible basis in lieu of the 23,700 therms daily firm quantity provided under the August 1, 1970, contract. Petitioner indicates that the negotiated rates for firm service will be 4.2 cents per therm and for interruptible service will be 3.8 cents per therm.

Petitioner states that no additional facilities are required to carry out the proposed delivery.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14304 Filed 8-23-72;8:46 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Change in Procedural Schedule

AUGUST 17, 1972.

On August 11, 1972, the Commission issued an Order Accepting for Filing and Suspending revised Tariff Sheets, Denying Motions to Reject Filing, Providing for Hearing, Establishing Procedures, Permitting Interventions, Denying Waiver, and Fixing Effective Date in the above-designated proceeding. Ordering paragraph (A) provides for a prehearing conference to be held on November 23, 1972. Notice is hereby given that the prehearing conference in the above-designated proceeding will be held on November 28, 1972. All other dates provided in the Order will remain the same.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14305 Filed 8-23-72;8:46 am]

[Docket No. CS73-111]

McCULLOCH OIL CORP.

Notice of Application

AUGUST 18, 1972.

Take notice that on August 3, 1972, McCulloch Oil Corp. (Applicant), 10880 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90024, filed in Docket No. CS73-111 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity and waiver in part of § 157.40(a)(1) of the regulations under said Act authorizing sales of natural gas in interstate commerce from the areas outside the Powder River Basin in Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that in accordance with the Commission's reasoning in Westrans Petroleum, Inc., Docket No. CS71-470, issued on February 29, 1972, it is entitled to a small producer certificate with respect to the sale of jurisdictional gas with the following exceptions:

1. Applicant shall make no sales under the requested certificate to its affiliated natural gas pipeline company, McCulloch Interstate Gas Corp. (MIG).

2. Applicant shall make no sales under the requested certificate to its affiliate,

McCulloch Gas Processing Corp. (MGPC), unless MGPC subsequently becomes a small producer.

3. The requested certificate shall not be applicable to sales in any county in which MGPC operates, unless MGPC subsequently becomes a small producer, and shall not be applicable in any county which MIG operates.

In support of its contention that the facts of this case are almost identical to those in Westrans and, therefore, a small producer certificate should be granted, Applicant has submitted the following information:

1. MIG currently operates in a limited area in the Powder River Basin of Wyoming. MIG operates approximately 164 miles of various diameter pipeline, some related compression and stabilization facilities and an inert generator unit. MIG's sole customer in the Powder River Basin is Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), which has a contractual commitment on all gas in this area. Applicant asserts that these facts clearly indicate that MIG's current pipeline facilities are localized, that MIG is contractually obligated to sell all its gas to CIG, and that none of MIG's gas is committed to it.

2. MGPC is primarily in the business of gathering casinghead gas in the Powder River Basin and processing said gas at plants located in the area. MGPC is not a typical oil and gas producer, as is Applicant, because it generally sells residue gas after recovering liquid products from these processing activities. MGPC's jurisdictional activities are also localized within the Powder River Basin of Wyoming, because the gas in the area is generally casinghead gas and processing is a necessity for the transmission of the gas in interstate commerce.

3. MGPC makes no jurisdictional sales of residue gas to Applicant and Applicant makes no jurisdictional sales of gas to MGPC. MGPC has dedicated the greatest volume of its jurisdictional residue gas in the Powder River Basin to MIG which in turn delivers said residue gas to CIG. The remaining volume of MGPC's jurisdictional residue gas is dedicated to Montana-Dakota Utilities Co. Applicant states that MGPC retains about 25 percent of the revenue obtained from its sale of gas. The remaining proceeds are said to be returned to producers under percentage contracts for casinghead gas. Therefore, Applicant states that MGPC's 24,787,404 Mcf jurisdictional sales for 1971 are not a true reflection of the economic benefits resulting from said sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 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 itn own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14306 Filed 8-23-72;8:46 am]

[Docket No. CS73-110]

McCULLOCH OIL CORP. OF TEXAS

Notice of Application

AUGUST 18, 1972.

Take notice that on August 3, 1972, McCulloch Oil Corp. (Applicant), 10880 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90024, filed in Docket No. CS73-110 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.40 of the regulations thereunder, for a small producer certificate of public convenience and necessity and waiver in part of § 157.40(a)(1) of the regulations under said Act authorizing sales of natural gas in interstate commerce from the areas outside the Powder River Basin in Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that in accordance with the Commission's reasoning in Westrans Petroleum, Inc., Docket No. CS71-470, issued on February 29, 1972, it is entitled to a small producer certificate with respect to the sale of jurisdictional gas with the following exceptions:

1. Applicant shall make no sales under the requested certificate to its affiliated natural gas pipeline company, McCulloch Interstate Gas Corp. (MIG).

2. Applicant shall make no sales under the requested certificate to its affiliate, McCulloch Gas Processing Corp. (MGPC), unless MPGC subsequently becomes a small producer.

3. The requested certificate shall not be applicable to sales in any county in which MGPC operates, unless MGPC subsequently becomes a small producer, and shall not be applicable in any county in which MIG operates.

In support of its contention that the facts of this case are almost identical to those in Westrans and, therefore, a small producer certificate should be granted, Applicant has submitted the following information:

(1) MIG currently operates in a limited area in the Power River Basin of Wyoming. MIG operates approximately 164 miles of various diameter pipeline, some related compression and stabilization facilities and an inert generator unit. MIG's sole customer in the Powder River Basin is Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), which has a contractual commitment on all gas in this area. Applicant asserts that these facts clearly indicate that MIG's current pipeline facilities are localized, that MIG is contractually obligated to sell all its gas to CIG, and that none of MIG's gas is committed to it.

(2) MGPC is primarily in the business of gathering casinghead gas in the Powder River Basin and processing said gas at plants located in the area. MGPC is not a typical oil and gas producer, as is Applicant, because it generally sells residue gas after recovering liquid products from these processing activities. MGPC's jurisdictional activities are also localized within the Powder River Basin of Wyoming, because the gas in the area is generally casinghead gas and processing is a necessity for the transmission of the gas in interstate commerce.

(3) MGPC makes no jurisdictional sales of residue gas to Applicant and Applicant makes no jurisdictional sales of gas to MGPC. MGPC has dedicated the greatest volume of its jurisdictional residue gas in the Powder River Basin to MIG which in turn delivers said residue gas to CIG. The remaining volume of MGPC's jurisdictional residue gas is dedicated to Montana-Dakota Utilities Company. Applicant states that MGPC retains about 25 percent of the revenue obtained from its sale of gas. The remaining proceeds are said to be returned to producers under percentage contracts for casinghead gas. Therefore, Applicant states that MGPC's 24,787,404 Mcf jurisdictional sales for 1971 are not a true reflection of the economic benefits resulting from said sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14307 Filed 8-23-72;8:46 am]

[Docket No. CP73-43]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

AUGUST 18, 1972.

Take notice that on August 11, 1972, Mountain Fuel Supply Co. (applicant), 180 East First Street, Salt Lake City, UT 84111, filed in Docket No. CP73-43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of facilities for the transportation in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct, install, and operate the following gas storage facilities:

(1) A lateral extension consisting of 3 miles of 20-inch and 0.7 mile of 24-inch pipeline to connect the LeRoy storage reservoir in Uinta County, Wyo., with applicant's main transmission line;

(2) Well laterals, dehydration, metering, and miscellaneous facilities to connect injection and withdrawal wells with the 20-inch lateral; and

(3) Six injection and withdrawal wells, all in Uinta County, Wyo.

In addition, applicant requests authority to use certain compression, metering, regulating, and well facilities previously authorized in Docket No. CP71-52 (45 FPC 326) for regular service.

Applicant states that the proposed storage facilities will ultimately offset the deficiency in applicant's peak day deliverability resulting from the growth of its firm peak requirements and the decline in deliverability of its primary gas supplies. Applicant expects that the proposed facilities will ultimately be able to deliver up to 200,000 Mcf per day for periods up to 20 days or more when sufficient gas has been injected into the reservoir. Applicant states that such storage gas will be used for peak shaving operations and will not be served to large industrial customers.

Applicant estimates that the total cost of the proposed facilities will be approximately $1,455,000. Applicant proposes to finance the project with funds on hand and from short-term bank borrowings, as may be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14308 Filed 8-23-72;8:47 am]

[Docket No. RP73-13]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 18, 1972.

Take notice that Southern Natural Gas Co. (Southern) on August 11, 1972, tendered for filing revised tariff sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1, proposed to become effective as of August 1, 1972. The revised tariff sheets contain proposed changes in rates and charges which would increase annual revenues for jurisdictional sales and service in the amount of $1,083,454 based upon operations for the 12 month period ended August 31, 1971, as adjusted. The proposed revenue increase is over and above the rates and charges which became effective July 1, 1972, subject to refund in Docket No. RP72-91.

Southern states that the increase in rates reflects only the increase in gas supply costs resulting from: (i) The effect of the increase in the Louisiana Severance tax on gas purchased; (ii) the effect of the same tax increase on gas produced by Southern; and (iii) other changes in purchased gas costs in effect on or before August 1, 1972, not previously reflected in rates effective subject to refund in Docket No. RP72-91. All other items of costs included in this rate filing are identical to those in its filing in Docket No. RP72-91. No other tariff changes are proposed.

Copies of the increased rate filing have been served upon all jurisdictional customers and upon interested 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 September 1, 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. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14309 Filed 8-23-72;8:47 am]

[Docket No. CP73-46]

TRUNKLINE GAS CO.

Notice of Application

AUGUST 17, 1972.

Take notice that on August 14, 1972, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP 73-46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to receive and transport natural gas from Coastal States Petrochemical Co. (Coastal) in exchange for equivalent volumes of propane at points in Nueces and Bee Counties and such other points as may be mutually agreeable, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive and transport approximately 30,000 Mcf of natural gas per day from Coastal in exchange for the delivery to Coastal of up to 7,000 barrels of propane for 2 years from the date of the initial exchange within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that Coastal and it have entered an agreement pursuant to which Coastal will deliver to it natural gas presently used in Coastal's refining operations in

exchange for substitute amounts of propane. Trunkline states that it has an existing gas supply shortage on its system and that the limited term exchange proposed is essential if it is to maintain adequate natural gas service on its pipeline system and thereby minimize curtailment of service to its customers.

In addition, applicant requests authority to include the cost of the propane exchanged herein for natural gas in Account 801 of the Uniform System of Accounts Prescribed for Natural Gas Companies and for permission to recover such cost through operation of its existing purchased gas adjustment clause as the same may be revised or modified from time to time in accordance with Commission authorizations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14310 Filed 8-23-72;8:47 am]

[Docket No. CP73-41]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 17, 1972.

Take notice that on August 10, 1972, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, TX 77002, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, hereinafter referred to jointly as Applicants, filed in Docket No. CP73-41 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas by means of existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of a letter agreement dated May 17, 1972, Applicants seek authorization to exchange up to 1,000 Mcf of natural gas per day. Applicants state that Transco purchases gas, which has a high sulphur content, at the tailgate of the Harmony Gas Processing Plant in the East Nancy Field, Clarke County, Miss. Applicants indicate that, by virtue of treatment in the plant, the gas is normally of pipeline quality; however, the plant is subject to "upset" conditions which from time to time result in high sulphur gas being delivered to Transco. Applicants state that in lieu of Transco's installing expensive instrumentation to monitor the sulphur content of the gas and automatically to shut in the line when sulphur limits are exceeded, Transco proposes to deliver or cause to be delivered up to 1,000 Mcf of gas per day into United's facilities at the tailgate of the Harmony plant since United already has such monitoring equipment in operation. Applicants further state that United will return, contemporaneously, equal volumes of gas to Transco at a mutually agreeable authorized exchange point.

Applicants state that no additional facilities are required and that the proposed exchange will enable Transco to avoid unnecessary installation of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-14311 Filed 8-23-72;8:47 am]

[Docket No. RI73-29]

NORTH CENTRAL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 16, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI73-29...	North Central Oil Corp.....	[1] [7] [8] 17	.....	Progress Petroleum, Inc. (Furd Halsell Estate Lease, North Halsell Field, Clay County, Tex., RR. District No. 9, other Southwest Area).	.....	3- 6-72	7- 1-70	[9] Accepted	.....	.....	.....
	.....do.....	17	[3] 1	.....do.....	.....	3- 6-72	7- 1-70	[9] Accepted	.....	.....	.....
	.....do.....	17	2	.....do.....	$23,239	7-17-72	.....	8-17-72	6.84	[4] [5] 24.19	.....
	.....do.....	[6] [7] [8] 18	.....	Progress Petroleum Inc., Halsell Lease, West Halsell Field, Clay County, Tex., RR. District No. 9, other Southwest Area).	.....	3- 6-72	7- 1-70	[9] Accepted	.....	.....	.....
	.....do.....	18	[3] 1	.....do.....	.....	3- 6-72	7- 1-70	[9] Accepted	.....	.....	.....
			2	.....do.....	15,832	7-17-72	.....	8-17-72	6.84	[2] [4] [5] 24.19	.....

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Reflects oral agreement between North Central's predecessor, M. O. Rife, Jr. et al., and buyer providing for buyer to purchase casinghead gas from Furd Halsell Estate Lease on a day to day basis at rate of 6.84 cents. (Seller states that initial deliveries pursuant to such agreement commenced in Aug. 1967).
[2] Subject to upward and downward B.t.u. adjustment.
[3] Assignment dated July 10, 1970.
[4] Applicant filing to area ceiling pursuant to its allegation that contract has expired due to nonperformance by buyer.
[5] Includes 4.49 cents upward B.t.u. adjustment for 1,302 B.t.u. gas reflected in filing.
[6] Contract dated Jan. 13, 1966.
[7] Related certificate applications in Dockets Nos. CI72-559 (RS No. 17) and CI72-560 (RS No. 18) together with concurrently filed abandonment applications in Dockets Nos. CI72-557 (RS No. 17) and CI72-558 (RS No. 18) have been consolidated, by order issued June 29, 1972, with show cause proceeding in Docket No. CI72-511 for formal hearing.
[8] Filing also covers interest of Strawn Drilling Co. in subject properties.
[9] Accepted, to be effective as of July 1, 1970, the date of transfer of properties.

The instant unilateral rate increases do not exceed the area rate ceiling prescribed in Opinion No. 607. However, there is a question as to whether North Central is entitled to make a unilateral filing in view of a dispute between North Central and Progress as to whether the contracts have terminated. Progress has filed suit in the 116th District Court in Dallas, Tex. to litigate the contractual rights and obligations between the parties here involved.

In view of the court litigation initiated by Progress with respect to the contractual rights and obligations between the parties, we shall suspend the subject increases for one day from the expiration date of the 30 day notice period, pending a final court decision in this matter.[1]

North Central has submitted, concurrently with the proposed increases, a motion for waiver of the 30 day notice period. However, good cause has not been shown for waiving the statutory notice period and it is denied.

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1 day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1 day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-14250 Filed 8-23-72;8:45 am]

[1] If the court determines that the contracts have terminated, then North Central will be relieved of any refund obligation herein. But, if it is determined that the contracts are still in force, then North Central's unilateral filings herein will be rejected ab initio and North Central will be required to refund with interest, any amounts collected in excess of its contract rates.

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Approving Acquisitions of Banks

Alabama Bancorporation, Birmingham, Ala., 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 successors by merger to (1) the American National Bank & Trust Co. of Mobile, Mobile, Ala. (Mobile Bank), and (2) First National Bank of Decatur, Decatur, Ala. (Decatur Bank). The banks into which Mobile Bank and Decatur Bank are to be merged have no significance except as a means to facilitate the acquisitions of voting shares of Mobile Bank and Decatur Bank. Accordingly, the proposed acquisitions are treated herein as the proposed acquisitions of the shares of Mobile Bank and Decatur 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)).

Applicant controls one bank with deposits of approximately $648 million, representing about 12.4 percent of deposits of commercial banks in Alabama.[1] Consummation of the two proposals would increase Applicant's share by 1.8 percent, resulting in Applicant controlling approximately 14.2 percent of deposits in commercial banks in Alabama. However, this would not result in a significant increase in the concentration of banking resources in the State.

Mobile Bank (deposits of about $64 million) is the third largest bank in the Mobile market with approximately 11 percent of market deposits,[2] while Decatur Bank (deposits of about $35 million) is the second largest in the Decatur market with approximately 26 percent of market deposits.[3] Acquisition of Mobile Bank and Decatur Bank would not have a substantial effect on existing competition since Decatur Bank is over 70 miles and Mobile Bank about 225 miles from Birmingham, the headquarters of Applicant's banking subsidiary.

There is some existing competition between Engel Mortgage Co. (Engel), a subsidiary of Applicant's lead bank, and Mobile Bank and Decatur Bank, since Engel participates to a certain degree in the mortgage banking business in both Decatur and Mobile. In 1971, Engel originated a total of $7.1 million in loans in

[1] All banking data are as of June 30, 1971, with the exception of data for the Decatur market where the data is as of June 30, 1970.
[2] The Mobile banking market is approximated by Baldwin and Mobile Counties.
[3] The Decatur banking market is approximated by Morgan County.

the Mobile area, most of which were FHA–VA loans on 1–4 family homes. During the same period of time, Mobile Bank originated approximately $1 million in conventional loans on 1–4 family homes. The total mortgage originations on 1–4 family residences in the Mobile area in 1971 was between $70 to $87 million; thus, it appears that neither Mobile Bank nor Engel has a major share of this market. Therefore, consummation of the transaction would have only a slightly adverse effect on competition for mortgage originations on 1–4 family residences in the Mobile area.

Also, in 1971 Engel had total mortgage originations of $1.5 million in the Decatur area. During the same period, Decatur Bank originated a total of $0.7 million in mortgage loans on 1–4 family homes. Total mortgage originations in 1971 in the Decatur area on 1–4 family homes was between $22–$24 million. Thus, both Decatur Bank and Engel accounted for only a modest proportion of the loan origination business in the Decatur market, so that, as in the Mobile market, the competitive consequences are only slightly adverse.

The Department of Justice filed comments with regard to both proposals. The Department contended that approval of the applications would have a significantly adverse effect on potential competition between Applicant and Mobile Bank and Decatur Bank. In the Department's view, Applicant, as the largest banking organization in Alabama, is one of the most likely entrants into markets throughout the State. The Department stated that the Mobile market was a highly concentrated one in terms of banking resources, and that Mobile Bank was the third largest bank in the market. For these reasons, the Department asserted that approval of the application would have a substantially adverse effect on competition in the Mobile market.

In addition, the Department contended that the acquisition of Mobile Bank would have significantly adverse effects on a statewide level since Mobile Bank was believed to be one of only a small number of banks in Alabama which were capable of becoming significant components of new bank holding companies. The Department stated that banks comparable in size to Mobile Bank should be preserved in order to facilitate the possibility of the formation of additional holding companies in Alabama.

The Department considered the Decatur market, in which Decatur Bank is the second largest bank, to be highly concentrated. Since Applicant was the largest of the three statewide holding companies in Alabama that were not presently represented in Decatur, the Department viewed the proposed acquisition of Decatur Bank as having a significantly adverse effect on potential competition.

Applicant was given an opportunity to reply and did so. In Applicant's view, the Mobile market is not conducive for de novo entry since both population growth and rate of per capita income growth in the Mobile market were below the State averages between 1960 and 1970. In addition, Applicant pointed out that the Mobile economy had suffered a severe loss with the closing of a nearby Air Force Base. Since the two largest Mobile banks control over 70 percent of disposits in the Mobile market, Applicant viewed its proposed affiliation to be procompetitive, one likely to aid in the eventual deconcentration of the market.

Applicant also viewed the Decatur market as being unattractive for de novo entry by reason of its low population per banking office. No other bank in the Decatur area that would provide more meaningful competition to the largest organization, which is already affiliated with a bank holding company, was available. The other independent bank headquartered in Decatur has an existing business relationship with a bank holding company, and the two banks located in Morgan County are prevented by law from branching into Decatur.

The record indicates that population growth in the Mobile market between 1960 and 1970 was 3.7 percent. However, the rate of growth between 1965 and 1970 was a negative 4.2 percent. This decline, plus the curtailment of military expenditures in the area, make prospects for the area unfavorable. The Board concludes that the Mobile market is not attractive for de novo entry. Moreover, the proposed acquisition could assist in that area's economic expansion. Mobile Bank ranks a distant third in the market; the two largest banks are both over three times the size of Bank. Affiliation with Applicant could make Mobile Bank a stronger competitor to these two large banking organizations which now tend to dominate the market. The resulting increase in competition would, in the Board's view, serve to stimulate economic expansion in the Mobile area.

The Decatur market does not appear attractive for de novo entry since the population per banking office is considerably less than the statewide average. Additionally, there are not other suitable banks that would be available to Applicant. The largest banking organization in Decatur is already associated with a bank holding company, and the other bank located in Decatur has an existing affiliation with another organization. The only two remaining banks in the Decatur market are both located in Hartselle, about 13 miles from Decatur. Neither of these banks can branch into Decatur under present law so that they are unsuitable for entry by Applicant. Moreover, the proposed affiliation with Decatur Bank could be procompetitive since the largest bank in the market is a subsidiary of Central and State National Corp. of Alabama and has deposits of $253 million. Moreover, this bank is the third largest in Alabama and operates under grandfather privileges in 12 counties. Affiliation with Applicant should enable Decatur Bank to give stronger competition to this large organization. The Board concludes that competitive considerations of the proposed acquisitions of both Mobile Bank and Decatur Bank are consistent with approval.

The financial and mangerial resources and future prospects of Applicant, its subsidiary banks, and Mobile Bank and Decatur Bank are regarded as generally satisfactory. Applicant does propose to provide additional capital for Mobile Bank so that banking considerations lend support for approval of the acquisition of Mobile Bank and are consistent with approval of the acquisition of Decatur Bank. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the Decatur application and lend some weight for support of approval of the Mobile Bank acquisition since Applicant will be able to make use of Mobile Bank's active International Department in the Birmingham area which presently does not have a bank with an international department. It is the Board's judgment that the proposed transactions are in the public interest and that the applications should be approved.

On the basis of the record,[4] the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[5] effective August 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14312 Filed 8-23-72;8:47 am]

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Banks

AUGUST 18, 1972.

The Alabama Financial Group, Inc., Birmingham, Ala., 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 successors by merger to: (1) The First National Bank of Dothan, Dothan, Ala. (Dothan Bank) and (2) Peoples National Bank of Huntsville, Huntsville, Ala. (Huntsville Bank). The banks into which Dothan Bank and Huntsville Bank are to be merged have no significance except as a means to facilitate the acquisition of voting shares of Dothan Bank and Huntsville Bank. Accordingly, the proposed acquisitions

[4] Dissenting Statement of Governors Robertson and Brimmer 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 Atlanta.

[5] Voting for this action: Chairman Burns and Governors Mitchell and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governors Daane and Bucher.

are treated herein as the proposed acquisitions of the shares of Dothan Bank and Huntsville 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)).

Applicant controls one bank with aggregate deposits of approximately $357 million, representing about 6.8 percent of deposits in commercial banks in Alabama.[1] Consummation of both proposals would increase applicant's share of deposits by 1.5 percent so that applicant would control 8.3 percent of deposits of commercial banks in the State. Such an increase would not be significant in terms of the concentration of banking resources in Alabama.

Dothan Bank (deposits of about $55 million) is the largest bank in the Dothan market, with approximately 54 percent of market deposits.[2] Huntsville Bank (deposits of about $21 million) is the fourth largest of six banks in the Huntsville market, with about 9.3 percent of market deposits.[3] Due to Alabama's branching laws and the distances between applicant's Birmingham location and Huntsville and Dothan, which are, respectively, over 100 and about 200 miles distant, there is no substantial existing competition between applicant, Dothan Bank, and Huntsville Bank.

The Department of Justice filed comments with regard to both proposals. In the Department's view, there are only a relatively few banking organizations in Alabama, including this applicant, that are significant potential entrants into all markets in the State. The Department found the Dothan market to be highly concentrated and considered it important that applicant enter the market through some means other than by acquisition of the "dominant" bank. Affiliation of Dothan Bank, the 12th largest banking organization in Alabama, with applicant would also eliminate the former as a member of another possible statewide or regional banking group. For these reasons, the Department concluded that the acquisition of Dothan Bank would have a substantially adverse effect on competition.

The Department viewed applicant as one of the two most likely entrants into the Huntsville market, where the three largest banks control approximately 79 percent of total commercial deposits and, two of the four largest holding companies in Alabama are already present. The Department concluded that Huntsville Bank's affiliation with applicant would have an adverse effect on competition.

Applicant replied to the Department's comments by stating that the Dothan market was not attractive for de novo entry. Applicant pointed to such indicia as population and deposits per banking office, per capita income, and the moderate population growth in Dothan as reasons supporting this view. Since each of the two other banks headquartered in Dothan had existing relationships with other holding companies, there was no other means available for applicant to enter this market. Moreover, applicant asserted that Dothan Bank was not capable of serving as a lead bank for a new holding company due to its remoteness and relatively small size.

Since Huntsville Bank ranks as the fourth largest of six banks in the Huntsville market and must compete with much larger organizations, applicant viewed the proposed acquisition of Huntsville Bank as procompetitive in that more vigorous competition would result.

The record indicates that the Dothan market is not attractive for de novo entry. Population per banking office is considerably under the comparable State ratio, while deposits per banking office are also less than the State average. Moreover, the Dothan market had only moderate population growth during the last decade. The Board, therefore, concludes that applicant is not a likely de novo entrant into this market. It further appears that there is no likelihood that applicant could enter the city of Dothan other than through acquisition of Dothan Bank. The two other banks in Dothan have existing relationships with other bank holding companies; a pending application from a holding company seeks approval to acquire one of these banks.

In the Huntsville market, deposits per banking office are well below the State average. Although the market's population growth during the last decade was high, this growth has leveled off substantially from 1965 to 1970. Thus, the Board views the Huntsville market as an unattractive market for de novo entry at this time. Acquisition of the Huntsville Bank, fourth largest of six banks in the market, could strengthen Bank's competitive position. The three larger banks in the market are substantially larger than Huntsville Bank and two of them are already affiliated with the second and third largest holding companies in Alabama. The proposal offers applicant the opportunity to increase Huntsville Bank's ability to compete with these larger organizations and would, therefore, be procompetitive. For these reasons, the Board concludes that the acquisition of both Dothan Bank and Huntsville Bank are consistent with competitive considerations.

The financial and managerial resources and future prospects of applicant, its subsidiary bank and Huntsville Bank are regarded as generally satisfactory, and these considerations are consistent with approval of the application. On the other hand, applicant proposes to provide needed management depth for Dothan Bank so that banking considerations as regards the acquisition of Dothan Bank lend weight for approval of the application. Considerations relating to the convenience and needs of the communities of Dothan and Huntsville are consistent with approval of the two applications. It is the Board's judgment that the proposed transactions are in the public interest and that the applications should be approved.

On the basis of the record,[4] the applications are approved for the reasons summarized above. The transactions shall not be consummated: (a) Before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[5] effective August 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14313 Filed 8-23-72;8:47 am]

[1] All banking data are as of June 30, 1971, with the exception of data for the Huntsville market where the data are as of June 30, 1970.

[2] The Dothan banking market is approximated by the city of Dothan.

[3] The Huntsville banking market is approximated by Madison County.

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Ala., 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 Commercial Guaranty Bank of Mobile, Mobile, Ala. (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 none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[4] Dissenting Statement of Governors Robertson and Brimmer 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 Atlanta.

[5] Approval of acquisition of First National Bank of Dothan. Voting for this action: Chairman Burns and Governors Mitchell and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governors Daane and Bucher. Approval of acquisition of Peoples National Bank of Huntsville. Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Bucher.

Applicant controls three banks with aggregate deposits of approximately $470 million, representing about 8.1 percent of deposits of commercial banks in Alabama.[1] Consummation of this proposal would increase applicant's share of deposits by only 0.5 percentage points and would not result in a significant increase in the concentration of banking resources in the State.

Bank (deposits of about $27 million) is the fourth largest bank in the Mobile market with control of approximately 4.2 percent of area deposits. There is no significant existing competition between any of applicant's subsidiary banks and Bank, nor is there a reasonable probability of competition developing in the future due to the distances between Bank and applicant's banking subsidiaries (the closest banking subsidiary is located about 175 miles from Mobile) and Alabama's restrictive branching laws. Affiliation by Bank with applicant could, however, enable it to become a stronger alternative competitive force in the concentrated Mobile market, where the top two banking organizations control over 70 percent of deposits. The Board concludes that competitive 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 and these considerations are consistent with approval of the application. Considerations related to the convenience and needs of the community to be served also are consistent with approval of the application. 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14314 Filed 8-23-72;8:47 am]

[1] All banking data are as of December 31, 1971, adjusted to reflect applicant's acquisition of The First National Bank of Dothan, Dothan, Ala., and Peoples National Bank of Huntsville, Huntsville, Ala., approved by the Board in an Order dated August 17, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

CBT CORP.

Proposed Acquisition of Lazere Financial Corp.

CBT Corp., Hartford, Conn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Lazere Financial Corp., New York, N.Y. Notice of the application was published on June 27, 1972, in the Wall Street Journal, a newspaper circulated in New York, N.Y.

Applicant states that the proposed subsidiary would engage in the activities of financing accounts receivable, inventories and imports for business customers. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 25, 1972.

Board of Governors of the Federal Reserve System, August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14317 Filed 8-23-72;8:47 am]

CENTRAL BANCOMPANY

Order Approving Acquisition of Bank

Central Bancompany, Jefferson City, Mo., 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 55 percent or more of the voting shares of the First National Bank of Clayton, Clayton, Mo. (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 tenth largest multibank holding company in Missouri on the basis of deposits, has two subsidiary banks with aggregate deposits of $134.1 million, representing 1.1 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1971, adjusted to reflect holding company acquisitions and formations approved by the Board through June 30, 1972.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State by less than 1 percent, and Applicant would become the State's ninth largest multibank holding company.

Bank ($103.1 million deposits), located in Clayton 9 miles west of downtown St. Louis, is the ninth largest of 108 banks in the St. Louis market area, and holds about 1.7 percent of the deposits in that market. There is no significant existing competition between Bank and Applicant's present subsidiaries, the closest of which is over 100 miles west of Clayton. Furthermore, in light of the distances separating Applicant's subsidiary banks and Bank, Missouri's restrictive branching laws, and the unlikelihood that Applicant would enter the St. Louis area de novo, there seems to be little prospect for the development of significant competition between Bank and Applicant's subsidiaries. It appears, therefore, that consummation of the proposal herein would not likely have any adverse effects on competition and should enable Bank to compete more effectively with the larger banks in its market.

The financial and managerial resources and prospects of Applicant and its subsidiaries are regarded as satisfactory and consistent with approval of the application. The same conclusions apply with respect to Bank's management. With regard to the financial resources of Bank, capital is lower than the Board considers desirable for subsidiary banks of a holding company. In view of the Board's concern in this area, Applicant proposes to augment Bank's capital through the purchase of $1 million of Bank's common stock and the initiation of a dividend retention program at Bank. Implementation of these measures should strengthen Bank's financial condition and enhance its prospects. These considerations lend weight toward approval of the application. As a result of its improved financial condition and affiliation with Applicant, Bank should be able to improve and expand its range of services. Accordingly, considerations relating to convenience and needs are consistent with approval of the application. It is the Board's judg-

ment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14315 Filed 8-23-72;8:47 am]

CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

Order Approving Acquisition of Bank

Central and State National Corp. of Alabama, Birmingham, Ala., 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 80 percent or more of the voting shares of the Citizens' Bank of Eufaula, Eufaula, Ala. (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 three banks[1] with aggregate deposits of approximately $478 million, representing about 8.1 percent of deposits in commercial banks in Alabama.[2] Consummation of the proposal would increase Applicant's share of deposits by only .2 percentage points and would not result in a significant increase in the concentration of banking resources in Alabama.

Bank ($9 million in deposits) is the third largest in Barbour County with about 17 percent of the market, but is the smallest bank located in the city of Eufaula. Due to Alabama's branching laws and the fact that the closest banking subsidiary of Applicant to Bank is some 80 miles away, there is no significant existing competition between Applicant, its subsidiary banks, and Bank. There is little probability that Applicant would enter Barbour County on a de novo basis because of the small population growth and the low income per capita figures of the area, and consummation of the proposal would foreclose no substantial potential competition. The Board concludes that competitive considerations are consistent with approval of the application.

Considerations related to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval, particularly since, as noted in the order approving the acquisition of Peoples Bank and Trust Co. by Applicant dated August 17, 1972, Applicant has made a commitment to provide additional capital for its subsidiary banks. The banking considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community lend some weight for approval, since Applicant proposes to provide trust services, data processing and certain marketing functions which are not now readily available in the area. It is the Board's judgment that the proposed transaction is 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 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective August 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14318 Filed 8-23-72;8:48 am]

CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

Order Approving Acquisition of Bank

Central and State National Corporation of Alabama, Birmingham, Ala., 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 at least 80 percent of the voting shares of Peoples Bank and Trust Co., Montgomery, Ala. (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 two banks with aggregate deposits of approximately $388 million representing about 7.4 percent of deposits in commercial banks in Alabama.[1] Consummation of the proposal would increase Applicant's share of deposits by only .7 percentage points, and would not result in a significant increase in the concentration of the banking resources in Alabama.

There is no substantial existing competition between Applicant and Bank (about $36 million in deposits). Moreover, approval of this application may provide procompetitive effects for the Montgomery area. Bank is the fourth largest of five banks, with about 8.8 percent of area deposits, while the two largest organizations in Montgomery control over 75 percent of area deposits. The introduction of Applicant into the area, through acquisition of Bank, should provide a more vigorous competitor for these two large organizations and aid in the eventual deconcentration of the Montgomery area. For these reasons competitive considerations are consistent with the approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank, are regarded as generally satisfactory, particularly since Applicant has made a commitment to provide additional capital to one of its subsidiary banks and also to Bank. These considerations lend weight for approval of the application. Considerations relating to the convenience and needs of the community also lend weight for approval, since Applicant proposes to expand Bank's business development, data processing, and correspondent banking services. 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14319 Filed 8-23-72;8:46 am]

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Brimmer, and Bucher. Absent and not voting: Chairman Burns and Governors Daane and Sheehan.

[1] This includes Peoples Bank and Trust Co., Montgomery, Ala., whose acquisition by Applicant was approved by the Board on August 17, 1972.

[2] All banking data are as of December 31, 1971.

[3] Voting for this action: Vice Chairman Robertson and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

[1] All banking data are as of June 30, 1971.

[2] Voting for this action: Chairman Burns and Governors Roberston, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Bucher.

CITIZENS INVESTMENT CO.

Order Approving Formation of Bank Holding Company and Performance of Insurance Agency Activities

Citizens Investment Co., Thornton, Colo., 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 49 percent or more of the voting shares of North Valley State Bank, Thornton, Colo. (Bank).

At the same time Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to conduct the insurance agency business presently conducted by the North Investment Co., Thornton, Colo. (Agency).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank ($8.8 million deposits) and Agency. Applicant's acquisition of Bank arises, in substantial measure, from the exercise of buy-sell agreements by major shareholders of Bank and would not have any adverse effects on either existing or potential competition.

The financial and managerial resources and future prospects of Applicant, Bank, and the proposed insurance agency subsidiary are consistent with approval, as are considerations relating to the convenience and needs of the communities to be served.

The business of Agency is currently being conducted on Bank's premises by the North Investment Co. Applicant proposes to succeed to the business of selling credit life, health, and accident insurance to Bank's customers. Selling credit life, health, and accident insurance in connection with extensions of credit by a bank or a bank-related firm is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)).

On the basis of the record, the applications to acquire Bank and Agency are approved. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14316 Filed 8-23-72;8:47 am]

FIRST AT ORLANDO CORP.

Order Denying Acquisition of Bank

First at Orlando Corp., Orlando, Fla., 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 at least 90 percent of the voting shares of the Seminole Bank of Tampa, Tampa, Fla. (Seminole 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 26 banks with aggregate deposits of $904.6 million, representing 5.57 percent of the deposits for commercial banks in Florida, and is the fourth largest banking organization in the State. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved through June 30, 1972.) The acquisition of Seminole Bank ($34 million in deposits) would increase Applicant's control of State deposits to 5.75 percentage points, and Applicant's rank among State banking organizations would remain unchanged.

Applicant presently controls Tampa Bay Bank (deposits of $24.1 million), the ninth largest bank in the Tampa market. Seminole Bank, which Applicant seeks to acquire through this proposal, is also in the Tampa market. The two banks hold 2.2 and 3.1 percent, respectively, of total market deposits. If this application were approved, Applicant would become the market's fourth largest banking organization and would control 5.3 percent of total deposits. The two banks are 10.5 miles apart, their service areas overlap slightly, and each bank obtains approximately 7 percent of its deposits and loans from the service area of the other. Consummation of the proposal, therefore, would eliminate this existing competition.

Tampa, Florida's fifth largest city, is located in Hillsborough County, one of Florida's most important agricultural areas; it is also an important manufacturing center. The Tampa harbor handles the bulk of Florida's shipping tonnage. In this prosperous area, the Tampa banking market is highly concentrated; 71 percent of total deposits are held by three banking organizations. Seminole Bank is one of five remaining unaffiliated banks located in close proximity to the downtown Tampa area. It is especially attractive as a potential affiliate of a bank holding company making its initial entry into the area.

The acquisition of Seminole Bank by a banking organization not presently represented in the Tampa market would have a salutary effect on the existing high degree of concentration present in this area and could have a beneficial effect on competition in the relevant areas. The Board concludes, therefore, that the competitive factors relating to this application are adverse; that consummation of the proposed transaction would (1) eliminate some existing competition between Applicant's Tampa subsidiary and Seminole Bank; (2) eliminate a banking alternative in this concentrated market; and, most importantly, (3) remove Seminole Bank as a potential means of entry by other organizations not presently represented in this market. Accordingly, competitive considerations require denial of this application unless the anticompetitive effects of the proposal are outweighed by benefits to the public in meeting the convenience and needs of the communities to be served.

The financial conditions of Applicant and its subsidiaries are considered to be generally satisfactory, and their managements are deemed capable. Prospects for the group appear favorable. The financial condition and managerial resources of Seminole Bank are considered to be generally satisfactory, and prospects for its future growth and development are also favorable; its deposits increased 54 percent from 1967 to 1971. Thus, banking factors are consistent with approval but provide no significant support for such action.

There are 19 banking organizations operating in the Tampa market. No prime banking needs or conveniences are going unserved at this time. Applicant's proposed initiation of trust services and the hiring of a business development officer at Seminole Bank would not be important consequences of the proposed affiliation. Accordingly, considerations relating to the convenience and needs of the communities to be served, while consistent with approval of the application, do not outweigh the adverse competitive effects of the proposed acquisition. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and the application should be denied.

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Voting against this action: Governor Robertson. Absent and not voting: Governors Mitchell and Daane.

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 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14320 Filed 8-23-72;8:48 am]

PERPETUAL CORP.

Acquisition of Bank

Perpetual Corp., Los Angeles, Calif., 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 5 percent or more of the voting shares of First International Bancshares, Dallas, Tex., a proposed bank holding company which filed an application with the Board on June 30, 1972, to become a bank holding company. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 15, 1972.

Board of Governors of the Federal Reserve System, August 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-14321 Filed 8-23-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

AUGUST 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1972 through August 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14352 Filed 8-23-72;8:51 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

AUGUST 17, 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 August 20, 1972, through August 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14353 Filed 8-23-72;8:51 am]

[811-1448]

COLUMBIA INVESTORS FUND, INC.

Notice of Filing of Application

AUGUST 17, 1972.

Notice is hereby given that an application has been filed on behalf of Columbia Investors Fund, Inc. (Fund), American Bank Building, Portland, Oreg. 97205, registered under the Investment Company Act of 1940 (Act) as an open-end diversified investment company, pursuant to section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

By action of the shareholders of both the Fund and Columbia Growth Fund, Inc., on April 11, 1972, the Fund was merged with and into Columbia Growth Fund, Inc. As of that date the Fund ceased to exist.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 11, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14354 Filed 8-23-72;8:51 am]

[File No. 500-1]

CRESCENT GENERAL CORP.

Order Suspending Trading

AUGUST 17, 1972.

The common stock, $0.10 par value of Crescent General Corp. being traded on the Intermountain Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Crescent General Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 18, 1972 through August 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14355 Filed 8-23-72;8:51 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

AUGUST 17, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1972, through August 30, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-14356 Filed 8-23-72; 8:51 am]

[812-3209]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, ET AL.

Notice of Application for Exemptions

AUGUST 17, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), 1285 Avenue of the Americas, New York, NY 10019, a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of the Equitable Life Assurance Society of the United States (Separate Account C) and Separate Account D of the Equitable Life Assurance Society of the United States (Separate Account D) (the Accounts) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of exemption to the extent noted below from the provisions of sections 17(f), 22(d), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Equitable, Separate Account C, and Separate Account D are herein collectively called Applicants. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Each of the Accounts is a separate account of Equitable. The Accounts are registered as open end diversified management investment companies under the Act. Separate Account C is invested primarily in common stocks. Separate Account D is invested primarily in publicly traded debt securities. The Accounts were established by Equitable pursuant to provisions of section 227 of the New York Insurance Law and are designed to serve as funding media for certain variable annuity contracts issued and administered by Equitable.

Equitable and Separate Account C are currently offering variable immediate annuity contracts (the Immediate Contracts) which are purchased by a single payment and provide monthly annuity payments commencing 1 month from the date of purchase.

Equitable, Separate Account C, and Separate Account D propose to offer two types of deferred variable annuity contracts (the Deferred Contracts). Under one type, periodic payments may be made to Equitable annually or more frequently (the Periodic Payment Contracts) until the contract retirement date, the date the contract is surrendered for its cash value or the annuitant's prior death, whichever first occurs. Under the other, a single payment may be made to Equitable (the Single Payment Contracts).

The right to purchase a Single Payment or Immediate Contract without a sales charge is created under Equitable's insurance policies and annuity contracts either as a specific contract right or by administrative rule. It gives the holder or beneficiary of a policy or contract the right to use funds available thereunder to purchase any form of single consideration annuity issued by Equitable at a discount from the charges that would otherwise be payable. No State premium tax is applicable to a purchase under an insurance policy or annuity contract issued by Equitable nor does an Equitable agent receive a commission on such a purchase. The right to purchase a Single Payment or Immediate Contract without a sales charge may not be exercised through application of funds allocated to an Equitable separate account.

After the deductions are made the net payment is allocated under an Immediate Contract to Separate Account C and under a Deferred Contract to Separate Account C, Separate Account D or divided between the Accounts in accordance with the Owner's instructions.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission for the protection of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank or other company whose functions and physical facilities are supervised by Federal or State authorities, and that access to the securities be limited to certain specified persons. The application states that the vault maintained by Equitable is comparable to the vaults in most banks and that Equitable keeps therein securities and other investments of a value in excess of $6 billion. Furthermore, as required by Equitable's bylaws, the Finance Committee of Equitable's Board of Directors has prescribed rules and requirements to govern the custody, safekeeping, and control of all securities owned or held by Equitable. In this connection, Equitable is subject to extensive supervision and regulation by the Insurance Department of the State of New York which conducts periodic examinations of the functions, physical facilities, and all other aspects of Equitable's business. Accordingly, Equitable and Separate Account D request exemption from the provisions of section 17(f) and Rule 17f-2(i) to permit custody of the securities and other investments of Separate Account D to be held by Equitable in Equitable's own vault, except for such securities and investments as may be kept in the custody of a bank having the qualifications described in section 26(a)(1) of the Act and (ii) to permit access to such vault and to the securities and similar investments in the custody of such bank, by the representatives of State insurance departments and by not more than 20 officers or other responsible employees of Equitable, in accordance with the procedures set forth in the application.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus.

The application states that the elimination of the sales charge when a Single Payment or Immediate Contract is purchased under an insurance or annuity contract issued by Equitable will not arbitrarily or unfairly discriminate between different categories of investors. The application further states that the elimination of the sales charge for the Single Payment and Immediate Contracts recognizes that a sales charge has already been paid in connection with the issuance of the original policy or contract. The elimination of the sales charge would be available only when a Single Payment or Immediate Contract is purchased under an insurance policy or an annuity contract issued by Equitable. Applicants consider that the imposition of a sales charge under such circumstances would be unwarranted and not in the public interest or consistent with the protection of investors. Applicants request that an exemption from the provisions of section 22(d) be granted so that the Single Payment and Immediate Contracts may be offered and sold as proposed.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for trust indentures of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants represent that the dangers again which sections 27(c)(2) and 26(a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision

and regulation by the New York Insurance Department which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholders' funds. Under New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to Separate Account C and Separate Account D from liabilities arising out of any other business Equitable may conduct, Equitable's assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1 million under which each of its officers, employees, and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented that the exemption from section 27(c)(2) be subject to the following conditions: (1) That the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purposes; and (2) that the payment of sums and charges out of the assets in the Accounts shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in the Accounts other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 11, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14357 Filed 8-23-72;8:51 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

AUGUST 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, $0.15 par value, of First World Corp. being traded otherwise than on 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 18, 1972 through August 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14358 Filed 8-23-72;8:51 am]

[File No. 500-1]

LDS DENTAL SUPPLIES, INC.

Order Suspending Trading

AUGUST 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of LDS Dental Supplies, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of the 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 August 19, 1972 through August 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14359 Filed 8-23-72;8:51 am]

[813-40]

MOBIL OIL CORP.

Notice of Filing of Application for Order of Exemption as an Employees' Securities Company

Notice is hereby given that Mobil Oil Corp. (Applicant), 150 East 42d Street, New York, NY 10017, has filed an application pursuant to section 6(b) of the Investment Company Act of 1940 (Act) for an order exempting the Short and Medium Term Fixed Income Fund (Income Fund) established under the Employees Savings Plan of Mobil Oil Corp. and the Savings Plan of Mobil Chemical Co. (a subsidiary of Applicant) (Plans) from the following sections of the Act and the rules promulgated thereunder; section 7; section 8; section 10; section 14; section 15; section 16; section 20(a); section 22(e); section 22(f); section 24; section 26; section 30 (a), (b), and (c), except section 30(b)(2) and the rules thereunder; section 30(d) and the rules thereunder to the extent they require reports to participants more than once a year; and section 32(a). All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein which are summarized below.

The Applicant has received exemptions (Investment Company Act Release Nos. 3380 and 4492) for two employees' securities companies, which are known as Equity Fund and Balanced Fund, established by Bankers Trust Co. under a declaration of trust in connection with the Plans. The Plans were adopted by Applicant's Board of Directors for the purpose of helping employees of Applicant and of companies which are affiliates of Applicant provide additional resources for their retirement. Applicant states that the Plans provide for contributions by Applicant and afford employees the means of making regular savings from their current income through payroll deductions. The Equity Fund and Balanced Fund are available for assets invested by the Trustee on behalf of employees participating in the Plan whereby such employees purchase units of participation in the Trustee's Balanced Fund and the Trustee's Equity Fund, and on behalf of retired employees of Applicant who participated in the Plans prior to retirement and who following retirement assign certain assets to the Bankers Trust Co. acting as Trustee under the terms of an individual trust agreement. Assets of the Equity Fund are invested in common stocks or securities convertible into common stocks; assets of the Balanced Fund are

invested in stocks and fixed income securities.

Pursuant to the terms of the individual trust agreement, funds of the trust are to be invested only in the Equity Fund and/or Balanced Fund; the retired employee who created such trust may not transfer or assign his interest, although he may revoke the trust in whole or in part and receive in cash the value of his interest withdrawn; and upon the creator's death the trust terminates and the Trustee is required to pay over principal of the trust and all undistributed and accrued income to the deceased's executor, administrator, or beneficiary, as the case may be. The terms of the individual trust agreement executed on behalf of the participants in the proposed Income Fund will contain the same provisions as those described above.

Applicant proposes to terminate all future participation in the Balanced Fund and substitute, after the first day of the month following the Commission's issuance of the requested exemptive order, the newly created Income Fund. The Income Fund, whose investment objectives will be to provide current income and to preserve invested capital by selecting fixed income securities and interest bearing bank bank accounts, will be offered to participants in the Plans and will contain special provisions enabling retired employees to retain investment interests in this Fund after retirement, as is presently available to participants of the Balanced Fund and Equity Fund. Interests of each participating employee in the Trustee's Income Fund will be divided into units of participation and allocated to each employee's account. Such units will be valued monthly on the basis of the market value of the assets held in the Income Fund for the purposes of determining the interests of each participating employee, allocating units to the newly invested money and for the redemption of units. New investments and redemption will only take place on such valuation dates.

Applicant asserts that the basis for the substitution of the proposed Income Fund for the Balanced Fund is that the Balanced Fund has not been a popular investment vehicle with participants in the Plans, i.e., there are presently only 259 participants acquiring or holding units of participation in the Balanced Fund. Applicant states that although there will be no further participation in the Balanced Fund by any participants or retired participants under the Plans, those presently holding units of participation will be allowed to continue to do so. Applicant further states that the assets of the Balanced Fund are at present approximately $1 million. However, Applicant believes that once the Income Fund becomes available as an investment choice, many participants in the Balanced Fund may transfer their assets into the Income Fund, thereby reducing the assets available for investment by the Trustee of the Balanced Fund. In addition, the assets of the Balanced Fund will be further reduced by the termination of future participation in this Fund Therefore, Applicant proposes that if the assets of the Balanced Fund should be reduced to approximately $500,000, a size which the Trustee has determined would be unmanageable, the Trustee will promptly communicate in writing with each participant and retired participant who holds units of participation in said Fund requesting that each individual indicate in writing whether or not he wishes the Fund to terminate its existence. Applicant has agreed to submit such notice and voting form to the Commission for its comments. If 51 percent or more of the holders of units of participation in the Balanced Fund vote to terminate the Fund, the Trustee would commence liquidation after so advising all holders. Upon the completion of such liquidation, the cash proceeds would be credited to each participant's account and the participant would then be free to reinvest such proceeds pursuant to the terms of the Plans.

For the three groups of participants the arrangements would be as follows: 1. Employees participating in the Plans will be advised that they may direct the Trustee to reinvest the cash credited to their accounts in any one or more of the then existing investment choices. Applicant states that such participants will not be subject to any tax consequences resulting from such election. 2. Retired participants who have elected to transfer their units of participation in the Balanced Fund to a personal trust have the limited right to direct the Trustee to redeem units of participation in the Balanced Fund and to reinvest a minimum of $1,000 of the proceeds in the Equity Fund, but such right may be exercised only once. Applicant will offer to amend such trusts so that the foregoing one-time right to reinvest a minimum of $1,000 from the Balanced Fund is extended to include either the Equity Fund or the Income Fund as selected by the retired participant. Applicant states that there are presently four former participants who had acquired units of participation in the Balanced Fund, who retired and elected to transfer their units in the Balanced Fund to the Trustee, under an individual trust agreement. Applicant has agreed to furnish such retired participant with information as to the income tax consequences of the liquidation. 3. Retired participants who have elected to continue their investment after retirement in the Balanced Fund under arrangements for annual installment distributions and who may not after retirement direct a change from such investment to another investment under the Plans or direct the redemption thereof except in connection with the installment distributions will be offered a one time option of directing the Trustee to reinvest the cash from the Balanced Fund in either the Equity Fund or the new Income Fund. Under such circumstances, there would be no income tax consequences to the retired participant and he would be so advised. Applicant states that in the event it should develop that a retired participant who entered into a personal trust cannot be located and offered these options, his personal trust will continue and every effort will be made by the Trustee and through the Mobil organization to locate such individual. In the case of the retired participant who has elected to continue his investment in the Balanced Fund under arrangements for installment distributions, and such individual cannot be located, efforts will be made by the Trustee and through the Mobil organization to locate the individual.

The application states that the Plans qualify under section 401(a) of the Internal Revenue Code; and that in such respect the Plans are entitled to the exception from the definition of investment company pursuant to section 3(c)(13) of the Act. However, the proposed Income Fund does not satisfy the requirements of section 401 of the Internal Revenue Code and, consequently, the exception provided by section 3(c)(13) of the Act is not applicable to the Income Fund.

Applicant represents that the Income Fund as a medium for investment under the Plans, will meet the definition of an "employees' securities company" stated in section 2(a)(13) of the Act. Section 2(a)(13) of the Act defines an "Employees' securities company" as any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons.

In support of the relief requested, Applicant states, among other things, that in view of the Applicant's legitimate interest in employee welfare, it can reasonably be expected to protect employees against increase in management fees or improper supervision of trust funds; that the employer makes substantial contribution of funds to employees participating in each of the Plans (each plan has a different formula for employer contributions); and that no aspect of the Plans could properly be viewed as a device for the promotion of the sale of securities by the employees' securities company. In the latter connection, it is stated that neither Plan provides for the payment of any sales load.

Notice is further given that any interested person may not later than September 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Se-

curities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14360 Filed 8–23–72;8:51 am]

[70–4599]

NEW JERSEY POWER & LIGHT CO.

Notice of Post-Effective Amendment

AUGUST 16, 1972.

Notice is hereby given that New Jersey Power & Light Co. (NJP&L), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission a fourth post-effective amendment to its declaration in this proceeding pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 (Act) and Rule 44 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L proposes to sell to two subsidiary companies of United Utilities System (United), namely, New Jersey Telephone Co. and United Telephone Company of New Jersey, from time to time prior to January 1, 1973, for cash, a total of approximately 1,262 electric distribution wood poles (or, in the case of jointly owned poles, NJP&L's interest therein) along with certain appurtenant anchor rods and plates, in place, which are used jointly by NJP&L and the two United subsidiary companies. The consideration for the property proposed to be transferred will be cash equal to the depreciated original cost thereof as of January 1 preceding the date of transfer. Of the foregoing 1,262 poles, 1,101 poles are covered by the Commission's orders heretofore issued in this proceeding (Holding Company Act Release Nos. 16074 (May 24, 1968), 16453 (August 20, 1969), 16788 (July 20, 1970), 17199 (July 16, 1971), and 17287 (September 24, 1971)). In order to make said proposed sales, NJP&L has amended its declaration so as to seek authority to (i) increase from the 5,935 poles heretofore authorized for sale by the foregoing orders to approximately 6,096 poles, or by an additional 161 poles, the number of electric distribution wood poles (or, in the case of jointly owned poles, NJP&L's interest therein) that may be sold by NJP&L and (ii) immediately consummate the sale of 1,262 poles for an aggregate consideration of $145,433.45.

The New Jersey Board of Public Utility Commissioners has authorized the sale of the poles. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 7, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the 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 now amended or as it may be further 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.72–14361 Filed 8–23–72;8:52 am]

[File No. 500–1]

RESEARCH GAMES, INC.

Order Suspending Trading

AUGUST 16, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Research Games, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 17, 1972, through August 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–14362 Filed 8–23–72;8:52 am]

[File No. 24C–3297]

SCHOOL BUS AIRLINES OF AMERICA, INC.

Order Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

AUGUST 17, 1972.

I. School Bus Airlines of America, Inc. (Issuer), Suite 521–522, 4 North Main Street, Dayton, OH 45402, incorporated in the State of Ohio on May 8, 1969, filed with the Chicago regional office on May 27, 1971, a notification on Form 1–A, and an offering circular pertaining to a proposed offering of 250,000 shares of $0.10 par value common stock at $0.50 per share for an aggregate offering price of $125,000 (24C–3297). The offering commenced on June 29, 1971.

This filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe from information reported to it by the staff that:

A. The Issuer's offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, including, but not limited to the following:

1. The Issuer's failure to establish an escrow for proceeds of the offering, contingent on the sale of all 250,000 shares offered.

2. The Issuer's failure to terminate the sale of shares after the expiration of 45 days after the commencement of the offering.

3. The Issuer's failure to return all funds in full, since all 250,000 shares were not sold within the 45-day offering period; and

4. The contingent liability arising from the sale of 157,268 shares of the Issuer's stock in violation of section 5 of the Securities Act of 1933.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification fails to disclose

that approximately 157,268 shares of the Issuer were sold prior to the clearance date of the offering, in addition to the 50,000 shares which were disclosed in Item 9 as being sold prior to the clearance date; and

2. The Issuer has failed to file a report on Form 2–A within 30 days after the end of each 6-month period following the date of the original offering circular.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order or suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MEMORANDUM

To: Certification and Service Unit.
Subject: School Bus Airlines of America, Inc. (24C–3297).

The following persons are to be served at the indicated addresses:

John I. Mayer, Regional Administrator, Chicago Regional Office, Securities and Exchange Commission, Room 1708, 219 South Dearborn Street, Chicago, IL 60604.
School Bus Airlines of America, Inc., 4 North Main Street, Dayton, OH 45402.
Benjamin D. Stearns, 2318 Brookdale Drive, Springfield, OH 45502.
Etta T. Stearns, 2318 Brookdale Drive, Springfield, OH 45502.
Carroll A. Stearns, Forrestdale Drive, Burlington, N.C.
Charles S. Miller, 2800 Gramercy, Fairborn, OH.
Karl Lehr, 1809 Parkview Drive, Xenia, OH.

[FR Doc.72–14363 Filed 8–23–72;8:52 am]

[812–3238]

TAYLOR RENTAL CORP. AND EXPLORER FUND, INC.

Notice of Filing of Application

AUGUST 17, 1972.

Notice is hereby given that Taylor Rental Corp. (Taylor), 570 Cottage Street, Springfield, MA 01104, and Explorer Fund, Inc. (the Fund) (collectively Applicants), 28 State Street, Boston, MA 02109, have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d–1 thereunder for an order granting said application pursuant to Rule 17d–1 with respect to the sale of shares of Taylor common stock by Taylor and the Fund in a proposed public offering of Taylor common stock. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund, a registered open end investment company, owns 16,837 shares of the outstanding common stock of Tayolr, assuming conversion of certain convertible securities of Taylor now held by the Fund.

A director of the Fund, Daniel Gregory, is a general partner and therefore an affiliated person of Greylock & Co., a Massachusetts limited partnership (Greylock). Greylock owns 21,065 shares of Taylor common stock, $1 par value, which shares represent 6.03 percent of the total outstanding Taylor common stock and 4.72 percent of the combined number of shares of outstanding Taylor common stock and Class B common stock, which vote together as a single class. Greylock also owns $163,000 principal amount of Taylor's convertible subordinated debentures due 1978, convertible (at a rate of $10.56 per share) into an aggregate of 15,438 shares of Taylor common stock. Through such ownership Greylock and Taylor may be affiliated persons of each other. By reason of the foregoing Taylor may be deemed to be an affiliated person of an affiliated person of the Fund.

Taylor has filed a registration statement with the Commission under the Securities Act of 1933 with respect to a proposed public offering of Taylor common stock. It is expected that such offering will consist of an aggregate of 230,000 shares of common stock of Taylor, of which 115,000 shares would be offered by Taylor, 16,837 shares by the Fund, and 98,163 by certain other stockholders of Taylor. The expenses of the registration of the shares to be sold by the Fund (other than underwriting discounts) will be borne by Taylor, pursuant to an agreement entered into at the time the Taylor securities were purchased by the Fund. The expenses of registration of the shares to be sold by Taylor will be borne by it.

Applicants state that the participation of the Fund in the proposed public offering on the basis proposed is consistent with the provisions, policies and purposes of the Act and, to the extent that such participation is on a basis different from that of Taylor, it is more favorable to the Fund than to Taylor, and is not less advantageous to the Fund than to the other selling stockholders of Taylor.

Rule 17d–1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of an affiliated person of any registered investment company shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than September 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–14365 Filed 8–23–72;8:52 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

AUGUST 16, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1972, through August 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14366 Filed 8-23-72;8:52 am]

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

AUGUST 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 18, 1972, through August 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-14364 Filed 8-23-72;8:52 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONSTRUCTION SAFETY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Construction Safety Advisory Committee, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet at 9 a.m. on Wednesday, August 30, 1972, in Room 216 A, B, C, and D of the Main Labor Building, 14th Street and Constitution Avenue NW., Washington, DC.

The Committee will take up the matter of improvement of standards relating to tunnel construction and such other matters as the Assistant Secretary of Labor for Occupational Safety and Health may wish to bring before it.

The meeting shall be open to the public.

Signed at Washington, D.C. this 21st day of August 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-14406 Filed 8-23-72;8:55 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & E Pharmacy, Inc., variety-department store; 921-925 Warrington Road, Pensacola, FL; 5-3-73.

Austin's IGA Foodliner, foodstore; 106 East Walnut, Gurdon, AR; 5-16-73.

Baconia Plantation, Inc., agriculture; Cary, Miss.; 5-11-73.

Badt's Pharmacy, Inc., drugstore; 248 North Paw Paw Street, Coloma, MI; 5-25-73.

Bayfield Shur-Valu Market, foodstore; Bayfield, Colo.; 5-16-73.

Ben Franklin Store, variety-department store; 3938 Lincoln Way West, South Bend, IN; 4-6-73.

Bern's Super Foods, foodstore; 20 North Main Street, Midvale, UT; 5-1-73.

Billups Farms, agriculture; Route 2, Indianola, Miss.; 5-16-73.

Blank's Pharmacy, drugstore; Three South Fort Thomas Avenue, Fort Thomas, KY; 6-19-73.

C. H. Block & Co., Inc., agriculture; Tunica, Miss.; 6-15-73.

Bonson's Shop Rite, foodstore; Eagle River, Wis.; 5-30-73.

Bowdoin's Drug Store, Inc., drugstore; 54 Main Street, Kennebunk, ME; 5-23-73.

Browdy's Fine Foods, foodstore; 2807 Cahaba Road, Birmingham, AL; 6-11-73.

Buehler Market, foodstores, 5-12-72 to 4-26-73; 90 Broad Street Southwest, Atlanta, GA; 104 Georgia Avenue Southeast, Atlanta, GA.

Buehler Market, foodstore; 830 18th Avenue Southwest, Cedar Rapids, IA; 5-1-73.

Burger Chef, restaurant; 521-109 By Pass, Anderson, Ind.; 3-21-73.

C & S Supermarket, foodstore; North Sharkman Street, Hartselle, Ala.; 5-2-73.

Cary Plantation, agriculture; Cary, Miss.; 6-4-73.

Cash & Carry Grocery, foodstore; 100 Russell Street, Portland, TN; 4-25-73.

Central Community Hospital, hospital; Elkader, Iowa; 5-22-73.

Ceo Music Co., Inc., musicstore; 1004 Main Street, Wheeling, WV; 5-17-72 to 5-12-73.

Cheyenne Motor Inn, Inc., restaurant; 5401 Walker Road, Cheyenne, WY; 5-2-73.

City Meat Market, foodstore; Humphrey, Nebr.; 4-27-73.

Clifton L. Meador, agriculture; 400 Court Street, Dumas, AR; 4-26-73.

Clinch Food Market, foodstore; Homerville, Ga.; 4-24-73.

Colonial Manors, Inc., nursing home; Randolph, Nebr.; 6-5-72 to 5-16-73.

Colonial Store, restaurant; No. 3, Wichita, Kans.; 5-31-73.

Community Hospital, hospital; 101 Elm Avenue Southeast, Roanoke, VA; 4-30-73.

Crest Pharmacy, Inc., drugstore; 1836 Brodhead Road, Aliquippa, PA; 4-29-73.

Dad 'N' Lad, apparel store; 490 Harrison Avenue, Panama City, FL; 5-22-73.

The Dairy Basket, Inc., foodstore; 9159 South Cicero Avenue, Oak Lawn, IL; 6-14-73.

Dairy Maid Confectionery Co., candystore; Ninth and Boardwalk, Ocean City, NJ; 5-18-73.

David Brooks Griffin Trust, agriculture; Route 3, Elaine, Ark.; 4-30-73.

Des Moines Catering Co., caterer's; 1024 Walnut Street, Des Moines, IA; 5-2-72 to 4-20-73.

Dillon Companies, Inc., foodstores, 6-8-73, except as otherwise indicated: No. 105, Springdale, Ark. (5-11-73); No. 40, El Dorado, Kans. (4-23-73); No. 51, Great Bend, Kans. (5-1-73); No. 44, Junction City, Kans.; No. 43, Lawrence, Kans.; No. 46, Manhattan, Kans.; No. 47, Topeka, Kans.

Dill's True Value, foodstore; Public Square, Dover, Tenn.; 5-31-73.

Dover, Inc., variety-department store; Crossville, Ala.; 5-9-73.

Duane K. Luce & Co., Inc., agriculture; Stuart, Fla.; 4-13-73.

Duckwall Stores Co., variety-department stores: No. 36, Wray, Colo., 5-20-73; No. 25, Norton, Kans., 5-3-73; No. 35, Phillipsburg, Kans., 5-3-73; No. 55, Topeka, Kans., 5-2-73; No. 68, Topeka, Kans., 5-12-73.

Eagle Stores Co., Inc., variety-department stores: No. 60, Charlotte, N.C., 5-7-73; No. 24, Clinton, N.C., 5-24-73.

East State Pacemaker Food Store, foodstore; 5830 East State Street, Rockford, IL; 5–16–73.

Edwards', Inc., variety-department store; Augusta Highway I–78, Clearwater, S.C.; 5–22–72 to 5–20–73.

Egremont Plantation, agriculture; Cary, Miss.; 5–7–73.

Elgin West Pharmacy, drugstore; 575 North McLean Boulevard, Elgin, IL; 6–5–73.

The Ellsworth County Veterans' Memorial Hospital, Inc., hospital; 300 Kingsley, Ellsworth, Kans.; 5–17–73.

Engle's Grocery & Market, foodstore; 225 West Main, Madison, KS; 5–18–73.

Erv's Sav-Rite, foodstore; 1567 East Stratford Avenue, Salt Lake City, UT; 6–14–73.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6–4–73.

Fantle's, Inc., variety-department store; 100 South Main Avenue, Sioux Falls, SD; 6–5–73.

E. H. Finlayson & Son, Inc., agriculture; Route 2, Greenville, Fla.; 5–16–73.

Food Fair, Inc., foodstore; North Highway 27, Somerset, Ky.; 5–26–73.

Food Giant Super Markets, Inc., foodstores, 5–1–72 to 2–28–73: Nos. 1 and 2, Tucson, Ariz.

Food Town Store, foodstore; No. 7, Oneonta, Ala.; 5–25–72 to 3–10–73.

Fort Thomas Pharmacy, Inc., drug store; 26 North Fort Thomas Avenue, Fort Thomas, KY; 6–15–73.

Francis Jo Griffin, agriculture; Route 3, Elaine, Ark.; 4–30–73.

G P Land Co., agriculture; Route 3, Elaine, Ark.; 4–30–73.

Georgiatown Farms, agriculture; Route 1, Altheimer, Ark.; 4–21–73.

Goldblatt Bros., Inc., variety-department stores, 5–31–73; 14 Country Fair Shopping Center, Champaign, IL; 333 State Street, Chicago, IL.

Golob Super Market, foodstore; Arma, Kans.; 6–14–73.

Good Samaritan Center, nursing home; St. Ansgar, Iowa; 5–19–73.

W. T. Grant Co., variety-department stores: No. 877, Jacksonville, Fla., 5–18–73; No. 494, Leominster, Mass., 6–15–73; No. 142, Ballwin, Mo., 5–11–73; No. 629, Ashland, Ohio, 5–9–73.

Grebe's Bakeries, Inc., foodstores, 6–14–73: 5933 West Libson Avenue, Milwaukee, WI; 2204 10th Avenue, South Milwaukee, WI; 5132 West Lincoln Avenue, West Allis, WI.

Groceteria, Inc., foodstore; Mount Airy, Md.; 4–30–73.

Guerin's IGA Foodliner, foodstore; Morgan City, La.; 6–14–73.

H & L, Inc., foodstore; 6704 Main Street, Caseville, MI; 6–12–73.

Hart Albin Co., variety-department store; Billings, Mont.; 5–20–73.

Harvey's Dime Store, Inc., variety-department store; 3838 Broadway, Gary, IN; 6–8–73.

J. H. Hill & Sons, agriculture; Route 2, Indianola, Miss.; 6–11–73.

L. D. Holmes & Sons, agriculture; Route 1, Johnston, S.C.; 6–6–73.

Hornbeak Grocery, foodstore; 115 North Main Street, Ridgely, TN; 6–6–73.

C. A. House Co., Inc., music store; 10th and Main Streets, Wheeling, W. Va.; 5–17–72 to 5–12–73.

Hub Frankel Co., Inc., variety-department store; 232–234 West Main Street, Danville, KY; 5–13–73.

Ignacio Food Store, Inc., foodstore; Ignacio, Colo.; 4–26–73.

Import Plaza, gift shop; 1 Northwest Couch, Portland, OR; 5–31–73.

International House of Pancakes, restaurant; 4555 South Noland Road, Independence, MO; 5–14–73.

Jackson County Hospital & Nursing Home, hospital; Scottsboro, Ala.; 6–14–73.

Jim's Super Market, foodstore; 208 State Street, Oscoda, MI; 4–14–73.

K & K 5¢–10¢ Store, variety-department store; 7542 Granby Street, Norfolk, VA; 6–20–72 to 6–7–73.

Kaufman's, apparel store; 1301 11th Avenue, Altoona, PA; 6–18–73.

Kopper Kettle Restaurant, restaurants, 6–14–73, except as otherwise indicated: I–80 and 25 Highway, Exit 20, Menlo, Iowa (5–31–73); I–80 and Minden Inter-Change, Minden, Iowa; I–29 and U.S. Highway 30, Missouri Valley, Iowa; I–80 and U.S. Highway 81, York, Nebr.

S. S. Kresge Co., variety-department stores: No. 4111, Birmingham, Ala., 5–7–73; No. 4052, Fort Smith, Ark., 6–10–73; No. 791, Clearwater, Fla., 5–9–73; No. 4243, Oakland Park, Fla., 5–1–73; No. 4357, Orlando, Fla., 5–10–73; No. 4085, Pensacola, Fla., 5–2–73; No. 713, Atlanta, Ga., 4–27–73; No. 4210, Atlanta, Ga., 5–30–73; No. 303, Arlington Heights, Ill., 6–5–73; No. 4600, Chicago, Ill., 6–2–73; No. 4227, Des Plaines, Ill., 5–22–73; No. 4436, Peru, Ill., 6–14–73; No. 4148, Hammond, Ind., 5–24–73; No. 4152, Mishawaka, Ind., 6–7–73; No. 4434, Clinton, Iowa, 5–31–73; No. 4160, Des Moines, Iowa, 5–1–73; No. 4018, Dubuque, Iowa, 5–2–73; 109 East Second Street, Muscatine, Iowa, 6–8–73; No. 4560, Kansas City, Kans., 5–28–73; No. 3037, Brooklyn Center, Minn., 6–14–73; No. 3045, New Hope, Minn., 6–14–73; No. 279, St. Paul, Minn., 6–8–73; No. 4304, Florissant, Mo., 5–21–73; No. 689, Grandview, Mo., 6–19–73; Nos. 4216 and 4270, St. Louis, Mo., 4–30–73; No. 585, Lincoln, Nebr., 6–16–73; No. 4130, Omaha, Nebr., 6–17–73; No. 4110, High Point, N.C., 5–12–73; No. 4167, Hamilton, Ohio, 5–6–73; No. 4264, Stow, Ohio, 6–15–72 to 3–23–73; No. 4233, Youngstown, Ohio, 6–12–73; No. 4202, Greenville, S.C., 6–8–73; No. 4234, Spartanburg, S.C., 6–15–73; No. 4141, West Columbia, S.C., 6–13–73.

Kuhn's Variety Store, variety-department store; No. 13, Corinth, Miss.; 6–3–73.

LaVeen's Department Store, Inc., variety-department store; 4030 Lake Michigan Drive NW., Grand Rapids, MI; 5–25–73.

Leader Store, variety-department store; 41 West Broad Street, Hazelton, PA; 5–22–73.

Leepers Retail Outlet, foodstore; Star Route, Mount Pleasant, Pa.; 5–18–73.

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5–1–72 to 8–31–72.

Lenger Super Market, Inc., foodstore; 16 West Burton Street, Grand Rapids, MI; 6–11–73.

Leonhard's, Inc., variety-department store; 3200 Dauphine Street, New Orleans, LA; 5–31–73.

Lerner Shops, apparel stores, 5–30–73, except as otherwise indicated: No. 335, Birmingham, Ala. (4–29–73); No. 125, Mobile, Ala. (5–14–73); No. 112, Montgomery, Ala. (4–25–73); Nos. 403, 470, 477, and 479, Phoenix, Ariz. (5–1–72 to 2–28–73); No. 416, Tucson, Ariz. (5–1–72 to 2–28–73); No. 437, Colorado Springs, Colo. (6–12–73); Nos. 411, 452, and 462, Denver, Colo. (6–12–73); No. 487, Englewood, Colo. (5–3–72 to 4–16–73); No. 463, Lakewood, Colo. (6–12–73); No. 406, Pueblo, Colo. (6–12–73); No. 460, Westminister, Colo. (6–12–73); No. 46, Bradenton, Fla. (5–1–73); No. 273, Indianapolis, Ind. (5–25–72 to 4–11–73); No. 242, Lexington, Ky. (5–25–73); No. 149, Alexandria, La. (4–28–73); No. 38, Baton Rouge, La. (4–25–73); No. 133, Baton Rouge, La. (4–28–73); No. 49, Gretna, La. (4–25–73); No. 352, Houma, La. (5–31–73); No. 126, Lake Charles, La. (4–28–73); No. 119, Metairie, La. (4–28–73); No. 109, New Orleans, La. (5–27–73); No. 188, Biloxi, Miss. (5–14–73); No. 145, Jackson, Miss. (4–28–73); No. 334, Jackson, Miss. (4–29–73); No. 268, St. Louis, Mo. (5–31–73); No. 303, Columbus, Ohio (5–25–72 to 3–20–73); No. 259, Marion, Ohio (5–25–72 to 3–20–73); No. 211, Knoxville, Tenn. (4–24–73); No. 113, Memphis, Tenn. (4–26–73); No. 447, Provo, Utah (5–31–73); No. 407, Salt Lake City, Utah (5–31–73); No. 33, Lynchburg, Va.; Nos. 77 and 306, Norfolk, Va.; Nos. 40 and 52, Richmond, Va.; No. 138, Wheeling, W. Va. (5–25–73).

Liberty Super Market, foodstore; No. 99, Grenada, Miss.; 4–27–73.

Lineville IGA Food Store, foodstore; Lineville, Ala.; 4–30–73.

Lofton's, variety-department store; Brookhaven, Miss.; 6–16–73.

Loupe's Red & White Store, foodstore; 135 North Jefferson Avenue, Port Allen, LA; 3–26–73.

Lynn Garrett Drug Co., drugstore; 2401 Lebanon Road, Nashville, TN; 6–17–73.

Lynndale Planting Co., Inc., agriculture; Cary, Miss.; 5–11–73.

Magic Mart-Parham, Inc., variety-department store; 105 North Rodney Parham Road, Little Rock, AR; 6–15–73.

Martori Bros. Distributors, agriculture; Glendale, Ariz.; 4–30–73.

May's Drug Store, drugstores, 6–13–73, except as otherwise indicated: No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 188 and 196, Rockford, Ill.; No. 173, Round Lake, Ill.; No. 199, Woodstock, Ill.; No. 167, Cedar Falls, Iowa (5–9–72 to 4–30–73); Nos. 161, 166, and 170, Cedar Rapids, Iowa (5–9–72 to 5–1–73); No. 171, Cedar Rapids, Iowa (5–8–73); No. 202, Cedar Rapids, Iowa (4–25–72 to 4–15–73); No. 204, Dubuque, Iowa (5–9–72 to 5–1–73); No. 184, Marion, Iowa (5–9–72 to 5–1–73); No. 194, Marshalltown, Iowa (5–9–72 to 5–1–73); No. 197, Ottumwa, Iowa (5–9–72 to 5–1–73); No. 181, Waterloo, Iowa (5–9–72 to 4–30–73); No. 180, Beloit, Wis.

McCrory-McLellan-Green Stores, variety-department stores: No. 385, Albertville, Ala.; 4–23–73; No. 376, Freehold, N.J., 6–5–73; No. 1071, Allentown, Pa., 6–13–73; No. 128, Johnson City, Tenn., 4–30–73.

W. O. McCurdy & Sons, agriculture; Fremont, Iowa; 6–1–73.

McDonald's Hamburgers, restaurants, 5–26–73, except as otherwise indicated: 901 Minnesota, Kansas City, KS; 7550 State Avenue, Kansas City, KS; 618 East Santa Fe, Olathe, KS; 9783 A St. Charles Rock Road, St. Louis, MO (6–9–73).

McIlhenny Co., agriculture; Avery Island, La.; 5–24–73.

W. H. McLeod & Son, agriculture; Seabrook, S.C.; 5–20–73.

McVille Friendship Manor, nursing home; McVille, N. Dak.; 6–14–73.

The Medical Center, hospital; Columbus, Ga.; 5–9–73.

Men's Quality Shop, Inc., apparel store; Oglethorpe Mall, Savannah, Ga.; 5–7–73.

Methodist Memorial Homes, Inc., nursing home; 1320 11th Avenue, Holdrege, NE; 6–19–73.

Midlothian Pharmacy, drugstore; 4047 West 147th Street, Midlothian, IL; 6–5–73.

Mid-Nebraska Lutheran Home, nursing home; Newman Grove, Nebr.; 5–8–73.

Milton Grocery Co., foodstore; 1531 South 13th Place, Birmingham, AL; 4–21–73.

Minnich's Service Store, foodstore; North Main Street, Timberville, Va.; 6–4–73.

Morgan & Lindsey, Inc., variety-department stores: No. 3006, Mansfield, La., 5–5–73; No. 3089, New Orleans, La., 5–20–73; No. 3002, Oakdale, La., 4–24–73; No. 3076, Greenville, Miss., 4–20–73; No. 3036, Pascagoula, Miss., 5–26–73.

Mother of Mercy Nursing Home, nursing home; Albany, Minn.; 6–17–73.

Mount Arbor Nurseries, agriculture; 400 North Center Street, Shenandoah, IA; 5–9–73.

G. C. Murphy Co., variety-department stores, 5–7–73, except as otherwise indicated: No. 297, Gadsden, Ala. (6–1–73); No. 261, Huntsville, Ala. (4–24–73); No. 306, Huntsville, Ala. (6–1–73); No. 263, Tuscaloosa, Ala. (4–24–73); No. 282, Shreveport, La. (5–11–73); No. 136, Ocean City, N.J.; Nos. 71 and 298, Trenton, N.J.; No. 139, Washington, N.J.; No. 26, Marion, Ohio (6–15–73); No. 336, Van Wert, Ohio (6–14–73); No. 802, Bethel Park, Pa. (5–10–73); No. 174, Monroeville, Pa. (4–28–73); No. 150, New Castle, Pa. (6–14–72 to 6–5–73).

Neisner Bros., Inc., variety-department store; No. 44, Miramar, Fla.; 4–23–73.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, MI; 5–12–73.

Newman Pharmacy, drugstore; 3458 West 111th Street, Chicago, IL; 6–5–73.

Newman's Superthrift, foodstore; Fairfield, Pa.; 5–14–73.

Park Pacemaker Food Store, foodstore; 8010 North Second Street, Rockford, IL; 5–10–73.

Parkview Gardens Care Center, nursing home; 310 Upland Drive, Waterloo, IA; 5–10–73.

B. Pearl Plantation, agriculture; Cary, Miss.; 6–4–73.

Pence-Humboldt, Inc., foodstore; Highway 169 North, Humboldt, KS; 6–19–73.

The Peoples Store of Roseland, variety-department store; 11201 South Michigan Avenue, Chicago, IL; 5–21–73.

Pepper Shop Rite, foodstore; Main Street, Walnut Cove, N.C.; 5–22–73.

Perry's IGA Foodliner, foodstore; Wedowee, Ala.; 4–30–73.

Pierce's Bargain Center, foodstore; Highway 51 South, Dyersburg, TN; 5–25–73.

Piggly Wiggly, foodstores, 5–24–73, except as otherwise indicated: South Market Street, Moulton, Ala. (6–15–73); Ozark Shopping Center, Mountain Home, Ark. (6–6–73); No. 6, Van Buren, Ark. (6–12–73); 226 North Waukesha Street, Bonifay, Fla.; 10th Street, De Funiak Springs, Fla. (5–11–73); Cotton Street, Graceville, Fla.; Northeast West Lafayette Street, Marianna, Fla.; 209 West College Street, Colquitt, GA; North Lake Drive, Prestonburg, Ky. (5–18–73); Nos. 28 and 29, De Ridder, La. (6–17–73); No. 30, Oakdale, La. (6–17–73); Nos. 16 and 17, Durant, Miss. (5–21–73); 16th Street, Laurel, Miss. (5–27–73); No. 5, West Florence Annex, S.C. (6–6–73).

Pine Knoll Nursing Home, nursing home; Lyndonville, Vt.; 5–25–73.

Pleezing Food Store, foodstore; No. 4, Pensacola, Fla.; 5–13–73.

Powers Co., Inc., agriculture; Cary, Miss.; 5–23–73.

Poyntz Avenue Pantry, foodstore; 1522 Poyntz, Manhattan, KS; 5–3–73.

Pullman Pharmacy, drugstore; 11254 South Michigan Avenue, Chicago, IL; 6–5–73.

Raylass Department Store, variety-department stores, 5–30–73: 406 Elm Street, Lumberton, NC; 607 Market Street, Chattanooga, TN.

Ream's Bargain Annex, Inc., foodstore; No. 8, Magna, Utah; 5–31–73.

Ream's Food Service, Inc., foodstore; 890 West Center Street, Provo, UT; 5–10–73.

Red Star Pharmacy, drugstore; 9200 South Commercial Avenue, Chicago, IL; 6–5–73.

Reeble Food Market, Inc., foodstores, 5–14–73: Nos. 1 and 2, Emporia, Kans.

Rhea's Bakery, foodstores: 441 Market Street, Pittsburgh, PA, 6–20–72 to 6–9–73; 536 Smithfield Street, Pittsburgh, PA; 6–9–73.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, MI; 5–21–73.

Riverdale Certified Super Market, Inc., foodstore; 54 East 138th Street, Riverdale, IL; 5–20–73.

Rivin's IGA, foodstore; Wagner, S. Dak.; 5–26–73.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, MI; 5–4–73.

Robie's Food Center, Inc., foodstores, 6–11–73, except as otherwise indicated: 604 South State Street, Abbeville, LA; 700 Willow Street Franklin, LA (5–26–73); 1001 East Main Street, Jeanerette, LA.

Rockton Avenue Pacemaker Food Store, foodstore; 3132 North Rockton Avenue, Rockford, IL; 5–1–73.

Rosefield Food Center, Inc., foodstore; Route 40, Richeyville, PA; 5–15–73.

Rose's Stores, Inc., variety-department stores, 5–14–73: No. 172, Augusta, Ga.; No. 173, Tifton, Ga.; No. 171, Aiken, S.C.

Royal's, Inc., variety-department stores: Immokalee, Fla., 5–8–73; 183 South Lake Avenue, Pahokee, FL, 4–17–72 to 3–27–73.

St. Luke's Home & Center, nursing home; Route 1, Kearney, NE; 4–23–73.

St. Michael's Hospital, hospital; Tyndall, S. Dak.; 5–15–73.

St. Vincents' Home for the Aged, nursing home; 4500 Ames Avenue, Omaha, NE; 6–17–73.

Schulenberg's Super Valu, Inc., foodstore; Wells, Minn.; 5–8–72 to 2–2–73.

Scott Stores Co., variety-department store; No. 9325, Bellevue, Nebr.; 5–14–73.

7–11 Minit Market, foodstore; 703 Dorchester Avenue, Middlesboro, KY; 6–11–73.

Sheheen Brothers Grocery, foodstore; 945 Broad Street, Camden, SC; 6–4–73.

Shroat Market, foodstore; 216 South D Street, Marion, IN; 5–25–73.

O. P. Skaggs-Skagway, variety-department store; 620 West State Street, Grand Island, NE; 4–21–73.

Smith's Food King, foodstore; No. 6, Bountiful, Utah; 6–18–73.

Spurgeon's, variety-department stores: Le Mars, Iowa, 4–24–73; 128 East Main Street, Ottumwa, IA, 4–22–73; 116 West Main Street, Washington, IA, 6–2–73.

Stein Greenfield, Inc., garden centers, 5–31–73, except as otherwise indicated: 3725 South 108th Street, Greenfield, WI; 14845 West Capitol Drive, Milwaukee, WI; 5400 South 27th Street, Milwaukee, WI (6–1–72 to 5–30–73).

Sterling Stores Co., variety-department stores: Caraway Plaza Shopping Center, Jonesboro, Ark., 6–4–73; 3901 South University Avenue, Little Rock, AR, 5–4–73; University and Markham Streets, Little Rock, AR, 6–1–73; 2240 Lamar Avenue, Memphis, TN, 4–30–73; 5030 Park Avenue, Memphis, TN, 4–30–73.

Super Drive-Ins, foodstore; No. 7, Clarksville, Tenn.; 5–9–73.

T. G. & Y. Stores Co., variety-department stores: No. 249, Fort Smith, Ark., 6–11–73; No. 763, Jonesboro, Ark., 5–8–73; No. 736, Kissimmee, Fla., 6–14–73; No. 713, Pine Castle, Fla., 6–14–73; No. 305, Kansas City, Kans., 6–11–73; No. 96, Topeka, Kans., 5–27–73; No. 777, Minden, La., 5–18–73; No. 140, Independence, Mo., 5–1–73; No. 129, Kansas City, Mo., 6–5–73; No. 450, Sedalia, Mo., 5–1–73; No. 477, Sikeston, Mo., 6–18–73.

Tate's Supermarket, foodstore; 58 Franklin Street, Clymer, Pa.; 5–24–73.

Taylors Orchard, agriculture; Greer, S.C.; 5–14–73.

Terry-Farris Stores, Inc., variety-department store; No. 5410, West Monroe, La.; 5–19–73.

Thigpen Hardware Co., hardware store; 107–111 South Harvey Avenue, Picayune, Miss.; 6–15–73.

E. W. Thomson Drug Co., Inc., drugstore; 119 West South First Street, Delhi, La.; 5–9–73.

Timberville Department Store, foodstore; Timberville, Va.; 6–8–73.

Tomlinson's Inc., variety-department store; 146 East Carolina Avenue, Hartsville, S.C.; 5–31–73.

Tony & Luigi's, Inc., restaurant; 5140 O Street, Lincoln, Nebr.; 5–9–73.

Town & Country Supermarket, foodstore; Central and Cherry Streets, Harrison, Ark.; 5–30–73.

222 Food Markets, Inc.; foodstore; Route 2, Fleetwood, Pa.; 5–12–73.

Unimart Thrift Center, foodstore; Highway 10 and 39th Street, Kearney, Nebr.; 5–18–73.

Vann Brothers, agriculture; Trenton, S.C.; 6–4–73.

Van Solkema Farms, Inc., agriculture; 8513 Harlow Avenue, Byron Center, Mich.; 5–27–73.

Walter Foods, Inc., foodstore; 2682 Westerville Road, Columbus, Ohio; 4–14–73.

Walter P. Rawl & Sons, agriculture; Route 1, Gilbert, S.C.; 5–18–73.

The Washington Hospital, hospital; 155 Wilson Avenue, Washington, Pa.; 5–11–73.

West Side Market, foodstore; 133 North Walker, Montgomery City, Mo.; 5–28–73.

Willie's Super Market, foodstore; 2422 Second Avenue North, Birmingham, Ala.; 5–26–73.

Willis Nursery Co., agriculture; Ottawa, Kans., 6–14–73.

Wright's Foodliner, foodstore; Aukerman and Decatur, Eaton, Ohio; 5–12–73.

J. W. Yonce & Sons, agriculture; Johnston, S.C.; 6–11–73.

Zukors of Lloyd Center, apparel store; 1232 Lloyd Center, Portland, Oreg.; 5–31–73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Allen Mallory, foodstore; Stuart, Iowa; stock clerk, checker, carryout; 32 to 46 percent; 5–31–73.

A. J. Bayless Markets, Inc., foodstores, for the occupations of package clerk, service clerk, 6–14–73: No. 65, Safford, Ariz., 18 to 30 percent; No. 59, Scottsdale, Ariz., 17 to 27 percent.

Big K Dept. Store, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 11 to 21 percent, 6–14–73: Gallatin Road at Two Mile Pike, Madison, Tenn.; Nolensville Road at Fairlane Drive, Nashville, Tenn.

Food Giant Super Market, foodstore: No. 5, Tucson, Ariz.; carryout; 13 to 45 percent; 5–1–72 to 2–28–73.

Holiday Department Store, Inc., variety-department stores; 350 Gulf Gate Mall, Sarasota, Fla.; salesclerk, stock clerk; 11 to 31 percent; 5–31–73.

S. S. Kresge Co., variety-department stores; No. 4076, Evansville, Ind., salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 3 to 5 percent, 5–3–72 to 12–9–72; No. 4485, Mason City, Iowa, salesclerk, stock clerk, office clerk, checker-cashier, 8 to 21 percent, 5–31–73; No. 307, Ironton, Ohio, salesclerk, stock clerk, office clerk, checker-cashier, customer service, counter filling, maintenance, 1 to 12 percent, 5–15–72 to 4–9–73; No. 4541, Racine, Wis., salesclerk, stock clerk, office clerk,

checker-cashier, 16 to 23 percent, 5-17-72 to 1-13-73.

McCrory-McLellan-Green Stores, variety-department store; No. 1313, Lake Wales, Fla.; salesclerk, office clerk, stock clerk; 3 to 13 percent; 5-5-72 to 9-2-72.

McDonald's Hamburgers, restaurants, for the occupation of general restaurant worker, 32 to 64 percent, 5-31-73: Nos. 197, 381, 395, 536, 665, and 1744, Akron, Ohio; Nos. 537 and 1271, Barberton, Ohio; No 276, Cuyahoga Falls, Ohio; No. 1310, Kent, Ohio; No. 745, Steubenville, Ohio.

Men's Quality Shop, Inc., apparel store; 24-30 East Broughton Street, Savannah, Ga.; salesclerk, gift wrapper; 0.9 to 9 percent; 5-17-73.

Minit-Mart Food Store, foodstore; No. 2, Reserve, La.; clean up, cashier, stock clerk; 25 percent; 6-14-73.

G. C. Murphy Co., variety-department stores, for the occupations of stock clerk, salesclerk, office clerk, janitorial, 5-31-73, except as otherwise indicated: No. 200, Maysville, Ky., 6 to 10 percent (6-14-73); No. 337, Smithfield, N.C., 12 to 24 percent; No. 807, Irwin, Pa., 13 to 27 percent.

Oakley's Department Store, variety-department store; 116 West Danville Street, South Hill, Va.; salesclerk; 10 to 33 percent; 5-4-73.

Pell City Grocery, foodstore; 1915 Cogswell Avenue, Pell City, Ala.; stock clerk, bagger; 14 to 35 percent; 5-31-73.

Ralph's Foodline, foodstore; Peabody, Kans.; salesclerk, bagger, carryout; 10 to 18 percent; 5-31-73.

T. G. & Y. Stores Co., variety-department stores, for the occupations of office clerk, salesclerk, stock clerk, 20 to 30 percent, 5-31-73, except as otherwise indicated: No. 1504, Tucson, Ariz.; No. 663, Goleta, Calif.; No. 500, Yucaipa, Calif.; No. 1317, South Daytona, Fla. (12 to 24 percent); No. 100, El Dorado, Kans. (19 to 30 percent); No. 476, Independence, Mo. (22 to 30 percent); No. 847, Houston, Tex. (30 percent).

T-Mart, variety-department store; 107 West Main Street, Kingstree, S.C.; salesclerk, porter; 9 to 25 percent; 6-14-73.

Tomlinson Stores, Inc., variety-department store; 326 North Main Street, Marion, S.C.; salesclerk, porter; 9 to 25 percent; 6-14-73.

Vic's Farm Market, foodstore; 2429 Monroe Street, La Porte, Ind.; stock clerk, cashier, bagger; 0 to 15 percent; 5-31-73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of August 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-14347 Filed 8-23-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; 35 F.R. 12175; 36 F.R. 1235; 36 F.R. 14359, and 37 F.R. 3480) for the 6 months' period ending July 3, 1972.

REVISED LIST OF SECURITIES—JULY 3, 1972

Combustion Engineering.
I.B.M.
I.T. & T.
Kraftco.
Marriott.
Minnesota Mining & Manufacturing.
Phillips Petroleum.
Skyline.
Stirling Homex.
Texaco.
Union Carbide.

R. R. MANION.

AUGUST 16, 1972.

[FR Doc.72-14373 Filed 8-23-72;8:53 am]

[Notice 59]

ASSIGNMENT OF HEARINGS

AUGUST 18, 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 2835 Sub 36, Adirondack Transit Lines, Inc., MC 116165 Sub 5, Murray Hill Limousine Service Ltd., now assigned September 25, 1972, at New York, N.Y., hearing will be held in Room A-238, Court of Claims, 26 Federal Plaza, New York, N.Y.

MC 107295 Sub 612, Pre-Fab Transit Co., now being assigned October 25, 1972, MC 129823 Sub 2, Easton Motor Lines, Inc., doing business as Marshall's Express, now being assigned October 30, 1972, MC 95540 Sub 844, Watkins Motor Lines, Inc., now being assigned November 6, 1972, at Washington, D.C., hearing will be held at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7646, Franklin Bus Service, Inc.—V—Johnny F. Duke doing business as Duke's Bus Service, now assigned September 12, 1972, at Suffolk, Va., is canceled.

MC 130156, Wegiel Travel Service, Inc., assigned September 12, 1972, at Boston, Mass. will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center.

AB 19 Sub 4, Baltimore & Ohio Railroad Co., abandonment Sutton Branch, between Bison & Sutton, in Braxton County, W. Va., now being assigned hearing October 11, 1972 (2 days), at Sutton, W. Va., in a hearing room to be later designated.

MC 133633 Sub 8, Highway Express, Inc., now being assigned November 13, 1972 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC 111812 Sub 438, Midwest Coast Transport, Inc., now assigned August 24, 1972, at Washington, D.C., hearing is postponed indefinitely.

MC 3700 Sub 66, Manhattan Transit Co., now being assigned hearing October 30, 1972, at Newark, N.J., in a hearing room to be later designated.

MC 135895, Don Ray Boyd and Jackie Rogers, common carrier application now being assigned October 2, 1972 (1 week), at Jackson, Miss., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14382 Filed 8-23-72;8:53 am]

[Notice 60]

ASSIGNMENT OF HEARINGS

AUGUST 21, 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 135772, Barrett Transfer & Storage Co., now being assigned October 30, 1972 (1 week), at Seattle, Wash., in a hearing room to be later designated.

MC-C-7408, Klipsch Hauling Co.—Investigation and Revocation of Certificates—now being assigned hearing October 11, 1972, at St. Louis, Mo., in a hearing room to be later designated.

MC-136386, Sub 1, Go Lines, Inc., now assigned hearing September 12 1972, at San Francisco, Calif. is cancelled and application dismissed.

MC 8964, Sub 28, Witte Transportation Co., continued to September 26, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

FD 26847 Chicago & North Western Railway Co., abandonment between Sanborn & Wanda, in Redwood County, Minn., now assigned September 6, 1972, at Redwood Falls, Minn., is postponed to September 25, 1972, at Redwood Falls, Minn., hearing will be in the Redwood City Meeting Room, Third and Jefferson Streets, Redwood Falls, MN.

MC-119864, Sub 47, Hofer Motor Transportation Co., now assigned September 22, 1972, at Chicago, Ill., is cancelled and transferred to modified procedure.

MC-111812, Sub 436, Midwest Coast Transport, Inc., now assigned October 2, 1972, MC-134788, Sub 2, North Penn Bus Lines, Inc., now assigned October 4, 1972, will be held in Conference Room B, Federal Building, 1421 Cherry Street, Philadelphia, PA.

MC-117799, Sub 17, Best Way Frozen Express, Inc., now assigned October 16, 1972, will be held in Conference Room B, Federal Building, 1421 Cherry Street, Philadelphia, PA.

MC 91053, Sub 11, Trans-World Movers, Inc., now assigned September 12, 1972, at Washington, D.C., is canceled and application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14333 Filed 8-23-72;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 21, 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. 42511—*Manufactured Iron and Steel Articles Between Kewaunee, Wis., and Official Territory:* Filed by Western Trunk Line Committee, Agent (No. A-2672), for interested rail carriers. Rates on manufactured iron and steel articles, in carloads, as described in the application, between Kewaunee, Wis., on the one hand, and Official territory (including Illinois), on the other.

Grounds for relief—carrier competition.

Tariffs—Supplement 139 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-677, and three other schedules listed in the application. Rates are published to become effective on September 20, 1972.

FSA No. 42512—*Chlorine from Charleston, Tenn.:* Filed by M. B. Hart, Jr., Agent (No. A6318), for and on behalf of the Southern Railway Co. Rates on chlorine, in tank-car loads, as described in the application, from Charleston, Tenn., to Selma, Ala.

Grounds for relief—market competition.

Tariff—Supplement 362 to Southern Freight Association, Agent, tariff I.C.C. S-484. Rates are published to become effective on September 21, 1972.

FSA No. 42513—*Oats from points in Arkansas:* Filed by Southwestern Freight Bureau, Agent (No. B-349), for interested rail carriers. Rates on oats, in bulk or in bags, in carloads, as described in the application, from points in Arkansas, to points in Louisiana, Oklahoma, and Texas.

Grounds for relief—motor competition, short-line distance formula and grouping.

Tariffs—Supplements 105, 7, and 68 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4901, 5021, and 4967, respectively. Rates are published to become effective on September 21, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14208 Filed 8-23-72;8:55 am]

[Notice 108]

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-73673. By order of August 4, 1972, the Motor Carrier Board approved the transfer to Statewide Trans., Inc., Malden, Mass., of the operating rights in Certificate No. MC-78046 (Sub-No. 1) issued December 4, 1941, to H. N. Bangs & Sons, Inc., Winthrop, Mass., authorizing the transportation of household goods, as defined in practices of motor common carriers of household goods 17 M.C.C. 467, between Winthrop, Mass., and points within 15 miles of Winthrop, on the one hand, and, on the other, points in Vermont. Frank J. Weiner, 15 Court Square, Boston, MA 02108, attorney for applicants.

No. MC-FC-73788. By order of August 4, 1972, the Motor Carrier Board approved the transfer to Charles Eberly and Roger Eberly, a partnership, doing business as Valley Bus Lines, Chambersburg, Pa., of the operating rights in Certificate No. MC-125732 issued March 27, 1964, to H. E. Cook, doing business as H. E. Cook Bus Lines, Scotland, Pa., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle, between specified points in Maryland and Pennsylvania. L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314, attorney for applicants.

No. MC-FC-73830. By order of August 4, 1972, the Motor Carrier Board approved the transfer to Diggins and Rose, Inc., North Chelmsford, Mass., of the operating rights in Certificate No. MC-63837 issued July 9, 1965, to Pete Bolduc, a corporation, Auburn, Maine, authorizing the transportation of various commodities between specified points in Maine and Massachusetts and points in Maine, New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14384 Filed 8-23-72;8:53 am]

[Notice 68]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 18, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247 [1] of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 263 (Sub-No. 200), filed July 14, 1972. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire extinguishing compounds*, from Pocatello, Idaho, to points in Utah, Colorado, Wyoming, South Dakota, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 340 (Sub-No. 23), filed July 25, 1972. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea and coffee*, from St. Louis, Mo., to Lubbock and Amarillo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or St. Louis, Mo.

No. MC 5623 (Sub-No. 16), filed July 31, 1972. Applicant: ARROW TRUCKING CO., a corporation, 3131 North Lewis, Post Office Box 6027, Tulsa, OK 74106. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete mixers, pumping units, commercial laundry tumblers, hide processors, and dump trailers*, the transportation of which because of size or weight requires the use of special equipment, and (2) *parts and attachments* for the articles described in (1) when moving in mixed loads with such articles, from the plantsite and warehouse facilities of Challenge-Cook Bros., Inc., at City of Industry and Oakland, Calif., and Bryan, Ohio, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 19227 (Sub-No. 171), filed July 26, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tiles and related parts and supplies*, from the plant of Monray Roof Tile Co., located in Dallas County, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Miami, Fla.

No. MC 29079 (Sub-No. 64), filed July 26, 1972. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Post Office Box 95, Kokomo, IN 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite of the Chicago Bridge and Iron Co., near Indian Oaks, Ill., to points in Indiana, Kentucky; points in Michigan, on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to the Saginaw River and thence along the Saginaw River to Saginaw Bay, St. Louis, Mo.; points in Ohio; points in New York, on and west of U.S. Highway 62; points in Pennsylvania on and west of U.S. Highway 219 and points in West Virginia and (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods, defined by the Commission, commodities in bulk and those requiring special equipment), from points in Indiana, Kentucky; points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to the Saginaw River and thence along the Saginaw River to Saginaw Bay, St. Louis, Mo.; points in Ohio; points in New York, on the west of U.S. Highway 62; points in Pennsylvania, on and west of U.S. Highway 219 and points in West Virginia to the plantsite of the Chicago Bridge and Iron Co., near Indian Oaks, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29910 (Sub-No. 121), filed July 28, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Kelley Building, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material group, composition shingles; sheet iron roofing; composition or prepared; siding, asbestos*, from Shreveport, La., to points in Indiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 29910 (Sub-No. 122), filed July 31, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper or Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, wallboard, insulation board, and paneling*, from the plantsite of the Permaneer Corp. in Calhoun County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with applicant's existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 30618 (Sub-No. 7), filed July 31, 1972. Applicant: HENRY V. RABOUIN, Richmond Road, Hancock, Mass. Applicant's representative: Harris N. Aaronson, 57 Wendell Avenue, Pittsfield, MA 01201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, in bulk or bag, from Troy, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Boston, Mass.

No. MC 42011 (Sub-No. 10), filed March 29, 1972. Applicant: D. Q. WISE & CO., INC., 2835 West 21st Street (Post Office Box 9205), Tulsa, OK 74107. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd (Post Office Box 75124), Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V of Descriptions in Motor Carrier Certificates, Ex Parte No. MC 45, 64 M.C.C. 209, in truckload lots, between Tulsa, Sand Springs, and points on the Arkansas and Verdigris Rivers in Oklahoma, on the one hand, and, on the other, points in Arkansas, Kansas, Colorado, Nebraska, Missouri, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 42487 (Sub-No. 794), filed August 2, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, Ohio, and Parkersburg, W. Va., from Cincinnati, Ohio over U.S. Highway 50 to Parkersburg, W. Va., and return over the same route, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points and (2) between Lancaster, Ohio, and Parkersburg, W. Va., from Lancaster, Ohio, over U.S. Highway 33 to Athens, Ohio, thence over U.S. Highway 50 to Parkersburg, W. Va., and return over the same route, as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points, but serving Lancaster, Ohio for the purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 44509 (Sub-No. 6), filed August 2, 1972. Applicant: SNYDER TRUCKING COMPANY, a corporation, 2545 Parsons Avenue, Columbus, OH 43207. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and materials* used in the manufacture and sale of bakery goods (except commodities in bulk), between Sayersville, N.J., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia, under contract with Sunshine Biscuit Co., Sayersville, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 59247 (Sub-No. 5), filed August 2, 1972. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, Linden, NJ 07036. Applicant's representative: Count S. Charles Volpe, Post Office Box 1182, South Miami, FL 33140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, and such materials and supplies* as are used in the manufacture and sale of chemical products, between Linden, N.J., on the one hand, and, on the other, Connecticut, Delaware, and that part of New York, east and south of New York Highway 7 including New York, N.Y., and points in Long Island, N.Y.; that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 (formerly U.S. Highway 111) to Baltimore, Md., thence along Maryland Highway 2 to Annapolis, Md., including points in Maryland on the Del-Mar-Va Peninsula, and that part of Pennsylvania, east of a line beginning at the New York-Pennsylvania State line and extending along to U.S. Highway 11 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., and thence along unnumbered highway (formerly portion of U.S. Highway 111) to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified. NOTE: Applicant states that the requested authority can be tacked at Linden, N.J. The territory that would be served through such joinder will be points in Connecticut, Rhode Island, Massachusetts, that part of New York, south and east of a line beginning at the junction of the New York-Massachusetts and the New York-Connecticut State lines near Boston Corner, N.Y. and extending in a northwesterly direction to Saratoga Springs, N.Y., thence in a westerly direction to Gloversville, N.Y., and thence in a southerly direction through Port Jervis, N.Y., to the New York-New Jersey State line, and that part of New Jersey east of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending in a southwesterly direction to Philipsburg, N.J., and thence in a southeasterly direction through Asbury Park, N.J., to the Atlantic Ocean, including the points named. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66886 (Sub-No. 34), filed July 31, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Street maintenance, repair, and cleaning equipment;* (2) *truck tractors;* (3) *truck bodies and truck beds;* (4) *cranes, hoists, and power gates, designed for use on truck bodies* and (5) *parts, attachments, and accessories*, for the commodities described in (1) through (4) between Bowling Green, Ohio, and Ottawa, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (B) *commodities* described in (A), which at the time of movement are being transported for purposes of show, display, or experiment and not for sale and *incidental paraphernalia*, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo and Columbus, Ohio; Chicago, Ill.; or Washington, D.C.

No. MC 68997 (Sub-No. 6), filed July 25, 1972. Applicant: A. A. RABALAIS, INC., Post Office Box 10052, New Orleans, LA 70121. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and orange juice;* and *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between Kentwood, La., New Orleans, La., High Point, N.C., and points in Florida on and west of U.S. Highway 331, and on and west of a line extended south from the southern terminus of U.S. Highway 331 to the Gulf of Mexico, under contract with the Great Atlantic & Pacific Tea Co., Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 71459 (Sub-No. 26), filed July 28, 1972. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, CA 94303. Applicant's representative: C. J. Boddington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Bakersfield, Calif., and Ash Fork, Ariz.; from Bakersfield, Calif., over California Highway 58 to junction U.S. Highway 66, at or near Barstow, Calif., thence over U.S. Highway 66 to Ash Fork, Ariz., and return over the same route; (2) between Aguila, Ariz., and Congress, Ariz.; from Aguila, Ariz., over Arizona Highway 71 to Congress, Ariz., and return over the same route; and (3) between Bakersfield, Calif., and junction Interstate Highway 10 and Interstate Highway 15, from Bakersfield, Calif., over California Highway 58 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction Interstate Highway 10, and return over the

same route; (1), (2), and (3) above serve as alternate routes for operating convenience only in connection with carrier's authorized regular route operation, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Phoenix, Ariz.

No. MC 76065 (Sub-No. 21), filed July 28, 1972. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 West 37th Street, New York, NY 10018. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers, and *materials, supplies and equipment* used in the manufacture of wearing apparel, and *department store merchandise* when moving in the same vehicle with wearing apparel on hangers (except commodities in bulk), between the Commercial Zones of Philadelphia, Pa., and Washington, D.C. as defined by the Commission, and points in Maryland and Pennsylvania on and east of U.S. Highway 11, on the one hand, and, on the other, points in Virginia and North Carolina. NOTE: Applicant states that the requested authority could possibly be tacked with its Subs at authorized points in Maryland, Pennsylvania, and New Jersey for service of authorized areas in said States and New York, N.Y. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 79550 (Sub-No. 3), filed July 28, 1972. Applicant: ERSKINE TRUCKING, INC., Route 2, Lowellville, Ohio 44436. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between the warehouse facilities of Connors Steel Co. at Lowellville, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority to transport the described iron and steel products and fabricated steel at Lowellville, Ohio. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 83539 (Sub-No. 346), filed July 26, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street (Post Office Box 5976), Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Track-propelled passenger and cargo vehicles, tractors* (not including truck tractors), *off-highway pleasure vehicles, ski-lift systems, agricultural implements and machinery, truck beds or bodies, trailers* designed for the transportation of the above-described commodities, (2) *equipment* designed for use with the articles described above, and (3) *attachments and parts* for the commodities described in (1) and (2) above, from Logan, Utah and Idaho Falls, Idaho, to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 83835 (Sub-No. 95), filed July 24, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories* (1) from points in Audrain County, Mo., to New Orleans, La., and points in Alaska, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia; and (2) from points in Callaway County, Mo., to New Orleans, La., and points in Alaska, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 85886 (Sub-No. 3), filed July 13, 1972. Applicant: DAN GAICH TRUCKING, INC., Box 452, Rilton, Westmoreland County, PA 15678. Applicant's representative: Jerome Solomon, 3131 United States Steel Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bedford, Pa., and Claysburg, Pa., from Bedford, Pa., via U.S. Highway 220 to Claysburg, Pa., and return over the same route; (2) between Everett, Pa., and McConnellsburg, Pa., from Bedford, Pa., via U.S. Highway 30 to McConnellsburg, Pa., and return over the same route serving points in Bedford County, Pa., as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 100623 (Sub-No. 36), filed July 30, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, between the facilities of Parke-Davis at or near Teterboro, N.J., on the one hand, and, on the other, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa. Restriction: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor at one location to one consignee at one location on any one day. No delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with carrier and are served by it pursuant to permits issued by this Commission. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 102799, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 100666 (Sub-No. 221), filed July 24, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Shreveport, La., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 106497 (Sub-No. 71), filed July 31, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912 (Business Route I–44 East), Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Terminal tractors*, from Longview, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its Sub-4, but tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 107012 (Sub-No. 155), filed July 24, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, New Haven and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from Columbus, Miss., to points in Iowa, Nebraska, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 156), filed ICAN VAN LINES, INC., Post Office Box 988, New Haven and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from Grafton, W. Va., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 625), filed July 31, 1972. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Junction boxes, wireways, fabricated metal panels, and component parts thereof*, from points in Madison County, Ill., to points in the continental United States, and (2) *trays, channels, nuts, bolts, washers, and fittings and accessories therefor*, from Highland, Ill., to points in Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107295 (Sub-No. 626), filed July 31, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and paneling and accessories*, from Camden, N.J., to points in Pennsylvania and Ohio, (2) *ventilators, ventilator systems, parts, equipment, and accessories*, from Tabor City, N.C., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (3) *lumber, hardwood planks and paneling and molding and accessories*, from Stuggart, Ark., to points in New Jersey, New York, Massachusetts, Rhode Island, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 354), filed July 31, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, TX 75207. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Dunlap, Ind., to points in Illinois, Missouri, Iowa, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 108207 (Sub-No. 355), filed August 6, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rabbit, chicken, turkey, dog, horse, and bovine sera and tissues*, from points in California to Rogers, Ark.; and from Rogers, Ark., to points in Arizona, Texas, Oklahoma, Louisiana, Missouri, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Tennessee, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 109397 (Sub-No. 279), filed August 2, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113 (Business Route I-44 East), Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propellant explosives, Class B liquid*, moving in shipper owned tank trailers, from DuPont, Wash., to Pine Valley, Calif. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.; San Francisco, Calif.; or Seattle, Wash.

No. MC 110988 (Sub-No. 285), filed July 31, 1972. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, McLachlen Bank Building, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed, liquid feed supplements*, in bulk, from the plantsite and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin and (2) *molasses*, in bulk, from the plantsite and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 111729 (Sub-No. 358), filed August 1, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live laboratory specimens*, between Madison, Wis., on the one hand, and, on the other, points in Boone, Cook, Du Page, Lake, McHenry, and Winnebago Counties, Ill.; Lafayette and South Bend, Ind.; Kalamazoo, Mich.; and Minneapolis, Minn. NOTE: Applicant holds contract carrier authority under 112750 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Madison, Wis.

No. MC 112613 (Sub-No. 7), filed July 31, 1972. Applicant: T. ACHENBERG TRANSPORTATION CO., a corporation, 208 Sheridan Street, Perth Amboy, NJ 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Medicinal petroleum products, toilet preparations, cosmetics, cough syrup, materials, and supplies* used in the manufacture, sale and distribution of the aforesaid commodities (except in bulk), from East Brunswick, N.J., to New York, N.Y., and points in Hudson and Essex Counties, N.J., between East Brunswick,

N.J., and Clinton, Conn., and (2) *returned shipments of the above-specified commodities*, from New York, N.Y., and points in Essex and Hudson Counties, N.J., to East Brunswick under contract with Chesebrough-Ponds, Inc. NOTE: Applicant holds common carrier authority under MC 133078 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112801 (Sub-No. 134) (Amendment), filed June 9, 1972, published in the FEDERAL REGISTER issue of July 27, 1972, and republished as amended, this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends* in bulk, from the plantsite of the Hubinger Co. at Elk Grove Village, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect service from the plantsite of the Hubinger Co. The rest of the application remains the same. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 154), filed April 3, 1972. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C, Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Carroll, Iowa, to points in Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., restricted to traffic originating at the plantsite or storage facilities of Farmland Industries, Inc., at or near Carroll, Iowa, and destined to the named states. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 113908 (Sub-No. 234), filed July 31, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits*, in bulk, in tank vehicles, from Atchison, Kans., to points in Massachusetts, Connecticut, New York, New Jersey, Maryland, Pennsylvania, Ohio, Michigan, Kentucky, Illinois, Minnesota, Wisconsin, Louisiana, Maine, Missouri, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 113908 (Sub-No. 235), filed July 31, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans. to Soso, Miss., Gainesville, Ga., and Danville, Ark., refused and rejected shipments on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114015 (Sub-No. 17), filed July 31, 1972. Applicant: HUSS, INCORPORATED, Highway 47 West, Chase City, VA. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shooks, pallets, and pallet materials*, from Chase City and Keysville, Va., to points in Delaware, North Carolina, and South Carolina, under contract with Spaulding Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 102), filed July 28, 1972. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: Herbert R. Nurick, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery, and confectionery products* and (2) *Advertising matter, premiums, and display materials*, when shipped in the same vehicle with the commodities described in (1) (except commodities in bulk), from Elizabethtown, Pa., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming. Restriction: The authority sought herein is restricted to the transportation of traffic originating at the plantsite and warehouse facilities of M. & M./Mars at Elizabethtown, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115523 (Sub-No. 169), filed July 3, 1972. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, UT 84116. Applicant's representative: H. D. Stratford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, between points in Idaho on the one hand, and, on the other, points in Oregon, and (2) *dry fertilizer*, in bulk, from points in Franklin, Benton, and Walla Walla Counties, Wash., to points in Idaho, Oregon, and Montana. NOTE: Applicant states joinder or tacking is not intended but applicant holds authority in MC 115523 Sub-No. 64 on dry fertilizer from points in Idaho to points in nine States. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 115840 (Sub-No. 78), filed July 17, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic or iron fittings and connections, valves, hydrants, and gaskets*, from Buckhannon, W. Va., to points in Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either (1) Birmingham, Ala.; (2) Chicago, Ill.; or (3) Washington, D.C.

No. MC 115841 (Sub-No. 438), filed July 28, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and food ingredient*, in vehicles equipped with mechanical refrigeration, (execpt (a) commodities in bulk, and (b) sugar), from points in New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia to points in Kentucky, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 115841 (Sub-No. 439), filed July 28, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., and its commercial zone to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, Texas, Missouri, Virginia, Oklahoma, Illinois, and New Mexico. NOTE: Applicant states that tacking is possible but applicant has no intention to perform such tacking. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Chicago, Ill.; or Louisville, Ky.

No. MC 116457 (Sub-No. 11), filed July 26, 1972. Applicant: GENERAL TRANSPORTATION, INCORPORATED, Post Office Box 670, Springerville, AZ 85938. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Arizona to points in Arkansas; (2) *particle board*, from points in Arizona to points in New Mexico, Texas, Arkansas, and Oklahoma; and (3) *brick*, from points in Kansas, Arkansas, and Texas, to points in Arizona, Nevada, and Kern, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Los Angeles, Riverside, Orange, and San Diego Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 117613 (Sub-No. 11), filed July 31, 1972. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, MD 21740. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (a) from points in Frederick County, Md., to points in the District of Columbia, Virginia, and West Virginia and (b) from Rossville, Md., to points in the District of Columbia and Virginia, under contract with Baltimore Brick Co., Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117698 (Sub-No. 13), filed July 28, 1972. Applicant: LEO H. SEARLES, doing business as, L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, NY 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products* (particularly riccotta cheese), in containers, from the site of the Andes Creamery of H. P. Hood and Sons, Inc., located at or near Andes, N.Y., to Lebanon, Pa.; (2) *ice cream, ice cream products, Cool-whip, ice confections, ice mix, ice cream* in bulk, in containers, *fudgsickles, popsickles, cones, candied ice cream, sherbets*, in stick or in small packages, and in bulk, in containers, and *fruit punch* from the plantsite of H. P. Hood and Sons, Inc., located in Suffield, Conn., to Albany, Rensselaer, Troy, Schenectady, Waterford, Saratoga, Glens Falls, and Mount Kisco, N.Y., Allentown, Pa., Woodstown, N.J., and Landover and College Park, Md., Dayton and Toledo, Ohio, and Fairfax, Va.; (3) *ice cream, ice cream products, Cool-whip, ice confections, ice cream* in bulk, in containers, *fudgsickles, popsickles, cones, candied ice cream, sherbets*, in stick or in small packages, in bulk and in containers, and *fruit punch*, from the plantsites of Simonson Bros. Ice Cream, Inc., located at or near Laurel, Md., Philadelphia and Scranton, Pa., to Oneonta, N.Y.; and (4) *pallets and return pallets*, from Oneonta, N.Y., to (1) and (2) above on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 117765 (Sub-No. 148), filed July 26, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, composition, and treated lumber*, from points in Colorado to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119367 (Sub-No. 7), filed July 31, 1972. Applicant: ANTONA TRUCKING CO., INC., Route 208, Post Office Box 315, Washingtonville, NY 10992. Applicant's representatives: Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, loose and baled, in flat bed and dump vehicles, from Poughkeepsie, N.Y., to Coatesville, Pa., under contract with Charles Effron & Son. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York or Albany, N.Y.

No. MC 119741 (Sub-No. 44), filed July 31, 1972. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise as is dealt in by wholesale and retail grocery houses*, from the plantsite of United Facilities, Inc., at Galesburg, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is demeed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 120), filed August 2, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188 (1612 Irving Boulevard), Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woven synthetic fabrics*, from Waynesboro, Va., to Libertyville, Ill.; Milwaukee, Wis.; and points in Arizona, California, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 123640 (Sub-No. 9), filed July 26, 1972. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irvin Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold or dealt in by wholesale hardware houses, between Cape Girardeau, Mo., on the one hand, and, on the other, points in Louisiana and Oklahoma, under continuing contract with Hardware Wholesalers, Inc., Cape Girardeau, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123685 (Sub-No. 14), filed August 3, 1972. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, OH 44646. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operatte as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and pesticides*, in containers, from Wadsworth, Ohio, to points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, New York, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant has a pending application under MC 137017. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 124679 (Sub-No. 53), filed June 29, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and*

tubes, rubber for recapping, materials and supplies used in the recapping process and advertising and promotional materials, from Muscatine, Iowa to Denver, Colo., Salt Lake City and Ogden, Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128813 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Denver, Colo.

No. MC 124679 (Sub-No. 54), filed June 29, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising, promotion and display materials*, from Salt Lake City, Utah to points in Ohio, New Jersey, Connecticut, Massachusetts, Rhode Island, West Virginia, Virginia, Pennsylvania, Maryland, New York, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128813 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Denver, Colo.

No. MC 126727 (Sub-No. 5), filed August 5, 1972. Applicant: GARDNER CARTAGE COMPANY, a corporation, 2662 East 69th Street, Cleveland, OH 44104. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast structural concrete products*, between Cleveland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Indiana, Michigan, Virginia, Kentucky, and Ohio, under contract with the Cleveland Builders Supply Co. NOTE: Applicant now holds permanent authority for the same shipper in substantial portions of New York, Pennsylvania, West Virginia, Indiana, and Michigan. Upon a grant of authority requested in this application, the applicant will surrender the authority in permit No. MC–126727 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 126844 (Sub-No. 16), filed August 1, 1972. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of kitchens of Sara Lee, Inc., at Chicago, Ill., and New Hampton, Iowa to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 97), filed August 2, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98-Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery products, premiums, advertising materials and supplies;* (a) from Jackson, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Texas, Washington, and Wyoming; and (b) from Davenport, Iowa and Moline, Ill., to points in Arizona, California, Colorado, Iowa, Oregon, and Washington; and (2) *foodstuffs*, (a) from points in Michigan, Minnesota, California, Idaho, and Illinois, to Sioux City, Iowa; and (b) from points in California to Sioux City, Iowa, and points in South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 127042 (Sub-No. 98), filed August 7, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98–Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured and/or dealt in by wholesale and retail grocery houses, from the facilities of United Facilities, Inc., located at or near Galesburg, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Peoria, Ill., St. Louis, Mo., or Chicago, Ill.

No. MC 128882 (Sub-No. 8), filed July 27, 1972. Applicant: R. W. STEELE, doing business as R. W. STEELE) TRUCKING COMPANY, 320 Heaslet Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts* thereof, between points in Thayer County, Nebr., on the one hand, and, on the others, points in Kansas, Oklahoma, Texas, Colorado, New Mexico, Arizona, and California, under a continuing contract with Sprink-L-Rite Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129631 (Sub-No. 29) (Amendment), filed March 31, 1972, published in the FEDERAL REGISTER issue of May 11, 1972, and republished as amended, this issue. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing, aluminum or plastic or composition, and fittings therefor*, from Vancouver, Wash., Portland, Eugene, Springfield, and Corvallis, Oreg., to points in Idaho (except those points north of Idaho County), Montana, Wyoming, Colorado, Arizona, Utah, and Nevada, restricted against the transportation of "Mercer" and "size and weight" commodities and electrical conduit and metal tubing moving from Portland, Oreg., and Vancouver, Wash., to Missoula, Mont. NOTE: The purpose of this republication is to reflect the addition of Corvallis, Oreg., as an origin point, and to include the above stated restrictions. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 133604 (Sub-No. 2), filed July 24, 1972. Applicant: LYNN'S POULTRY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machined castings*, from Oskaloosa, Iowa, to Bay Minette and Mobile, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 134323 (Sub-No. 25), filed July 27, 1972. Applicant: JAY LINES, INC., 720 North Grand Street, Post Office Box 4146, Amarillo, TX 79105. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners, and conditioners, humidifiers, dehumidifiers, and related items; and materials, parts, and supplies* used in the manufacture, production, and distribution thereof, between points in Middlesex County, N.J., on the one hand, and, on the other, points in Georgia, Alabama, and Florida, under contract with Fedders Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 134323 (Sub-No. 26), filed July 28, 1972. Applicant: JAY LINES, INC., 720 North Grand Street, Box 4146, Amarillo, TX 79105. Applicant's representative: Gailyn L. Larsen, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household laundry, equipment, supplies, and articles* used in the manufacture thereof, between Herrin, Ill., on the one hand, and, points in Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, and Alabama, under contract with Fedders Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 134323 (Sub-No. 27), filed July 31, 1972. Applicant: JAY LINES, INC., 720 North Grand St., Post Office Box 4146, Amarillo, TX 79105. Applicant's representative: Gailyn L. Larsen, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, air cleaners, air conditioners, humidifiers, dehumidifiers, and related items;* and *materials, parts, and supplies* used in the manufacture, production, and distribution thereof, between Frederick, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Fedders Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 135524 (Sub-No. 10), filed July 31, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and slabs, building and roofing, and boards composed of cement or magnesite with wood fiber or chips*, between Cornell, Wis., on the one hand, and, on the other, points in Michigan, Illinois, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or St. Paul, Minn.

No. MC 136401 (Sub-No. 1) (Correction), filed February 10, 1972, published in the FEDERAL REGISTER issues of March 9 and March 23, 1972, and August 17, 1972, republished as corrected this issue. Applicant: ROBIN EXPRESS, INC., 20–02 Steinway Street, Long Island City, NY 11105. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, tubes, patches, flaps, gaskets, valves, road maps, calendars and materials, equipment and supplies* incidental to the business of a tire manufacturer, wholesaler or distributor, in cargo containers or trailers, from points in the New York, N.Y., commercial zone; Hoboken, Port Elizabeth, and Port Newark, N.Y., to Lake Success and New Hyde Park, N.Y., under a continuing contract with Michelin Tire Corp. NOTE: The purpose of this republication is to show the correct docket number as MC 136401 Sub-1. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136588 (Sub-No. 2), filed July 31, 1972. Applicant: HUNTER TRANSFER & STORAGE CO., INC., 600 West Broad Street, Texarkana, TX 75501. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including *tools* used in the construction and maintenance of telephone systems and communications, between points in Bowie County, Tex., on the one hand, and, on the other, points in Bowie, Red River, Morris, and Cass Counties, Tex., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests to be held at either Dallas, Fort Worth, or Houston, Tex.

No. MC 136633 (Sub-No. 2), filed July 31, 1972. Applicant: MIDWEST DUMPERS, INC., 530 Univac Building, Omaha, Nebr. 68106. Applicant's representative: Donald L. Stern (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand, gravel, dirt, and rock*, from Weeping Water, Nebr., to points in Iowa and Missouri. NOTE: If a hearing is deeming necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136663 (Sub-No. 1), filed July 31, 1972. Applicant: CHARLOTTE VAN AND STORAGE COMPANY, INC., 213 Verbena Street, Post Office Box 3817, Charlotte, NC 28203. Applicant's representative: Frank E. Watson, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between Charlotte, N.C., and points in Mecklenburg, Cabarrus, Stanly, Union, Anson, and Montgomery Counties, N.C., under a continuing contract with Western Electric Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 136666 (Sub-No. 1), filed May 1, 1972. Applicant: G & C TRUCKING, INC., 4501 North Galvez, New Orleans, LA 70117. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse of Galvez Drayage & Storage located at New Orleans, La., to points in Mississippi on and south of U.S. Highway 80. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 136676 (Sub-No. 1), filed June 20, 1972. Applicant: J. P. SALT COMPANY, INC., Post Office Box 218, Justin, TX 76247. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Justin, Tex. (1) to points in Texas on and north and east of a line from the Texas-Louisiana border over Texas Highway 21 and Texas Highway 103 to Lufkin, thence over U.S. Highway 59 to Houston; thence over Interstate Highway 10 (U.S. Highway 90) to San Antonio; thence over Interstate Highway 10 (U.S. Highway 87) to Comfort; thence over Texas Highway 27 to junction; thence over U.S. Highway 83 to Eden; thence over U.S. Highway 87 to San Angelo; thence over Texas Highway 208 via Colorado City and Snyder to its intersection with Texas Highway 70; thence over Texas Highway 70 via Spur, Clarendon and Pampa to its intersection with U.S. Highway 83; thence over U.S. Highway 83 to the Texas-Oklahoma border; and (2) to points in Oklahoma on and south of a line from the Oklahoma-Arkansas border over Interstate Highway 40 to the Muskogee Turnpike; thence over the Muskogee Turnpike to Tulsa; thence over U.S. Highway 64 to Enid; thence over U.S. Highway 60 to Arnett; thence over U.S. Highway 283 to Roll; thence over Oklahoma Highway 33 to the Oklahoma-Texas State line. Restriction: Restricted to traffic having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 136796 (Sub-No. 1), filed July 24, 1972. Applicant: CHARLES OTTO, doing business as OTTO TRANSFER, 417 Elm Street, Delano, MN 55328. Applicant's representative: Soules and Metchnek, 800 Midland Bank Building, Minneapolis, Minn. 55401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated timber piling, treated sawn timbers, poles, and posts* used for bridge construction and industrial construction, treated wood guardrail posts, all types of steel items used in guardrail construction, untreated lumber used in highway construction or industrial construction, galvanized steel bolts, nails and miscellaneous hardware used in highway and guardrail construction, from St. Louis Park and Shakopee, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, and Wisconsin, under contract with Wheeler Division, St. Regis Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 136819 (Sub-No. 2) (Amendment), filed July 24, 1972, published in the FEDERAL REGISTER issue of August 17, 1972, and republished as amended, this issue. Applicant: JAMES A. SPIVEY, Church Road, Dinwiddie, VA 23841. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, bark, and wood residuals*, from points in North Carolina and South Carolina to Union Camp Corp. Flakeboard Mill at Franklin, Isle of Wight County, Va., under contract with Union Camp Corp. NOTE: The purpose of this republication is to broaden the territorial scope of the authority sought herein. The rest of the application remains the same. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 136902, filed July 17, 1972. Applicant: CHARLES THRASHER AND HARVEY KING, doing business as T & K TRUCKING, 3539 No. 56 Terrace, Kansas City, KS 66104. Applicant's representative: George A. Groneman, 7619 Parallel, Kansas City, KS 66112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel, special process, sand and gravel*, in bulk, (a) between points in that part of Kansas, bounded on the east by the Missouri State line; bounded on the west by U.S. Highway 183; bounded on the north by the Nebraska State line; and bounded on the south by the Oklahoma State line; (b) between points in that part of Missouri, bounded on the west by the Oklahoma-Kansas-Nebraska State line; bounded on the east by U.S. Highway 63; bounded on the south by the Arkansas State line; and bounded on the north by the Iowa State line; (c) between points in that part of Nebraska, bounded on the south by the Kansas State line; bounded on the west by U.S. Highway 183; bounded on the north by Interstate Highway 80; and bounded on the east by the Iowa State line; and (d) between points in that part of Iowa, bounded on the south by the Missouri state line; bounded on the west by the Nebraska State line; bounded on the north by Interstate Highway 80; and bounded on the east by U.S. Highway 63, under contract with Stewart Sand & Material Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Overland Park, or Topeka, Kans.

No. MC 136906 (Sub-No. 2), filed July 28, 1972. Applicant: OMSTEAD REFRIGERATED TRANSPORTATION, INC., Post Office Box 7—466 West Madge Street, Hazel Park, Mich. 48030. Applicant's representative: Robert D. Schuler, One Woodward Avenue—Suite 1700, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, exempt from economic regulation under section 203(b)(6) of the Act, and *frozen foodstuffs* when transported in mixed loads with commodities exempt from economic regulation under section 203(b)(6) of the Act, in vehicles equipped with mechanical refrigeration, from ports of entry on the United States-Canada Boundary Line, to points in the United States (except those in Hawaii), and (2) *materials, supplies, and equipment* used or useful in the manufacture, processing, or distribution of frozen foodstuffs and commodities exempt from economic regulation under section 203(b)(6) of the Act, from points in the United States (except Hawaii) to ports of entry on the United States-Canada Boundary Line, under continuing contract with Maple Leaf Fish Co., Inc. of Wyandotte, Mich., restricted to shipments originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 136913 (Sub-No. 1), filed July 28, 1972. Applicant: FRED SNIDER, doing business as SUNDOWN LUMBER EXPRESS, Post Office Box 8493, Stockton, CA 95204. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products and building materials*, (1) from points in California to points in Arizona, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Utah, and Texas, and (2) from points in Arkansas, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming, to points in California, under contract with Sundown Timber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Stockton, Calif., or Salt Lake City, Utah.

No. MC 136928, filed July 27, 1972. Applicant: FRIENDSHIP TRANSPORT, INC., 4220 West 122d Place, Alsip, IL 60658. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, knocked down, and parts thereof, and tools used in the erection of tanks*, from the plantsite of Chicago, Bridge and Iron Co., at Indian Oaks, Ill., to points in Indiana, Iowa, Ohio, Nebraska, Michigan, Wisconsin, Minnesota, and Missouri, under contract with Chicago Bridge and Iron Co. NOTE: Applicant holds comon carrier authority MC 1662 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136932, filed July 26, 1972. Applicant: MERCHANTS' SPEEDY DELIVERY LIMITED, 1716 Langlois Avenue, Windsor 14, ON Canada. Applicant's representative: Frank J. Kerwin, Jr., 700 Canada Building, 374 Ouellette Avenue, Windsor 14, ON Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dies and repair parts for use in industrial machinery, automobile parts, metal stampings, uncrated furniture and appliances* from the city of Windsor and Townships of Sandwich West, Sandwich South, Colchester North Colchester South, Anderdon and Malden in the county of Essex and Province of Ontario to the international boundary at the Detroit River for the furtherance to Detroit, Mich.: *Provided*, That the applicant does not seek authority, (1) to transport in bulk; (2) to transport in tank vehicle or (3) to transport to, from or between the above named Townships for more than one consignor at a time. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 136938 filed July 31, 1972. Applicant: JOHN NAURACY, doing business as, BOULEVARD SALES, 1300 Carroll Street, East Chicago, IN 46312. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen and repossessed vehicles, tractors, and trailers*, except house trailers, between points in Lake and Porter Counties, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS FOR FREIGHT FORWARDERS

No. FF-421 (DOOR TO DOOR INTERNATIONAL, INC., Freight Forwarder Application), filed July 3, 1972. Applicant: DOOR TO DOOR INTERNATIONAL, INC., 308 Northeast 72d Street, Seattle, WA. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, in the forwarding of *used household goods, used automobiles and unaccompanied baggage*, (a) between points in the United States (including Hawaii and Alaska), restricted to the transportation of import-export traffic, and (b) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Alaska and Hawaii).

No. FF-423 (DREISBACH COLD STORAGE CO. Freight Forwarder Application), filed July 17, 1972 as amended August 4, 1972. Applicant: DREISBACH COLD STORAGE CO., a corporation, 2530 East 11th Street, Oakland, CA 94604. Applicant's representative: Frank Loughran, 100 Bush Street, San Francisco, CA 94104. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by water and motor vehicle in the transportation of: *Foodstuffs and food ingredients* frozen or chilled, from points in Alameda, Contra Costa, Santa Clara,

San Mateo, San Francisco, Marin, Sonoma, Napa, Merced, Madera, Stanislaus, and Fresno Counties, Calif., to points in Hawaii.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12858 (Sub-No. 1), filed August 2, 1972. Applicant: SUTTON'S TOURS & TRAVEL SERVICE, INC., 594 Youngstown-Poland Road, Struthers, OH 44471. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, OH 43215. For a license (BMC-5) to engage in operations as a *broker* at Struthers and Brookpark, Ohio, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in special or charter operations, in round trip all-expense tours, beginning and ending at points in Erie, Huron, Richland, Knox, Lorain, Ashland, Cuyahoga, Medina, Wayne, Holmes, Coshocton, Summit, Lake, Geauga, Portage, Starke, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana, Carroll, Harrison, and Jefferson Counties, Ohio, and extending to points in the United States, including Alaska and Hawaii, and ports of entry on the international boundary lines between the United States and Canada, and the United States and Mexico.

No. MC 130174, filed July 28, 1972. Applicant: STEWART TOURS, INCORPORATED, a corporation, doing business as STEWART TOURS, 35 South Fairview Circle, Portsmouth, VA 23702. For a license (BMC 5) to engage in operations as a *broker* at Portsmouth, Norfolk, Virginia Beach, Newport News, Hampton, and Suffolk, Va., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, as individuals and in groups, in all-expense charter operations, beginning and ending at points in Portsmouth, Norfolk, Chesapeake, Virginia Beach, Nansemond, Hampton, Suffolk, and Newport News, Va., and extending to points in the United States (except Hawaii but including Alaska).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-14269 Filed 8-23-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on August 18, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Iowa from severe storms and flooding, beginning about July 11, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Iowa. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606 as amended), I hereby appoint Mr. Francis X. Tobin, Regional Director, OEP Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by this declared major disaster:

The counties of:

Dubuque.	Howard.
Harrison.	Johnson.

Dated: August 18, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-14369 Filed 8-23-72;8:52 am]

OHIO

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Ohio, dated July 21, 1972, and published July 26, 1972 (37 F.R. 14910) is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 19, 1972:

The county of:
Ashtabula.

Dated: August 18, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-14370 Filed 8-23-72;8:52 am]

PRICE COMMISSION

[Order No. 9A]

MANUFACTURERS OF COFFEE AND COFFEE PRODUCTS

Limitations on Price Increases

On August 16, 1972, the Price Commission issued Order No. 9 (37 F.R. 16640, August 17, 1972), which established limitations on price increases with respect to coffee and coffee products. Paragraph numbered 6 of that order provides:

6. Each manufacturer subject to this order must compute inventory figures on the basis of actual inventory purchase costs and historical inventory valuation practices whenever such figures are relevant to any calculation to be made pursuant to this order.

The Price Commission has determined that this provision is not essential to the attainment of the purposes of Order No. 9, and has accordingly decided that paragraph numbered 6 should be deleted.

Therefore, it is hereby ordered, That: Paragraph numbered 6 in Price Commission Order No. 9, issued August 16, 1972, is deleted, and such Order No. 9 shall be effective as of August 16, 1972, as if it had been issued on that date without such paragraph.

Issued in Washington, D.C., on August 22, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-14458 Filed 8-23-72;8:57 am]

AUTOMOBILE MANUFACTURERS

Supplemental Notice of Public Hearing Regarding Price Increases

On August 19, 1972, the Price Commission published a notice of public hearing (37 F.R. 16839) beginning on September 12, 1972, on the subject of certain automobile price increase requests pending before the Commission.

Since the issuance of that notice, the Commission had determined that the scope of the hearing should be broadened to include other possible price increases for automobiles. Consequently, the purpose of the hearing will be to receive information and views of interested persons on prices for 1973 model year automobiles, light trucks sold to individual consumers, and other highway use vehicles sold to individual consumers, foreign or domestically built and offered for sale in the United States.

In order to accommodate the increased number of persons who may wish to participate in the broadened hearing the place of the hearing has been changed to the Civil Service Commission Auditorium, 1900 E Street NW., Washington, DC. The hearing will begin at 9:30 a.m. on Tuesday, September 12, 1972.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has a substantial interest in the subject of the hearing, may submit, on or before 12 noon, September 1, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation.

As soon as possible after September 1, 1972, the Commission will notify each person who will be scheduled to appear of the date and order of his appearance. The Commission reserves the right to

select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the total number of persons requesting to be heard. Each person who is scheduled to make an oral statement should furnish 12 copies thereof to the Price Commission before September 9, 1972. Persons making statements at the hearing are urged to present them in summarized form, to permit opportunity for questioning.

In addition, any person may submit written information, views, and data on the subject to the Commission for its consideration. These comments must be received by the Commission before October 1, 1972, to be made a part of the hearing record. It is requested that each person submit 12 copies of such comments.

Any information or data considered by the person furnishing it to be confidential must be submitted in writing, one copy only, before the person's scheduled appearance, or before October 1, 1972, as applicable. The Price Commission reserves the right to determine the confidential status of the information or data and to treat it accordingly.

The hearing will be an informal one. The Chairman, a member of the Price Commission, or a designated representative will preside. It will not be a judicial or evidentiary type hearing. There will be no cross-examination of persons presenting statements. Any decision made by the Commission with respect to the subject matter of the hearing will be based on all information available to the Commission, from whatever source received, and will not be based solely on the record of the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and may not exceed 10 minutes each.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, before September 9, 1972. Any person who makes an oral statement and who wishes to ask a question at the hearing may do so by submitting the question, in writing, to the presiding officer. The Commission, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

All requests to make an oral presentation, written submissions, and questions concerning the hearing should be addressed to the General Counsel, Price Commission, 2000 M Street NW., Washington, DC 20508.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the Commission and made available for inspection at the Public Reference Facility of the Price Commission, Room 2313, 2000 M Street NW., Washington, DC between the hours of 8 a.m. and 5 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

The public hearing hereby scheduled is consistent with the Commission's intent to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact on the national economy.

Issued in Washington, D.C., on August 23, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-14557 Filed 8-23-72;1:34 pm]

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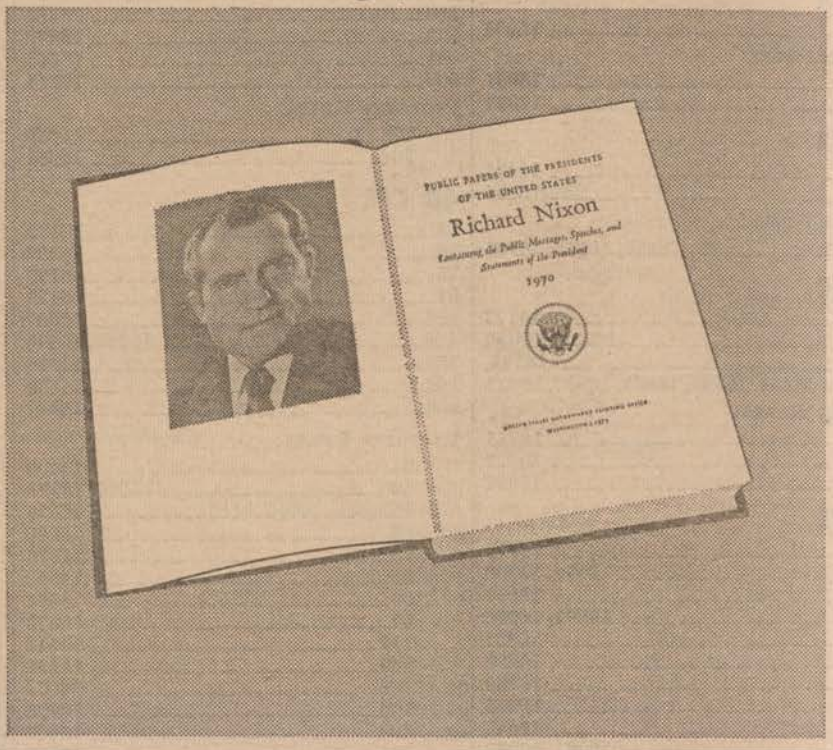
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