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HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

LIST OF HAZARDOUS MOBILE HOME PARKS AND RECREATIONAL SITES

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act, and § 301.45–2 of the Gypsy Moth and Browntail Moth Quarantine Regulations as amended (7 U.S.C. 161, 162, 150ee; 7 CFR 301.45–2), paragraph (a), § 301.45–2c of the Gypsy Moth and Browntail Moth Regulations (7 CFR 301.45–2c(a)) is hereby revised by deleting therefrom the reference to the following recreational campsites in the State of New York:

ORANGE COUNTY

Monroe, Whispering Pines Campsite.

SCHOHARIE COUNTY

Middleburg, Toepath Mountain Campsite.

SULLIVAN COUNTY

Barryville, Beaverbrook Camps.
Narrowsburg, Land Yacht Harbor.
Wurtsboro, KOA Campsite.

WARREN COUNTY

Lake George, King Philip's Campsite.

There is no change in the list of hazardous mobile home parks, paragraph (b) of § 301.45–2c dated 6–22–72.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 37 F.R. 12298, 7 CFR 301.45–2c)

The Deputy Administrator has determined that there now is no reason to believe that there is a risk of spread of the gypsy moth from the above-named recreational sites and has therefore deleted them from the list of hazardous recreational sites.

This revision relieves restrictions presently imposed, and it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Therefore, in accordance with the administrative procedure provisions of 5 U.S.C. 553, it is found that notice and other public procedure with respect to this revision are impracticable 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. This revision shall become effective upon publication in the FEDERAL REGISTER (9–28–72).

Done at Washington, D.C., this 21st day of September 1972.

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

[FR Doc.72–16512 Filed 9–27–72;8:49 am]

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

[Valencia Orange Reg. 411]

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

Limitation of Handling

§ 908.711 Valencia Orange Regulation 411.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, ti 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 September 26, 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 September 26, 1972, through October 5, 1972, are hereby fixed as follows:

(i) District 1: 416,000 cartons;

(ii) District 2: 384,000 cartons;

(iii) District 3: Unlimited.

(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: September 27, 1972.

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

[FR Doc.72–16668 Filed 9–27–72;11:19 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Corn Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972 Crop Loan and Purchase Program

On September 11, 1971, notice of proposed rule making regarding loan and purchase rates for 1972 crop corn and detailed operating provisions to carry out the 1972 crop corn loan and purchase program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published in the FEDERAL REGISTER at 35 F.R. 7363 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Corn Loan and Purchase Program Regulations, published in the FEDERAL REGISTER at 35 F.R. 13969, and any amendments to such regulations, are further supplemented for the 1972 crop of corn.

The material previously appearing in these sections 1421.111 through 1421.116 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.111 Availability.
1421.112 Compliance requirements.
1421.113 Warehouse charges.
1421.114 Maturity of loans.
1421.115 Delivery period.
1421.116 Loan and purchase rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.111 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible corn on or before June 30, 1973. To sell eligible corn to CCC, a producer must execute and deliver to the appropriate county ASCS office, on or before July 31, 1973, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1972 crop corn he may sell to CCC. *Provided,* That in any area where it is determined by the State committee that producers may not be able to or cannot store corn safely on the farm for the full storage period because of insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for requesting loans and purchases on farm stored corn shall be such earlier dates as are established by the State committee. Public announcement of the final dates shall be made sufficiently in advance of such dates to allow producers a reasonable period of time to request loans and purchases.

§ 1421.112 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the corn being tendered if the producer complies with the 1972 set-aside program appearing in regulations published in Part 775 of this title pertaining to Feed Grain Set-Aside Program for crop years 1971–73, and any amendments thereto, on the farm on which such corn was produced.

§ 1421.113 Warehouse charges.

Subject to the provisions of § 1421.96, the schedule of deductions set forth in this section shall apply to corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1973

Storage start date: [1]	*Deduction (cents per bushel)*
Prior to Aug. 3, 1972	15
Aug. 3 to Aug. 27	14
Aug. 28 to Sept. 21	13
Sept. 22 to Oct. 16	12
Oct. 17 to Nov. 10	11
Nov. 11 to Dec. 5	10
Dec. 6 to Dec. 30	9
Dec. 31, 1972 to Jan. 24, 1973	8
Jan. 25 to Feb. 18	7
Feb. 19 to Mar. 15	6
Mar. 16 to Apr. 9	5
Apr. 10 to May 5	4
May 6 to May 29	3
May 30 to June 23	2
June 24 to July 31, 1973	1

[1] All dates inclusive.

§ 1421.114 Maturity of loans.

Loans mature on demand but not later than July 31, 1973.

§ 1421.115 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1973.

(b) *Where producer may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is under farm storage loan. Eligible corn not under loan may also be delivered to CCC for purchase in the earlier delivery period. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, but not before April 1, 1973. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county office within the time specified by the county office that he wants to deliver the corn.

(c) *Where producers cannot store corn safely.* If the State committee determines that producers in an area cannot store corn safely on the farm for the full storage period (for reasons set forth in § 1421.111), all farm storage loans in such area shall be called. Producers having eligible corn not under loan who elect to make deliveries from farm storage for purchase by CCC shall also be required to deliver during the delivery period for loans except that individual producers may keep corn in farm storage until the regular loan maturity date if (1) such corn is shelled, (2) the producer has satisfactory storage facilities, and (3) either the State committee approves or the county committee approves where the State committee has authorized county committee to make such determinations. Any earlier delivery period established shall begin at least 30 days after the final date of availability of loans established by the State committee and not before April 1, 1973.

§ 1421.116 Loan and Purchase rates, premiums, and discounts.

County basic loan and purchase rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The rate for warehouse stored corn loans shall be the basic rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.23(c), settlement for corn delivered from other than approved warehouse storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county rates.* Basic county rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

County	*Rate per bushel*
All counties	$1.20

ARIZONA

All counties	$1.26

ARKANSAS

All counties	$1.17

CALIFORNIA

All counties	$1.26

COLORADO

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$1.14	La Plata	$1.22
Alamosa	1.18	Larimer	1.14
Arapahoe	1.15	Las Animas	1.15
Archuleta	1.20	Lincoln	1.13
Baca	1.11	Logan	1.12
Bent	1.14	Mesa	1.23
Boulder	1.14	Moffat	1.23
Cheyenne	1.10	Montezuma	1.25
Conejos	1.18	Montrose	1.23
Costilla	1.18	Morgan	1.14
Crowley	1.14	Otero	1.16
Custer	1.17	Ouray	1.25
Delta	1.23	Phillips	1.10
Dolores	1.25	Pitkin	1.21
Douglas	1.16	Prowers	1.10
Eagle	1.21	Pueblo	1.16
Elbert	1.15	Rio Blanco	1.23
El Paso	1.16	Rio Grande	1.21
Fremont	1.17	Routt	1.20
Garfield	1.23	Saguache	1.19
Grand	1.17	San Miguel	1.25
Huerfano	1.17	Sedgwick	1.10
Jefferson	1.16	Washington	1.12
Kiowa	1.10	Weld	1.14
Kit Carson	1.10	Yuma	1.09

CONNECTICUT

All counties	$1.29

DELAWARE

All counties	$1.23

FLORIDA

All counties	$1.21

GEORGIA

County	Rate per bushel
All counties	$1.21

HAWAII

County	Rate per bushel
All counties	$1.57

IDAHO

County	Rate per bushel
All counties	$1.23

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Lee	$1.08
Alexander	1.12	Livingston	1.08
Bond	1.10	Logan	1.09
Boone	1.08	McDonough	1.08
Brown	1.09	McHenry	1.09
Bureau	1.08	McLean	1.08
Calhoun	1.09	Macon	1.09
Carroll	1.06	Macoupin	1.10
Cass	1.10	Madison	1.10
Champaign	1.07	Marion	1.09
Christian	1.09	Marshall	1.09
Clark	1.08	Mason	1.09
Clay	1.09	Massac	1.12
Clinton	1.10	Menard	1.09
Coles	1.07	Mercer	1.06
Cook	1.11	Monroe	1.11
Crawford	1.09	Montgomery	1.09
Cumberland	1.08	Morgan	1.10
De Kalb	1.09	Moultrie	1.07
De Witt	1.08	Ogle	1.07
Douglas	1.07	Peoria	1.09
Du Page	1.10	Perry	1.11
Edgar	1.07	Piatt	1.07
Edwards	1.11	Pike	1.09
Effingham	1.09	Pope	1.12
Fayette	1.09	Pulaski	1.12
Ford	1.07	Putnam	1.09
Franklin	1.11	Randolph	1.11
Fulton	1.09	Richland	1.10
Gallatin	1.12	Rock Island	1.06
Greene	1.10	St. Clair	1.11
Grundy	1.09	Saline	1.11
Hamilton	1.11	Sangamon	1.09
Hancock	1.07	Schuyler	1.09
Hardin	1.12	Scott	1.10
Henderson	1.07	Shelby	1.08
Henry	1.07	Stark	1.09
Iroquois	1.08	Stephenson	1.07
Jackson	1.11	Tazewell	1.09
Jasper	1.09	Union	1.11
Jefferson	1.10	Vermilion	1.07
Jersey	1.10	Wabash	1.11
Jo Daviess	1.06	Warren	1.08
Johnson	1.11	Washington	1.11
Kane	1.10	Wayne	1.10
Kankakee	1.08	White	1.11
Kendall	1.09	Whiteside	1.07
Knox	1.09	Will	1.10
Lake	1.10	Williamson	1.11
La Salle	1.09	Winnebago	1.07
Lawrence	1.10	Woodford	1.09

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	1.07	Floyd	1.12
Allen	1.07	Fountain	1.06
Bartholomew	1.09	Franklin	1.11
Benton	1.07	Fulton	1.08
Blackford	1.07	Gibson	1.12
Boone	1.05	Grant	1.06
Brown	1.09	Greene	1.09
Carroll	1.06	Hamilton	1.05
Cass	1.07	Harrison	1.12
Clark	1.12	Hancock	1.06
Clay	1.07	Hendricks	1.06
Clinton	1.05	Henry	1.06
Crawford	1.12	Howard	1.06
Daviess	1.11	Huntington	1.07
Dearborn	1.12	Jackson	1.11
Decatur	1.09	Jasper	1.08
De Kalb	1.07	Jay	1.07
Delaware	1.06	Jefferson	1.12
Dubois	1.11	Jennings	1.11
Elkhart	1.08	Johnson	1.07
Fayette	1.08	Knox	1.11

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Kosciusko	$1.08	Randolph	$1.07
LaGrange	1.07	Ripley	1.11
Lake	1.09	Rush	1.07
La Porte	1.09	St. Joseph	1.08
Lawrence	1.11	Scott	1.12
Madison	1.05	Shelby	1.07
Marion	1.06	Spencer	1.12
Marshall	1.08	Starke	1.08
Martin	1.11	Steuben	1.07
Miami	1.07	Sullivan	1.09
Monroe	1.09	Switzerland	1.12
Montgomery	1.06	Tippecanoe	1.06
Morgan	1.07	Tipton	1.05
Newton	1.08	Union	1.09
Noble	1.07	Vanderburgh	1.12
Ohio	1.12	Vermillion	1.06
Orange	1.11	Vigo	1.07
Owen	1.07	Wabash	1.07
Parke	1.06	Warren	1.06
Perry	1.12	Warrick	1.12
Pike	1.11	Washington	1.12
Porter	1.09	Wayne	1.07
Posey	1.12	Wells	1.07
Pulaski	1.08	White	1.07
Putnam	1.06	Whitley	1.07

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	1.04	Jefferson	1.05
Adams	1.05	Johnson	1.05
Allamakee	1.03	Jones	1.05
Appanoose	1.05	Keokuk	1.04
Audubon	1.04	Kossuth	1.00
Benton	1.04	Lee	1.06
Black Hawk	1.02	Linn	1.04
Boone	1.02	Louisa	1.06
Bremer	1.02	Lucas	1.04
Buchanan	1.03	Lyon	1.01
Buena Vista	1.01	Madison	1.03
Butler	1.01	Mahaska	1.03
Calhoun	1.02	Marion	1.03
Carroll	1.03	Marshall	1.02
Cass	1.04	Mills	1.05
Cedar	1.06	Mitchell	1.00
Cerro Gordo	1.00	Monona	1.04
Cherokee	1.02	Monroe	1.04
Chickasaw	1.01	Montgomery	1.05
Clarke	1.04	Muscatine	1.06
Clay	1.01	O'Brien	1.01
Clayton	1.04	Osceola	1.00
Clinton	1.06	Page	1.05
Crawford	1.03	Palo Alto	1.00
Dallas	1.03	Plymouth	1.03
Davis	1.05	Pocahontas	1.01
Decatur	1.05	Polk	1.03
Delaware	1.04	Pottawattamie	1.05
Des Moines	1.06	Poweshiek	1.03
Dickinson	1.00	Ringgold	1.05
Dubuque	1.05	Sac	1.02
Emmet	1.00	Scott	1.06
Fayette	1.03	Shelby	1.04
Floyd	1.00	Sioux	1.02
Franklin	1.00	Story	1.02
Fremont	1.05	Tama	1.03
Greene	1.03	Taylor	1.05
Grundy	1.02	Union	1.04
Gunthrie	1.04	Van Buren	1.05
Hamilton	1.01	Wapello	1.04
Hancock	1.00	Warren	1.03
Hardin	1.02	Washington	1.05
Harrison	1.05	Wayne	1.05
Henry	1.06	Webster	1.01
Howard	1.01	Winnebago	1.00
Humboldt	1.00	Winneshiek	1.02
Ida	1.02	Woodbury	1.03
Iowa	1.04	Worth	1.00
Jackson	1.06	Wright	1.00
Jasper	1.03		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	1.13	Bourbon	1.13
Anderson	1.12	Brown	1.07
Atchison	1.09	Butler	1.12
Barber	1.12	Chase	1.10
Barton	1.09	Chautauqua	1.15

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Cherokee	$1.15	Marshall	$1.06
Cheyenne	1.07	Meade	1.09
Clark	1.09	Miami	1.12
Clay	1.06	Mitchell	1.07
Cloud	1.06	Montgomery	1.15
Coffey	1.12	Morris	1.09
Comanche	1.10	Morton	1.09
Cowley	1.14	Nemaha	1.07
Crawford	1.15	Neosho	1.14
Decatur	1.06	Ness	1.08
Dickinson	1.08	Norton	1.05
Doniphan	1.08	Osage	1.10
Douglas	1.10	Osborne	1.07
Edwards	1.09	Ottawa	1.07
Elk	1.14	Pawnee	1.09
Ellis	1.07	Phillips	1.05
Ellsworth	1.09	Pottawatomie	1.07
Finney	1.08	Pratt	1.11
Ford	1.08	Rawlins	1.07
Franklin	1.11	Reno	1.11
Geary	1.08	Republic	1.05
Gove	1.07	Rice	1.10
Graham	1.06	Riley	1.06
Grant	1.08	Rooks	1.06
Gray	1.08	Rush	1.08
Greeley	1.08	Russell	1.08
Greenwood	1.12	Saline	1.08
Hamilton	1.08	Scott	1.08
Harper	1.13	Sedgwick	1.12
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Jewell	1.05	Stafford	1.11
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Kingman	1.12	Sumner	1.13
Kiowa	1.10	Thomas	1.08
Labette	1.15	Trego	1.07
Lane	1.08	Wabaunsee	1.09
Leavenworth	1.10	Wallace	1.07
Lincoln	1.08	Washington	1.06
Linn	1.13	Wichita	1.08
Logan	1.07	Wilson	1.14
Lyon	1.10	Woodson	1.13
McPherson	1.09	Wyandotte	1.10
Marion	1.09		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	1.18	Fleming	1.17
Allen	1.18	Floyd	1.21
Anderson	1.17	Franklin	1.16
Ballard	1.14	Fulton	1.14
Barren	1.17	Gallatin	1.14
Bath	1.19	Garrard	1.19
Bell	1.21	Grant	1.15
Boone	1.13	Graves	1.14
Bourbon	1.18	Grayson	1.15
Boyd	1.17	Green	1.18
Boyle	1.18	Greenup	1.16
Bracken	1.15	Hancock	1.14
Breathitt	1.21	Hardin	1.15
Breckenridge	1.14	Harlan	1.21
Bullitt	1.15	Harrison	1.17
Butler	1.16	Hart	1.17
Caldwell	1.16	Henderson	1.14
Calloway	1.15	Henry	1.15
Campbell	1.13	Hickman	1.14
Carlisle	1.14	Hopkins	1.16
Carroll	1.14	Jackson	1.20
Carter	1.18	Jefferson	1.14
Casey	1.18	Jessamine	1.19
Christian	1.17	Johnson	1.20
Clark	1.19	Kenton	1.13
Clay	1.20	Knott	1.21
Clinton	1.19	Knox	1.20
Crittenden	1.14	Larue	1.16
Cumberland	1.18	Laurel	1.20
Daviess	1.14	Lawrence	1.19
Edmonson	1.16	Lee	1.20
Elliott	1.19	Leslie	1.21
Estill	1.19	Letcher	1.21
Fayette	1.18	Lewis	1.15
		Lincoln	1.19

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Livingston	$1.14	Pendleton	$1.15
Logan	1.17	Perry	1.21
Lyon	1.16	Pike	1.21
McCracken	1.14	Powell	1.19
McCreary	1.19	Pulaski	1.19
McLean	1.15	Robertson	1.17
Madison	1.19	Rockcastle	1.19
Magoffin	1.21	Rowan	1.19
Marion	1.17	Russell	1.19
Marshall	1.15	Scott	1.17
Martin	1.20	Shelby	1.15
Mason	1.15	Simpson	1.18
Meade	1.14	Spencer	1.15
Menifee	1.19	Taylor	1.17
Mercer	1.18	Todd	1.17
Metcalfe	1.18	Trigg	1.17
Monroe	1.18	Trimble	1.14
Montgomery	1.19	Union	1.14
Morgan	1.20	Warren	1.17
Muhlenberg	1.16	Washington	1.17
Nelson	1.16	Wayne	1.19
Nicholas	1.18	Webster	1.15
Ohio	1.15	Whitley	1.20
Oldham	1.14	Wolfe	1.20
Owen	1.15	Woodford	1.18
Owsley	1.20		

LOUISIANA

All parishes	$1.19

MAINE

All counties	$1.29

MARYLAND

All counties	$1.23

MASSACHUSETTS

All counties	$1.29

MICHIGAN

Allegan	$1.09	Manistee	$1.11
Arenac	1.11	Mason	1.11
Barry	1.08	Mecosta	1.10
Bay	1.10	Midland	1.09
Berrien	1.09	Missaukee	1.11
Branch	1.08	Monroe	1.10
Calhoun	1.08	Montcalm	1.09
Cass	1.09	Muskegon	1.11
Clare	1.10	Newaygo	1.10
Clinton	1.09	Oakland	1.10
Eaton	1.09	Oceana	1.11
Genesee	1.10	Ogemaw	1.11
Gladwin	1.10	Osceola	1.10
Gratiot	1.09	Ottawa	1.11
Hillsdale	1.08	Roscommon	1.11
Huron	1.10	Saginaw	1.09
Ingham	1.09	St. Clair	1.10
Ionia	1.09	St. Joseph	1.08
Iosco	1.11	Sanilac	1.10
Isabella	1.09	Shiawassee	1.09
Jackson	1.09	Tuscola	1.09
Kalamazoo	1.09	Van Buren	1.09
Kent	1.10	Washtenaw	1.10
Lake	1.11	Wayne	1.10
Lapeer	1.10	Wexford	1.11
Lenawee	1.09	All other	
Livingston	1.10	counties	1.12
Macomb	1.10		

MINNESOTA

Aitkin	1.03	Clearwater	1.00
Anoka	1.03	Cook	1.03
Becker	1.01	Cottonwood	.98
Beltrami	1.00	Crow Wing	1.02
Benton	1.02	Dakota	1.04
Big Stone	.98	Dodge	1.01
Blue Earth	.99	Douglas	1.02
Brown	.99	Faribault	.98
Carlton	1.03	Fillmore	1.02
Carver	1.02	Freeborn	.99
Cass	1.01	Goodhue	1.04
Chippewa	.99	Grant	1.01
Chisago	1.03	Hennepin	1.03
Clay	1.00	Houston	1.04

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Hubbard	$1.01	Pipestone	$0.98
Isanti	1.03	Polk	1.00
Itasca	1.03	Pope	1.01
Jackson	.98	Ramsey	1.03
Kanabec	1.03	Red Lake	1.00
Kandiyohi	1.00	Redwood	.99
Kittson	1.00	Renville	1.00
Koochiching	1.03	Rice	1.02
Lac Qui Parle	.98	Rock	.99
Lake	1.03	Roseau	1.00
Lake of the Woods	1.00	St. Louis	1.03
Le Sueur	1.01	Scott	1.02
Lincoln	.97	Sherburne	1.02
Lyon	.98	Sibley	1.01
McLeod	1.01	Stearns	1.02
Mahnomen	1.00	Steele	1.00
Marshall	1.00	Stevens	1.00
Martin	.98	Swift	1.00
Meeker	1.01	Todd	1.02
Mille Lacs	1.03	Traverse	.99
Morrison	1.02	Wabasha	1.04
Mower	1.01	Wadena	1.02
Murray	.98	Waseca	.99
Nicollet	1.00	Washington	1.03
Nobles	.98	Watonwan	.98
Norman	1.00	Wilkin	1.00
Olmsted	1.02	Winona	1.04
Otter Tail	1.01	Wright	1.02
Pennington	1.00	Yellow Medicine	.98
Pine	1.03		

MISSISSIPPI

All counties	$1.19

MISSOURI

Adair	$1.06	Jackson	$1.11
Andrew	1.08	Jasper	1.15
Atchison	1.07	Jefferson	1.12
Audrain	1.10	Johnson	1.11
Barry	1.16	Knox	1.08
Barton	1.14	Laclede	1.15
Bates	1.12	Lafayette	1.10
Benton	1.12	Lawrence	1.15
Bollinger	1.14	Lewis	1.08
Boone	1.11	Lincoln	1.10
Buchanan	1.10	Linn	1.07
Butler	1.14	Livingston	1.07
Caldwell	1.09	McDonald	1.16
Callaway	1.11	Macon	1.08
Camden	1.13	Madison	1.14
Cape Girardeau	1.13	Maries	1.13
Carroll	1.08	Marion	1.08
Carter	1.15	Mercer	1.05
Cass	1.11	Miller	1.13
Cedar	1.14	Mississippi	1.14
Chariton	1.08	Moniteau	1.12
Christian	1.16	Monroe	1.09
Clark	1.07	Montgomery	1.11
Clay	1.11	Morgan	1.12
Clinton	1.11	New Madrid	1.14
Cole	1.12	Newton	1.16
Cooper	1.11	Nodaway	1.07
Crawford	1.14	Oregon	1.16
Dade	1.14	Osage	1.12
Dallas	1.15	Ozark	1.16
Daviess	1.08	Pemiscot	1.14
De Kalb	1.09	Perry	1.13
Dent	1.15	Pettis	1.11
Douglas	1.16	Phelps	1.15
Dunklin	1.14	Pike	1.09
Franklin	1.12	Platte	1.11
Gasconade	1.12	Polk	1.15
Gentry	1.07	Pulaski	1.15
Greene	1.15	Putnam	1.05
Grundy	1.06	Ralls	1.09
Harrison	1.05	Randolph	1.08
Henry	1.12	Ray	1.10
Hickory	1.13	Reynolds	1.15
Holt	1.08	Ripley	1.15
Howard	1.10	St. Charles	1.11
Howell	1.16	St. Clair	1.13
Iron	1.14	St. Francois	1.13
		Ste. Genevieve	1.12

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
St. Louis	$1.12	Taney	$1.16
Saline	1.10	Texas	1.15
Schuyler	1.05	Vernon	1.13
Scotland	1.06	Warren	1.11
Scott	1.14	Washington	1.13
Shannon	1.15	Wayne	1.14
Shelby	1.09	Webster	1.15
Stoddard	1.14	Worth	1.06
Stone	1.16	Wright	1.15
Sullivan	1.06		

MONTANA

All counties	$1.14

NEBRASKA

Adams	$1.04	Jefferson	$1.05
Antelope	1.04	Johnson	1.05
Arthur	1.07	Kearney	1.04
Banner	1.10	Keith	1.08
Blaine	1.05	Keyapaha	1.04
Boone	1.05	Kimball	1.10
Box Butte	1.09	Knox	1.03
Boyd	1.02	Lancaster	1.04
Brown	1.04	Lincoln	1.06
Buffalo	1.04	Logan	1.06
Burt	1.06	Loup	1.05
Butler	1.05	McPherson	1.06
Cass	1.05	Madison	1.05
Cedar	1.04	Merrick	1.05
Chase	1.07	Morrill	1.10
Cherry	1.06	Nance	1.05
Cheyenne	1.09	Nemaha	1.05
Clay	1.04	Nuckolls	1.04
Colfax	1.05	Otoe	1.05
Cuming	1.05	Pawnee	1.06
Custer	1.05	Perkins	1.07
Dakota	1.04	Phelps	1.04
Dawes	1.09	Pierce	1.04
Dawson	1.04	Platte	1.05
Deuel	1.09	Polk	1.05
Dixon	1.04	Red Willow	1.06
Dodge	1.05	Richardson	1.06
Douglas	1.06	Rock	1.04
Dundy	1.07	Saline	1.04
Fillmore	1.04	Sarpy	1.05
Franklin	1.04	Saunders	1.05
Frontier	1.05	Scotts Bluff	1.10
Furnas	1.05	Seward	1.04
Gage	1.05	Sheridan	1.08
Garden	1.08	Sherman	1.04
Garfield	1.05	Sioux	1.10
Gosper	1.05	Stanton	1.05
Grant	1.07	Thayer	1.04
Greeley	1.04	Thomas	1.06
Hall	1.04	Thurston	1.05
Hamilton	1.04	Valley	1.04
Harlan	1.04	Washington	1.06
Hayes	1.07	Wayne	1.04
Hitchcock	1.07	Webster	1.04
Holt	1.03	Wheeler	1.05
Hooker	1.06	York	1.04
Howard	1.04		

NEVADA

All counties	$1.27

NEW HAMPSHIRE

All counties	$1.29

NEW JERSEY

All counties	$1.25

NEW MEXICO

Curry	$1.18	Roosevelt	$1.18
Harding	1.18	Union	1.18
Lea	1.18	All other counties	1.23
Quay	1.18		

NEW YORK

All counties	$1.24

NORTH CAROLINA

All counties	$1.22

NORTH DAKOTA

County	Rate per bushel
All counties	$.98

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.13	Licking	$1.11
Allen	1.09	Logan	1.09
Ashland	1.13	Lorain	1.13
Ashtabula	1.20	Lucas	1.11
Athens	1.16	Madison	1.09
Auglaize	1.09	Mahoning	1.20
Belmont	1.18	Marion	1.09
Brown	1.13	Medina	1.15
Butler	1.10	Meigs	1.15
Carroll	1.17	Mercer	1.08
Champaign	1.09	Miami	1.09
Clark	1.09	Monroe	1.19
Clermont	1.12	Montgomery	1.09
Clinton	1.11	Morgan	1.16
Columbiana	1.20	Morrow	1.10
Coshocton	1.14	Muskingum	1.14
Crawford	1.10	Noble	1.17
Cuyahoga	1.16	Ottawa	1.11
Darke	1.08	Paulding	1.08
Defiance	1.08	Perry	1.14
Delaware	1.09	Pickaway	1.10
Erie	1.12	Pike	1.12
Fairfield	1.12	Portage	1.18
Fayette	1.10	Preble	1.09
Franklin	1.09	Putnam	1.09
Fulton	1.10	Richland	1.11
Gallia	1.14	Ross	1.11
Geauga	1.18	Sandusky	1.11
Greene	1.09	Scioto	1.13
Guernsey	1.16	Seneca	1.10
Hamilton	1.11	Shelby	1.09
Hancock	1.10	Stark	1.17
Hardin	1.09	Summit	1.16
Harrison	1.18	Trumbull	1.20
Henry	1.09	Tuscarawas	1.16
Highland	1.11	Union	1.09
Hocking	1.13	Van Wert	1.08
Holmes	1.14	Vinton	1.13
Huron	1.12	Warren	1.11
Jackson	1.13	Washington	1.18
Jefferson	1.19	Wayne	1.15
Knox	1.11	Williams	1.09
Lake	1.18	Wood	1.10
Lawrence	1.14	Wyandot	1.10

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Beaver	1.12	Harper	1.13
Beckham	1.15	Roger Mills	1.15
Cimarron	1.12	Texas	1.12
Ellis	1.15	All other counties	1.17
Harmon	1.15		

OREGON

County	Rate per bushel
All counties	$1.23

PENNSYLVANIA

County	Rate per bushel
All counties	$1.24

RHODE ISLAND

County	Rate per bushel
All counties	$1.29

SOUTH CAROLINA

County	Rate per bushel
All counties	$1.22

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.98	Day	$0.97
Beadle	.97	Deuel	.97
Bennett	1.04	Dewey	1.02
Bon Homme	1.00	Douglas	.99
Brookings	.97	Edmunds	.99
Brown	.97	Fall River	1.08
Brule	.98	Faulk	.99
Buffalo	.98	Grant	.97
Butte	1.04	Gregory	.99
Campbell	1.00	Haakon	1.02
Charles Mix	.99	Hamlin	.97
Clark	.97	Hand	.98
Clay	1.02	Hanson	.98
Codington	.97	Harding	1.04
Corson	1.02	Hughes	1.00
Custer	1.07	Hutchinson	1.00
Davison	.98	Hyde	.99

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.03	Perkins	$1.03
Jerauld	.97	Potter	1.01
Jones	1.02	Roberts	.97
Kingsbury	.97	Sanborn	.98
Lake	.98	Shannon	1.06
Lawrence	1.04	Spink	.97
Lincoln	1.01	Stanley	1.02
Lyman	1.00	Sully	1.00
McCook	.99	Todd	1.02
McPherson	.99	Tripp	1.00
Marshall	.97	Turner	1.01
Meade	1.03	Union	1.02
Mellette	1.02	Walworth	1.01
Miner	.98	Washabaugh	1.03
Minnehaha	.99	Yankton	1.01
Moody	.98	Ziebach	1.03
Pennington	1.04		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.22	Lauderdale	$1.16
Bedford	1.19	Lawrence	1.18
Benton	1.18	Lewis	1.18
Bledsoe	1.20	Lincoln	1.18
Blount	1.23	Loudon	1.22
Bradley	1.21	McMinn	1.21
Campbell	1.22	McNairy	1.18
Cannon	1.20	Macon	1.19
Carroll	1.17	Madison	1.17
Carter	1.23	Marion	1.19
Cheatham	1.18	Marshall	1.20
Chester	1.17	Maury	1.18
Claiborne	1.22	Meigs	1.21
Clay	1.20	Monroe	1.22
Cocke	1.23	Montgomery	1.18
Coffee	1.19	Moore	1.20
Crockett	1.17	Morgan	1.21
Cumberland	1.21	Obion	1.16
Davidson	1.19	Overton	1.20
Decatur	1.18	Perry	1.18
DeKalb	1.20	Pickett	1.20
Dickson	1.18	Polk	1.21
Dyer	1.16	Putnam	1.20
Fayette	1.17	Rhea	1.21
Fentress	1.21	Roane	1.22
Franklin	1.18	Robertson	1.18
Gibson	1.16	Rutherford	1.19
Giles	1.18	Scott	1.21
Grainger	1.23	Sequatchie	1.20
Greene	1.23	Sevier	1.23
Grundy	1.20	Shelby	1.16
Hamblen	1.23	Smith	1.19
Hamilton	1.20	Stewart	1.18
Hancock	1.23	Sullivan	1.23
Hardeman	1.17	Sumner	1.19
Hardin	1.18	Tipton	1.16
Hawkins	1.23	Trousdale	1.19
Haywood	1.17	Unicoi	1.23
Henderson	1.17	Union	1.22
Henry	1.17	Van Buren	1.20
Hickman	1.18	Warren	1.20
Houston	1.18	Washington	1.23
Humphreys	1.18	Wayne	1.18
Jackson	1.20	Weakley	1.16
Jefferson	1.23	White	1.20
Johnson	1.23	Williamson	1.19
Knox	1.22	Wilson	1.19
Lake	1.16		

TEXAS

County	Rate per bushel	County	Rate per bushel
Armstrong	1.14	Hale	1.14
Bailey	1.14	Hall	1.15
Briscoe	1.14	Hansford	1.14
Carson	1.14	Hartley	1.14
Castro	1.14	Hemphill	1.14
Childress	1.15	Hockley	1.16
Cochran	1.16	Hutchinson	1.14
Collingsworth	1.15	King	1.16
Cottle	1.16	Lamb	1.14
Crosby	1.16	Lipscomb	1.14
Dallam	1.14	Lubbock	1.16
Deaf Smith	1.14	Moore	1.14
Dickens	1.16	Motley	1.16
Donley	1.15	Ochiltree	1.14
Floyd	1.14	Oldham	1.14
Gray	1.14	Parmer	1.14
		Potter	1.14

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Randall	$1.14	Wheeler	$1.15
Roberts	1.14	All other counties	1.19
Sherman	1.14		
Swisher	1.14		

UTAH

County	Rate per bushel
All counties	$1.26

VERMONT

County	Rate per bushel
All counties	$1.29

VIRGINIA

County	Rate per bushel
All counties	$1.23

WASHINGTON

County	Rate per bushel
All counties	$1.21

WEST VIRGINIA

County	Rate per bushel
All counties	$1.22

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adamrs	$1.09	Marathon	$1.10
Ashland	1.09	Marinette	1.11
Barron	1.07	Marquette	1.10
Bayfield	1.06	Menominee	1.11
Brown	1.11	Milwaukee	1.11
Buffalo	1.06	Monroe	1.07
Burnett	1.05	Oconto	1.11
Calumet	1.11	Oneida	1.11
Chippewa	1.07	Outagamie	1.10
Clark	1.09	Ozaukee	1.11
Columbia	1.09	Pepin	1.06
Crawford	1.05	Pierce	1.06
Dane	1.09	Polk	1.05
Dodge	1.10	Portage	1.10
Door	1.12	Price	1.09
Douglas	1.03	Racine	1.11
Dunn	1.07	Richland	1.07
Eau Claire	1.07	Rock	1.09
Florence	1.11	Rusk	1.08
Fond du Lac	1.10	St. Croix	1.06
Forest	1.11	Sauk	1.08
Grant	1.05	Sawyer	1.08
Green	1.08	Shawano	1.11
Green Lake	1.10	Sheboygan	1.11
Iowa	1.08	Taylor	1.09
Iron	1.10	Trempealeau	1.06
Jackson	1.07	Vernon	1.05
Jefferson	1.10	Vilas	1.11
Juneau	1.09	Walworth	1.10
Kenosha	1.11	Washburn	1.07
Kewaunee	1.12	Washington	1.10
La Crosse	1.06	Waukesha	1.10
Lafayette	1.07	Waupaca	1.11
Langlade	1.11	Waushara	1.10
Lincoln	1.10	Winnebago	1.11
Manitowoc	1.12	Wood	1.09

WYOMING

County	Rate per bushel
All counties	$1.14

(b) *Premiums—(1) Moisture.*

	Cents per bushel
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+½
15.0 through 15.5	0

(2) *Broken corn and foreign material.*

Percent:	Cents per bushel
2.0 or less	+1

(The premiums in this subsection (b) shall not apply to sample grade corn.)

(c) *Discounts—(1) Class.*

	Cents per bushel
Mixed	−2

(2) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	—1
52.0 through 52.9	—2
51.0 through 51.9	—3
50.0 through 50.9	—4
49.0 through 49.9	—5

(3) *Total damage.*

Percent:	Cents per bushel
5.1 through 6.0	— ½
6.1 through 7.0	—1

(4) *Heat damage.*

	Cents per bushel
0.3 through 0.5 percent	— ½

(5) *Broken corn and foreign material.*

	Cents per bushel
3.1 through 4.0 percent	—1

(6) *Weed control laws.*

	Cents per bushel
(Where required by § 1421.25)	—10

(7) *Other.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 22, 1972.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-16463 Filed 9-27-72;8:45 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. 72-557]

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:

1. In § 76.2, in paragraph (e)(3) relating to the State of North Carolina, subdivision (iv) relating to Henderson County is amended to read:

(e) * * *

(3) *North Carolina.* * * *

(iv) That portion of Henderson County bounded by a line beginning at the junction of Secondary Road 1534 and Secondary Road 1006; thence, following Secondary Road 1006 in a northwesterly direction to Secondary Road 1556; thence, following Secondary Road 1556 in a northeasterly, then northerly direction to Secondary Road 1539; thence, following Secondary Road 1539 in a northeasterly direction to Secondary Road 1559; thence, following Secondary Road 1559 in a northeasterly direction to Secondary Road 1552; thence, following Secondary Road 1552 in a southeasterly direction to Secondary Road 1567; thence, following Secondary Road 1567 in a southeasterly, then northeasterly direction to Secondary Road 1565; thence, following Secondary Road 1565 in a southeasterly direction to Secondary Road 1573; thence, following Secondary Road 1573 in a northeasterly direction to Secondary Road 1572; thence, following Secondary Road 1572 in a southeasterly direction to Secondary Road 1587; thence, following Secondary Road 1587 in a southeasterly direction to Secondary Road 1586; thence, following Secondary Road 1586 in an easterly direction to U.S. Highway 64; thence, following U.S. Highway 64 in a southwesterly direction to Secondary Road 1724; thence, following Secondary Road 1724 in a southeasterly direction to Secondary Road 1722; thence, following Secondary Road 1722 in a southwesterly direction to Secondary Road 1734; thence, following Secondary Road 1734 in a southeasterly direction to Secondary Road 1525; thence, following Secondary Road 1525 in a southwesterly direction to the west bank of the western branch of the Hungry River; thence, following the west bank of the western branch of the Hungry River in a southeasterly direction to the north bank of the Hungry River; thence, following the north bank of the Hungry River in a generally southwesterly direction to the north bank of the Green River; thence, following the north bank of the Green River in a southwesterly direction to Interstate Highway 26; thence, following Interstate Highway 26 in a northwesterly direction to Bypass U.S. Highway 25; thence, following Bypass U.S. Highway 25 in a southwesterly direction to U.S. Highway 25; thence, following U.S. Highway 25 in a northwesterly direction to Secondary Road 1114; thence, following Secondary Road 1114 in a generally southwesterly direction to Secondary Road 1124; thence, following Secondary Road 1124 in a northerly direction to Secondary Road 1123; thence, following Secondary Road 1123 in a southwesterly direction to Secondary Road 1125; thence, following Secondary Road 1125 in a generally southwesterly direction to Secondary Road 1127; thence, following Secondary Road 1127 in a southwesterly direction to Secondary Road 1196; thence, following Secondary Road 1196 in a generally northwesterly direction to Secondary Road 1195; thence, following Secondary Road 1195 in a northeasterly direction to Secondary Road 1194; thence, following Secondary Road 1194 in a northwesterly direction to Secondary Road 1171; thence, following Secondary Road 1171 in a northeasterly direction to Secondary Road 1188; thence, following Secondary Road 1188 in a northeasterly direction to Secondary Road 1215; thence, following Secondary Road 1215 in a generally northeasterly direction to U.S. Highway 64; thence, following U.S. Highway 64 in a northwesterly direction to Secondary Road 1309; thence, following Secondary Road 1309 in a northwesterly, then northeasterly direction to State Highway 191; thence, following State Highway 191 in a northwesterly direction to Secondary Road 1365; thence, following Secondary Road 1365 in a northeasterly direction to Secondary Road 1417; thence, following Secondary Road 1417 in an easterly direction to U.S. Highway 25; thence, following U.S. Highway 25 in a northwesterly direction to Interstate Highway 26; thence, following Interstate Highway 26 in a southeasterly direction to Secondary Road 1534; thence, following Secondary Road 1534 in a southeasterly direction to its junction with Secondary Road 1006.

* * * * *

2. In § 76.2, in paragraph (e)(9) relating to the State of Indiana, a new subdivision (iv) relating to Dubois and Pike Counties is added to read:

(e) * * *

(9) *Indiana.* * * *

(iv) The adjacent portions of Dubois and Pike Counties bounded by a line beginning at the junction of the south bank of the White River and the Portersville Road in Dubois County; thence, following the Portersville Road in a southwesterly direction to State Highway 550W; thence, following State Highway 550W in a southerly direction to the Boone-Madison Township line; thence, following the Boone-Madison Township line in a westerly direction to State Highway 56; thence following State Highway 56 in a westerly direction to State Highway 825E in Pike County; thence, following State Highway 825E in a northerly direction to State Highway 257; thence, following State Highway 257 in a southeasterly direction to State Highway 850E; thence, following State Highway 850E in a northerly direction to Iva Road; thence, following Iva Road in a southeasterly direction to State Highway 257; thence, following State Highway 257 in a northerly direction to the south bank of the White River; thence, following the south bank

of the White River in a generally southeasterly direction to its junction with the Portersville Road in Dubois County.

3. In § 76.2, a new paragraph (e)(14) relating to the State of Kansas is added to read:

(e) * * *

(14) *Kansas.* That portion of Osborne County bounded by a line beginning at the junction of the Osborne-Smith County line and the division line between Range 14 West and Range 13 West; thence, following the dividing line between Range 14 West and Range 13 West in a southerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a southeasterly, then easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a southerly direction to Secondary Road 517; thence, following Secondary Road 517 in an easterly direction to the dividing line between Range 12 West and Range 11 West; thence, following the dividing line between Range 12 West and Range 11 West in a northerly direction to the Osborne-Smith County line; thence, following the Osborne-Smith County line in a westerly direction to its junction with the dividing line between Range 14 and West and Range 13 West.

(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 amendments shall become effective upon issuance.

The amendments quarantine an additional portion of Henderson County in North Carolina, portions of Dubois and Pike Counties in Indiana and a portion of Osborne County in Kansas 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 areas.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish their 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 amendments are impracticable, unnecessary, and contrary to the public interest, 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 25th day of September 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-16551 Filed 9-27-72;8:52 am]

[Docket No. 72-558]

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:

1. In § 76.2, in paragraph (e)(11) relating to the State of Ohio, a new subdivision (iv) relating to Auglaize County is added to read:

(e) * * *

(11) *Ohio.* * * *

(iv) That portion of Auglaize County bounded by a line beginning at the junction of the Auglaize-Allen County line and Boundary Road; thence, following the Auglaize-Allen County line in an easterly direction to the junction of the Auglaize-Allen-Hardin County lines; thence, following the Auglaize-Hardin County line in a southerly direction to the junction of the Auglaize-Hardin-Logan County lines; thence, following the Auglaize-Logan County line in a westerly direction to Santa Fe Road; thence, following Santa Fe Road in a northerly direction to U.S. Highway 33; thence, following U.S. Highway 33 in a westerly direction to Boundary Road; thence, following Boundary Road in a northerly direction to its junction with the Auglaize-Allen County line.

2. In § 76.2, paragraph (e)(12) relating to the State of Tennessee, is amended to read:

(e) * * *

(12) *Tennessee.* (i) The adjacent portions of Macon and Clay Counties bounded by a line beginning at the junction of the Kentucky-Tennessee State line and the Bug Tussel-Pumpkintown Road in Macon County; thence, following Bug Tussel-Pumpkintown Road in a southwesterly direction to the Pumpkintown-Red Boiling Springs Road; thence, following the Pumpkintown-Red Boiling Springs Road in a southeasterly direction to State Highway 52; thence, following State Highway 52 in a generally northeasterly direction to State Highway 1446 T in Clay County; thence, following State Highway 1446 T in a northeasterly direction to the Kentucky-Tennessee State line; thence, following the Kentucky-Tennessee State line in a westerly direction to its junction with the Bug Tussel-Pumpkintown Road in Macon County.

(ii) That portion of Bedford County bounded by a line beginning at the junction of Horse Mountain Road and the Louisville and Nashville Railroad; thence, following the Louisville and Nashville Railroad in a generally southeasterly direction to the Bedford-Coffee county line; thence, following the Bedford-Coffee county line in a southerly, then southwesterly direction to the junction of the Bedford-Coffee-Moore county lines; thence, following the Bedford-Moore county line in a southwesterly direction to State Highway 82; thence, following State Highway 82 in a northwesterly direction to the eastern boundary of the Shelbyville city limits; thence, following the eastern boundary of the Shelbyville city limits in a generally northeasterly direction to Horse Mountain Road; thence, following Horse Mountain Road in a northeasterly, then easterly direction to its junction with the Louisville and Nashville Railroad.

3. In § 76.2, in paragraph (e)(3) relating to the State of North Carolina, subdivision (i) relating to Nash and Edgecombe Counties 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; 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 amendments shall become effective upon issuance.

The amendments quarantine a portion of Auglaize County in Ohio and a portion of Bedford County in Tennessee 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 areas.

The amendments exclude portions of Nash and Edgecombe Counties in North Carolina 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.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they 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 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, unnecessary and contrary to the public

interest, 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 22d day of September 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-16552 Filed 9-27-72;8:52 am]

[Docket No. 72-559]

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 (e)(14) relating to the State of Kansas is amended to read:

(e) * * *

(14) *Kansas.* That portion of the State of Kansas comprised of all of Osborne County and a portion of Smith County bounded by a line beginning at the junction of the Smith-Phillips County line and State Highway 9; thence, following State Highway 9 in a southeasterly, then easterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a northerly direction to Secondary Road 868; thence, following Secondary Road 868 in an easterly direction to the Smith-Jewell County line; thence, following the Smith-Jewell County line in a southerly direction to the junction of the Smith-Jewell-Osborne County lines; thence, following the Smith-Osborne County line in a westerly direction to the junction of the Smith-Osborne-Rooks County lines; thence, following the Smith-Rooks County line in a westerly direction to the junction of the Smith-Rooks-Phillips County lines; thence, following the Smith-Phillips County line in a northerly direction to its junction with State Highway 9.

(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 Osborne and Smith Counties in Kansas 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 areas.

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 25th day of September 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-16553 Filed 9-27-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-1080]

PART 556—STATEMENTS OF POLICY

Release of Pledged Savings Accounts

SEPTEMBER 14, 1972.

The Federal Home Loan Bank Board considers it advisable to publish a statement of its policy relating to the release of savings accounts pledged by Federal savings and loan associations and held in escrow in connection with branch office and mobile facility applications pursuant to the former provisions of §§545.14(c) and 545.14–4(d) of the rules and regulations for the Federal Savings and Loan System. Accordingly, Part 556 of such rules and regulations (12 CFR Part 556) is amended by adding a new § 556.1, to read as follows:

§ 556.1 Release of pledged savings accounts.

(a) *General.* Effective June 30, 1972, the Board amended §§ 545.14(c) and 545.14–4(d) of this subchapter to remove the provisions contained therein requiring a Federal association having reserves and surplus of less than 4 percent of its total savings accounts to pledge savings accounts in an amount not less than the difference between 4 percent of such total savings accounts and the sum of its reserves and surplus, in connection with an application for a branch office or mobile facility. Such provisions required that the pledged savings accounts be held in escrow by the Federal Home Loan Bank of the district in which the association is located until either (1) "the sum of reserves and surplus is not less than 4 percent of savings accounts" or (2) "in the judgment of the Board, the need for the pledge and escrow no longer exists." In light of the removal of such provisions, the Board will now consider requests for release of pledged savings accounts under agreements executed prior to June 30, 1972. Such requests should be submitted in writing to the appropriate Supervisory Agent for transmission to the Board.

(b) *Delegation of authority.* The Board hereby delegates to the Director or any Deputy Director of the Office of Examinations and Supervision authority to act upon any request by a Federal association for release of any savings accounts pledged in connection with a branch office or mobile facility application pursuant to the former requirements of § 545.14(c) or § 545.14–4(d) of this subchapter. No such request shall be approved unless such Director or Deputy Director finds in writing that the following criteria are satisfied:

(1) Adequacy of net worth;
(2) Sound management;
(3) Sound lending practices;
(4) Assets of above-average quality; and
(5) Satisfactory operating results.

(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)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-16544 Filed 9-27-72;8:53 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 72-1081]

PART 582b—STATEMENTS OF POLICY

Release of Pledged Savings Accounts

SEPTEMBER 14, 1972.

The Federal Home Loan Bank Board considers it advisable to publish a statement of its policy relating to the release of savings accounts pledged by District of Columbia savings and loan associations and held in escrow in connection with branch office applications pursuant to the former provisions of § 582.1(c) of the regulations for District of Columbia savings and loan associations and branch offices. Accordingly, Part 582b of such regulations (12 CFR Part 582b) is amended by adding a new § 582b.4, to read as follows:

§ 582b.4 Release of pledged savings accounts.

(a) *General.* Effective June 30, 1972, the Board amended § 582.1(c) of this subchapter to remove the provisions contained therein requiring a District of Columbia association having reserves and

surplus of less than 4 percent of its total savings accounts to pledge savings accounts in an amount not less than the difference between 4 percent of such total savings accounts and the sum of its reserves and surplus, in connection with an application for a branch office. Such provisions required that the pledged savings accounts be held in escrow by the Federal Home Loan Bank of Atlanta until either (1) "the sum of reserves and surplus is not less than 4 percent of savings accounts" or (2) "in the judgment of the Board, the need for the pledge and escrow no longer exists." In light of the removal of such provisions, the Board will now consider requests for release of pledged savings accounts under agreements executed prior to June 30, 1972. Such requests should be submitted in writing to the appropriate Supervisory Agent for transmission to the Board.

(b) *Delegation of authority.* The Board hereby delegates to the Director or any Deputy Director of the Office of Examinations and Supervision authority to act upon any request by a District of Columbia association for release of any savings accounts pledged in connection with a branch office application pursuant to the former requirements of § 582.1(c) of this subchapter. No such request shall be approved unless such Director or Deputy Director finds in writing that the following criteria are satisfied:

(1) Adequacy of net worth;

(2) Sound management;

(3) Sound lending practices;

(4) Assets of above-average quality; and

(5) Satisfactory operating results.

(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)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-16545 Filed 9-27-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-30-AD, Amdt. 39-1526]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes

AD 72-8-5 (Amendment 39-1432) and AD 72-16-1 (Amendment 39-1493) are Airworthiness Directives which require repetitive inspections of the center section truss wing spar for cracks on Beech Model 18 series airplanes. As a result of subsequent tests and analyses the FAA, the manufacturer, and other industry segments have now developed improved crack detection methods. In addition, because of a reported incident it has been determined that inspection of the lower surface of the spar cap at Wing Station (w.s.) 61 (not previously required) is necessary. Finally, service history indicates that one of the three inspections required at w.s. 43 per AD 72-8-5 is no longer relevant. Accordingly, in the interest of safety a new AD is being issued superseding AD 72-8-5 and AD 72-16-1, applicable to Beech Model 18 series airplanes, which will combine essential features of the superseded AD's with respect to repetitive inspections of the center section truss wing spar, will set forth the improved crack detection procedures, will include inspection requirements at w.s. 61, and delete the requirement for one inspection at w.s. 43.

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

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

BEECH. Applies to all serial numbers of Models C18S, AT-11, C-45, C45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G18S, 3N, 3NM, 3TM, D18C-T, and RC-45J (SNB-5P), and H-18 airplanes with Serial Nos. BA-730 and below; and to aircraft of the above models subsequently redesignated under a Supplemental Type Certificate, except those modified under the Supplemental Type Certificates referenced by paragraph F.

Compliance: Required as indicated, unless already accomplished.

To prevent possible wing failure, for airplanes with 1,500 or more total hours' time in service on the effective date of this AD or airplanes that subsequently accumulate 1,500 total hours' time in service after that date, in order to detect cracks in the elliptical front spar lower cap of the wing center section, except as indicated by paragraph D, accomplish the following within the next 50 hours' time in service after the effective date of this AD (or 500 hours' time in service after the last complete AD 67-16-1/71-11-5 or AD 72-8-5 inspection, if applicable), and thereafter at intervals not to exceed 500 hours' time in service from the date of the date of the last inspection: (These inspections may be performed at one time or may be staggered, provided that no given area extends 500 hours' time in service between inspections.)

A. Modify the lower wing skin in accordance with Figure (1) or Figure (2) or an FAA-approved equivalent to facilitate the inspections specified in paragraph B.

B. (1) Inspect the front spar lower cap of the wing center section on each side of the airplane by methods specified below, except inspection sites reinforced by Beech Aircraft Corp. Kits 18-4024, 791 or 792 need not be inspected:

Wing station	Site (See figure 3)	Method (See paragraph C)
90	Tips of welds at clevis tangs, upper and lower surfaces of cap.	Visual, X-ray and either magnetic particle or penetrant.
81, 73, 64 and 57	Tips of welds at gussets, upper surface of cap.	Do.
46	Outboard ends of splice in cap, upper and lower surface of cap.	Do.
32	Tips of welds at wing splice plate, fore and aft surfaces of cap.	Do.
45 to 43	Tip of weld around cluster upper surface of cap.	Visual and either magnetic particle or penetrant.
61	Lower surface of spar cap below tube cluster, as seen from wheel well.	Do.

(2) Temporarily move clamps and other equipment as necessary to eliminate interference with the above inspections. Removal of spar cap finish is not necessary.

(3) Flex the wing when specified by paragraphs C and D by applying and relieving a 75 to 100 pound upward force at or near the wing tip on the (left or right) side being inspected. This may be done by hand.

(4) Load the wing on the side being inspected when specified by paragraph C by applying a 75 to 100 pound upward force at the junction of wing rib No. 10 and the front spar. Place material such as lumber under and along the No. 10 rib so as to distribute the force.

C. (1) Accomplish visual inspection before and after cleaning, and while the wing is being flexed. Use a flashlight or other illumination and a low power magnifying device.

(2) When the magnetic particle method is chosen, conduct the inspection while the wing is either flexed or loaded. Conduct the inspection before magnetism is induced and again while magnetism across the inspection site is induced by a Magnaflux Corp. Model Y-5 or YM-5 yoke or when any equivalent is used in accordance with the manufacturer's instructions.

(3) When the penetrant method is chosen, perform the inspection while the wing is being flexed. Use either dye or fluorescent materials in accordance with the penetrant manufacturer's instructions.

(4) For each site where X-ray inspection is specified by paragraph B, accomplish X-ray inspection while the wing is loaded. Figure 4 is an aid to the following instruction. Place fine grain film (such as GAF 800, du Pont NDT-65 or Kodak AA) sandwiched between lead screens of 0.005-inch thickness on the upper surface of the spar cap (over an inspection site) with identification symbols for at least the site (e.g. LWS 81 etc.), date, and airplane registration number. Secure a steel penetrameter of 0.005-inch thickness to the lower surface of the spar cap at a location clear of the inspection site. Position the X-ray source approximately 36 inches from and generally below the film so that the center of the X-ray beam will be perpendicular to the major axis of the elliptical spar cap and perpendicular to the spanwise centerline of the spar cap at each inspection site. Use a flashlight and a protractor level as necessary to see that aiming of the X-ray beam compensates for wing dihedral and noseup attitude. At those areas covered by aluminum skin, a locally fabricated jig may be used to position the X-ray source. Expose film so that

density of the radiograph of the spar cap material near the inspection site is 1.5 to 2.8 on the densitometer or National Bureau of Standards density scale. View film to see that the inspection site, the 0.010-inch diameter hole in the penetrameter, and its entire outline are plainly shown. Using a low power magnifying device, examine the inspection site portion of each radiograph for faint indications of cracks in spar cap material transverse to the spanwise centerline.

NOTE: Fourteen radiographs are normally adequate for one complete inspection.

D. Until inspection at w.s. 81 as specified in paragraphs B(1) and C is accomplished, special inspection at w.s. 81 is necessary within 25 hours' time in service after August 4, 1972, and thereafter at intervals not to exceed 100 hours' time in service. Visual and either magnetic particle or penetrant methods must be used while the wing is simultaneously flexed. Inspection at w.s. 81 per AD 72-8-5 may be substituted for any (except the first) inspection required by this paragraph. This special inspection may be discontinued after inspection at w.s. 81 is accomplished per paragraph B(1).

E. If a crack is found as a result of any inspection required by this AD, prior to further flight, repair or replace the affected part in accordance with Beech Aircraft Corp. SAR 59-705 (for w.s. 90), or kits 791 (for w.s. 32), 792 (for w.s. 81 and 73), and 18-4024 (for w.s. 57, 64, 73, and 81) or any equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

F. An airplane is exempt from requirements of this AD if it is altered so as to incorporate STC SA1192WE, SA1533WE, SA832SW, SA2000WE, or SA643CE, or any other STC which specifically exempts affected airplanes from compliance with this AD.

G. Written notification must be sent to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks discovered during inspections required by this AD, and the total operating time of the airplane at the time of the discovery. In addition, for airplanes not previously inspected per AD 67-16-1 or AD 72-8-5 results of the initial inspection must be reported as above, even if no cracks are discovered. (Reporting approved by the Bureau of the Budget under No. 04-R0174.)

Currently effective Beech Aircraft Corp.'s Service Bulletins 64-15, 64-16, 64-17 and 66-10 and MIL-STD-453 consider this subject, but this AD takes precedence in any conflicting detail.

NOTE: Part (b) of AD 64-21-1 and Part (b) of AD 64-21-3 requiring inspection of other portions of the center section and AD 67-8-2 requiring inspection of outer wing panels remain in effect for only some of the airplanes affected by this AD.

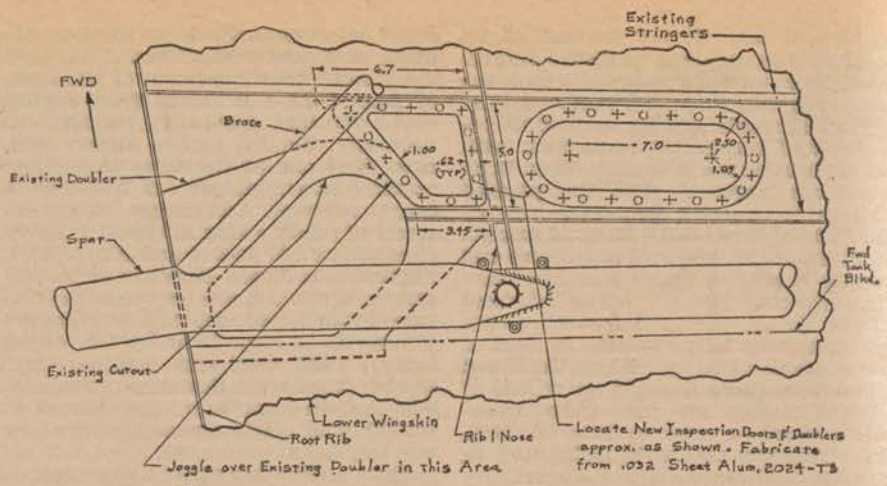
This AD supersedes AD 72-8-5 (Amendment 39-1432) and AD 72-16-1 (Amendment 39-1493).

This amendment becomes effective September 29, 1972.

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

Issued in Kansas City, Mo., on September 15, 1972.

JOHN M. CYROCKI,
Director, Central Region.

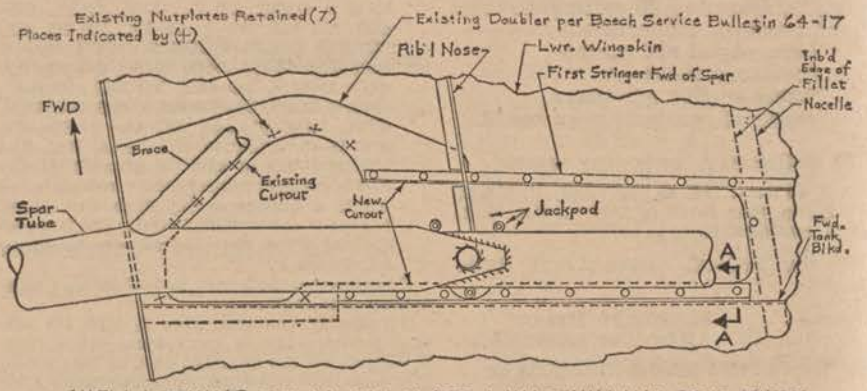


OPERATIONS:
Drill #10 (.193) hole thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 24" spaces).
Attach (19) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spaces).
Install doors on lower side with #10 screws 19 places.

R.H. WING SHOWN - L.H. Opposite

VIEW LOOKING DOWN ON LOWER WINGSKIN & SPAR
(Upper Wingskin Omitted for Clarity)

FIGURE 1



VIEW LOOKING DOWN ON LOWER WINGSKIN AND SPAR TUBE
by Bob Grober

Attach MK1000-3 Nutplates (or equiv.) (17 places) as shown by (O). Cut inspection door from .032 2024-T3 Alum. Allow 1/2" edge margin around all screws (min). Install door on lower side with #10 screws (25 places); cut three holes for jackpad access. Inspection door not shown.

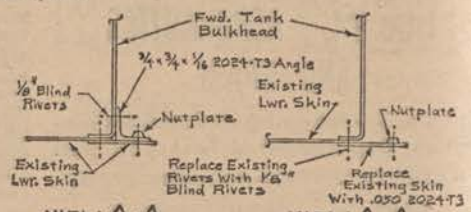
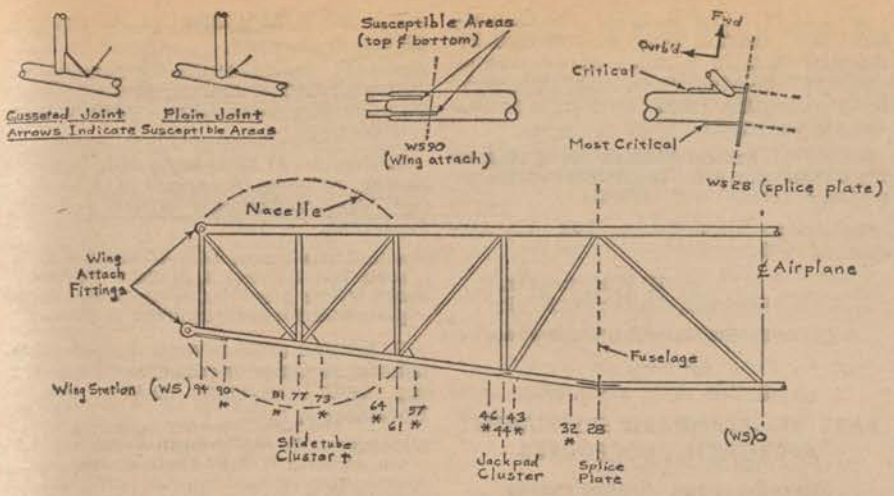


FIGURE 2

VIEW A-A

VIEW A-A
OPTIONAL MEANS OF ATTACHING INSPECTION PLATE AFT EDGE



Half of Main Spar Center Section Truss

* INDICATES AREAS TO BE INSPECTED PER THIS A.D.
† SEE AD 64-21-1, part (b) and AD 64-21-3, part (b).

FIGURE 3

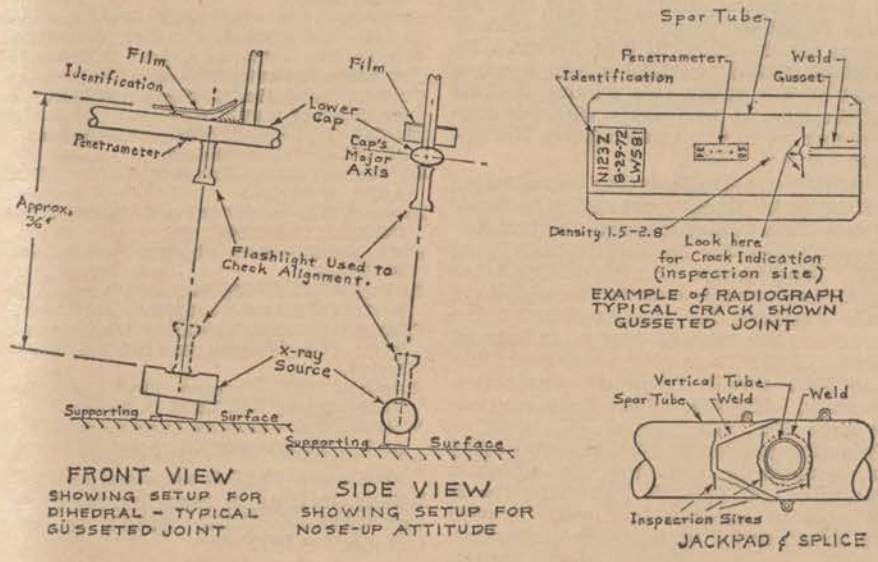


FIGURE 4

[FR Doc.72-16381 Filed 9-27-72;8:45 am]

[Airspace Docket No. 72-AL-27]

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

Alteration of Control Zone, Transition Area, Federal Airways, and Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to effect minor changes in the description of the Sitka, Alaska, control zone and transition area, Amber Airway 1, Blue Airway 79, and compulsory reporting points associated with the Sitka low frequency navigational aid. This action is necessary because increased deterioration of the Sitka LFR range ground system and the related unreliability of the range courses dictate conversion of this four-course range to a nondirectional radio beacon, Class BH. This conversion is planned to be effective November 9, 1972.

Since these amendments are minor in nature and no substantive change to the regulation is effected, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate changes to aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 9, 1972, as hereinafter set forth.

1. Section 71.105 (37 F.R. 2007) is amended as follows: In A–1 "Sitka, Alaska, RR" is deleted and "Sitka, Alaska, RBN" is substituted therefor.

2. Section 71.109 (37 F.R. 2008) is amended as follows: In B–79 "Sitka, Alaska, RR" is deleted and "Sitka, Alaska, RBN" is substituted therefor.

3. Section 71.171 (37 F.R. 2056) is amended as follows: In Sitka, Alaska, "Sitka RR northeast and southwest courses, extending from the 5-mile radius zone to 2 miles southwest of the RR" is deleted and "Sitka RBN 027° and 207° bearings, extending from the 5-mile radius zone to 2 miles southwest of the RBN" is substituted therefor.

4. Section 71.181 (37 F.R. 2143) is amended as follows: In Sitka, Alaska, "Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR" is deleted and "Sitka RBN 207° bearing, extending from the RBN to 8 miles southwest of the RBN" is substituted therefor; and "Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR" is deleted and "Sitka RBN 147° bearing, extending from the RBN to 8 miles southeast of the RBN" is substituted therefor.

5. Section 71.211 (37 F.R. 2323) is amended as follows:

a. In Carp INT: "southwest course of Sitka, Alaska, RR" is deleted and "207° bearing Sitka, Alaska, RBN" is substituted therefor.

b. In Hazy Island INT: "Sitka, Alaska, RR" is deleted and "Sitka, Alaska, RBN" is substituted therefor.

c. In Port Alexander INT: "Sitka, Alaska, RR" is deleted and "Sitka, Alaska, RBN" is substituted therefor.

d. In Sitka, Alaska, RR "RR" is deleted and "RBN" is substituted therefor.

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

Issued in Anchorage, Alaska, on September 15, 1972.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.72-16519 Filed 9-27-72;8:49 am]

[Airspace Docket No. 72-SO-52]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Stewart, Ga., control zone.

The Fort Stewart control zone is described in § 71.171 (37 F.R. 2056). In the

description, an extension is predicated on the 230° bearing from Liberty RBN which is 6 miles wide and extends to 8.5 miles southwest of the RBN, and a reference is made to the Liberty TVOR. The NDB Runway 5L instrument approach procedure has been amended to utilize the Allenhurst RBN, and the name of the TVOR has been changed to Wright. It is necessary to alter the description by deleting the extension predicated on the 230° bearing from Liberty RBN; designating an extension predicated on the 049° bearing from Allenhurst RBN, extending from the 5-mile radius zone to the RBN, and deleting the reference to Liberty TVOR and substituting Wright TVOR therefor. Since these amendments are either editorial or less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Fort Stewart, Ga., control zone is amended as follows: All after "longitude 81°38'15" W.) * * *" is deleted and "* * * within 2 miles each side of the 049° bearing from Allenhurst RBN, extending from the 5-mile radius zone to the RBN; within 3 miles each side of Wright TVOR 242° radial, extending from the 5-mile radius zone to 8.5 miles SW of the TVOR * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 19, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-16521 Filed 9-27-72;8:50 am]

[Airspace Docket No. 72-SW-52]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Galveston, Tex., control zone.

The present Galveston, Tex., control zone description, in part, includes specific reference to the Galveston RBN. Since the RBN is proposed to be relocated to a site on Galveston Island, it will be necessary to amend the control zone description appropriately deleting all reference to the RBN.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective concurrent with the proposed shutdown of the RBN on August 25, 1972.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 25, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Galveston, Tex., control zone is amended by deleting "within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN."

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

Issued in Fort Worth, Tex., on August 2, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-16522 Filed 9-27-72;8:50 am]

[Docket No. 12262, Amdt. 831]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order, payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 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 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 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's effective November 9, 1972.

Fairbanks, Alaska—Fairbanks International Airport; LFR-A, Amdt. 7; Revised.
Sitka, Alaska—Sitka Airport; LFR-A, Amdt. 4; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective September 14, 1972.

North Myrtle Beach, S.C.—Myrtle Beach Airport; VOR Runway 5, Amdt. 5; Revised.
North Myrtle Beach, S.C.—Myrtle Beach Airport; VOR Runway 23, Amdt. 7; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective November 9, 1972.

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; VOR-B, Amdt. 6; Revised.
Austin, Tex.—Robert Mueller Municipal Airport; VOR Runway 16R, Amdt. 22; Canceled.
Austin, Tex.—Robert Mueller Municipal Airport; VOR/DME Runway 12R, Original; Established.
Austin, Tex.—Robert Mueller Municipal Airport; VOR/DME Runway 16R, Original; Established.
Austin, Tex.—Robert Mueller Municipal Airport; VOR/DME Runway 30L, Original; Established.
Corsicana, Tex.—Corsicana Municipal Airport; VOR/DME-A, Original; Established.
Findlay, Ohio—Findlay Airport, VOR Runway 7, Amdt. 5; Revised.
Findlay, Ohio—Findlay Airport, VOR Runway 25, Original; Established.
Findlay, Ohio—Findlay Airport, VOR Runway 36, Original; Established.
La Verne, Calif.—Brackett Field, VOR-A, Amdt. 3; Revised.
Newport, R.I.—Newport State Airport; VOR-1, Original; Canceled.
Sitka, Alaska—Sitka Airport; VOR-A, Amdt. 6; Revised.
Springfield, Ohio—Springfield Municipal Airport, VOR Runway 5, Original; Established.
Springfield, Ohio—Springfield Municipal Airport, VOR Runway 23, Original; Established.
Torrance, Calif.—Torrance Municipal Airport, VOR Runway 11L, Amdt. 8; Revised.
Victoria, Tex.—Victoria County-Foster Airport, VOR Runway 12L, Amdt. 4; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 12, 1972.

Windsor Locks, Conn.—Bradley International Airport; LOC(BC) Runway 24, Amdt. 10; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective November 9, 1972.

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; LOC(BC) Runway 24, Amdt. 11; Revised.
Austin, Tex.—Robert Mueller Municipal Airport; LOC(BC) Runway 12R, Amdt. 9; Canceled.
Austin, Tex.—Robert Mueller Municipal Airport, LOC/DME(BC) Runway 12R, Original; Established.
Barrow, Alaska—Wiley Post-Will Rogers Memorial Airport; LOC/NDB Runway 6, Original; Established.
Covington, Ky.—Greater Cincinnati Airport; LOC(BC) Runway 27L, Original; Established.

Fairbanks, Alaska—Fairbanks International Airport; LOC(BC) Runway 1L, Amdt. 8; Revised.
Morristown, N.J.—Morristown Municipal Airport; LOC(BC) Runway 5, Original; Established.
Sitka, Alaska—Sitka Airport; LOC/DME Runway 11, Amdt. 4; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective October 12, 1972.

Miami, Fla.—Dade-Collier Training and Transition Airport; NDB Runway 9, Amdt. 5; Revised.
Windsor Locks, Conn.—Bradley International Airport, NDB Runway 6, Amdt. 20; Revised.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective November 9, 1972.

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; NDB Runway 6, Amdt. 11; Revised.
Austin, Tex.—Robert Mueller Municipal Airport; NDB Runway 30L, Amdt. 24; Revised.
Barrow, Alaska—Wiley Post-Will Rogers Memorial Airport; NDB(ADF)-1, Amdt. 2; Canceled.
Barrow, Alaska.—Wiley Post-Will Rogers Memorial Airport; NDB Runway 6, Amdt. 1; Revised.
Barrow, Alaska—Wiley Post-Will Rogers Memorial Airport; NDB Runway 24, Amdt. 2; Revised.
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 27L, Original; Established.
Fairbanks, Alaska—Fairbanks International Airport; NDB Runway 19R, Amdt. 13; Revised.
Findlay, Ohio—Findlay Airport; NDB(ADF)-1, Amdt. 1; Canceled.
Findlay, Ohio—Findlay Airport; NDB Runway 36, Amdt. 5; Revised.
Sitka, Alaska—Sitka Airport; NDB-A, Original; Established.
South Bend, Ind.—St. Joseph County Airport, NDB Runway 27, Amdt. 20; Revised.
Trenton, N.J.—Mercer County Airport, NDB Runway 6, Amdt. 3; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective October 12, 1972.

Miami, Fla.—Dade-Collier Training and Transition Airport; ILS Runway 9, Amdt. 5; Revised.
Windsor Locks, Conn.—Bradley International Airport; ILS Runway 6, Amdt. 22; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective November 9, 1972.

Allentown, Pa.—Allentown-Bethlehem-Easton Airport; ILS Runway 6, Amdt. 16; Revised.
Annette Island, Alaska—Annette Airport; ILS Runway 12, Amdt. 11; Revised.
Austin, Tex.—Robert Mueller Municipal Airport; ILS Runway 30L, Amdt. 24; Revised.
Fairbanks, Alaska—Fairbanks International Airport; ILS Runway 19R, Amdt. 13; Revised.
Santa Ana, Calif.—El Toro MCAS; ILS Runway 34R, Amdt. 5; Revised.
South Bend, Ind.—St. Joseph County Airport; ILS Runway 27, Amdt. 26; Revised.
Trenton, N.J.—Mercer County Airport; ILS Runway 6, Amdt. 1; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective October 12, 1972.

Windsor Locks, Conn.—Bradley International Airport; Radar-1, Amdt. 3; Revised.

11. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective November 9, 1972.

Fairbanks, Alaska—Fairbanks International Airport; Radar-1L, Amdt. 5; Revised.

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

Issued in Washington, D.C., on September 21, 1972.

C. R. MELUGIN, Jr.,
Acting 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.72-16523 Filed 9-27-72;8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5301, 34-9776, 35-17698, 40-7360, AS-128]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Statements of Banks and Bank Holding Companies

The Commission today adopted a general revision of Article 9 of Regulation S-X (17 CFR 210.9-01—9-05) pertaining to the form and content of financial statements of bank holding companies and banks. The revision was issued for public comment on August 20, 1971[1] as part of a general revision of Regulation S-X but, because a number of unexpected problems arose, its adoption was deferred when other portions of the proposed revision were adopted on June 23, 1972.[2]

Letters commenting on the proposal were given careful consideration in determining the final form of the revision of Article 9. The more significant changes from the existing Article 9 are discussed below:

Rule 9-01. Application of Article 9. A requirement has been added that in preparing consolidated statements, holding companies shall give consideration to utilization of the form and content of financial statements prescribed for banks.

Rule 9-02. Balance Sheets of Bank Holding Companies. The former special requirements for holding company balance sheets pertaining to disclosure of balances with affiliated banks have been eliminated.

Rule 9-03. Income Statements of Bank Holding Companies. This rule was revised to provide for use of the equity method of reflecting income of subsidiaries and for separate reporting of income from operations, securities gains and losses and extraordinary items.

Rule 9-04. What Schedules Are To Be Filed for Bank Holding Companies. The requirement for filing the schedule of investments in securities of affiliate banks, Rule 12-32, has been deleted.

Rule 9-05. Financial Statements and Schedules of Banks. This rule has been revised to require that statements of banks shall generally follow the form and content prescribed in Regulation F of the Board of Governors of the Federal Reserve System. These statements shall be supplemented by a statement of source and application of funds, information as to market value of investment securities, a schedule of amounts receivable from directors, officers, and certain other persons, and a schedule of supplementary income statement information. Requirements for filing schedules have been provided.

The amendments to Regulation S-X are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14, and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c), and 38(a) thereof.

Commission action. The Commission hereby amends §§ 210.9-01 through 210.9-05 and § 210.12-32 of Chapter II of Title 17 of the Code of Federal Regulations by (1) rewriting all parts of §§ 210.9-01 through 210.9-05 and (2) deleting § 210.12-32, and as so amended, shall read as follows:

§ 210.9-01 Application of §§ 210.9-01 to 210.9-05.

(a) *Bank holding companies.* Financial statements filed for bank holding companies shall be prepared in accordance with §§ 210.5-01 to 210.5-04, 210.9-02, 210.9-03 and 210.9-04.

(b) *Banks.* Financial statements filed for banks shall be prepared in accordance with § 210.9-05.

(c) *Consolidated and combined financial statements.* Article 4 is applicable to

[1] Securities Act Release No. 5177, Securities Exchange Act Release No. 9264, Public Utility Holding Company Act Release No. 17215 and Investment Company Act Release No. 6645 (36 F.R. 16196).

[2] Securities Act Release No. 5261, Securities Exchange Act Release No. 9648, Public Utility Holding Company Act Release No. 17617, Investment Company Act Release No. 7236 and Accounting Series Release No. 125 (37 F.R. 14591).

the preparation of consolidated and combined financial statements. If consolidated financial statements are prepared for a bank holding company and its bank and other subsidiaries, consideration shall be given to utilization of the bank format for financial statements and schedules as prescribed in § 210.9–05.

§ 210.9–02 Balance sheets of bank holding companies.

Notwithstanding the provisions of § 210.5–02, current assets and current liabilities need not be separately classified as such.

§ 210.9–03 Income statements of bank holding companies.

The following captions shall be in complete substitution for § 210.5–03.

1. *Income.* (a) State separately the total of income from (1) equity in income before profits or losses on securities and extraordinary items of (i) unconsolidated subsidiaries and (ii) 50 percent or less owned persons (showing dividends received parenthetically or otherwise), (2) dividends, (3) interest, (4) management and service fees, and (5) other income, stating separately any material amounts.

(b) Exclude from dividends included under item (a)(2) above amounts from investments in affiliates and others which are accounted for by the equity method. State separately, if significant, the amounts of dividends from (1) securities of other affiliates, (2) marketable securities and (3) other securities.

In regard to any dividends other than cash, state the basis on which they have been taken up in the accounts and the justification, if any, for such action. If any such dividends received from affiliates have been credited in the accounts in an amount different from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

(c) State separately any material amounts included in items (a)(3), (4), and (5) above earned from (1) companies for which the equity in earnings was reported in item (a)(1), and (2) other affiliates.

2. *Expenses for salaries.* If salaries are paid other than in cash, state details in a note referred to in the income statement.

3. *Taxes.* Other than income tax expense.

4. *Other expenses.* State separately the amount of interest and debt discount and expense and any significant amounts of other classes of expense.

5. *Income or loss before income tax expense and appropriate items below.*

6. *Income tax expense.* Include under this caption only taxes based on income. Taxes applicable to profits or losses on securities and extraordinary items shall not be included under this caption. (See § 210.3–16 (o).)

7. *Income or loss before profits or losses on securities and extraordinary items.*

8. *Profits or losses on securities, less applicable tax.* State separately (a) equity in net securities profits or losses of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity on earnings was reported under item 1(a)(1), and (b) net securities profits or losses of the holding company, disclosing parenthetically or otherwise the tax applicable to such amounts. No profits or losses on the holding company's own equity securities, or equity in profits or losses of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of securities sold by the holding company, e.g., "average cost," "first-in, first-out," or "identified certified." Consideration should be given to reporting transactions of the holding company under caption 10, when appropriate.

9. *Income or loss before extraordinary items.*

10. *Extraordinary items, less applicable tax.* State separately (a) equity in extraordinary items of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported in item 1(a)(1), and (b) extraordinary items of the holding company, disclosing parenthetically or otherwise the tax applicable to such amounts.

11. *Cumulative effects of changes in accounting principles.* State separately (a) equity in cumulative effect of changes in accounting principles of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons, and (b) cumulative effects of changes in accounting principles of the holding company, disclosing parenthetically or otherwise the tax applicable to such amounts.

12. *Net income or loss.* See § 210.5–02 (caption 39(d)).

13. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.9–04 What schedules are to be filed for bank holding companies.

The following special provisions shall be applicable to the schedules specified in § 210.5–04:

Schedule I. The schedule prescribed by § 210.12–02 shall be filed in support of captions 2 and 12 of each balance sheet required to be filed.

Schedule III. The schedule prescribed by § 210.12–04 shall be presented in two parts as follows: Part 1 for banks and part 2 for other than banks.

§ 210.9–05 Financial statements and schedules of banks.

(a) Financial statements and schedules of banks shall be furnishsed in substantially the same form and content as ules of banks shall be furnished in subprescribed in forms F–9, F–9A, F–9B, F–9C, and F–9D (12 CFR 206.71) of Regulation F of the Board of Governors of the Federal Reserve System issued pursuant to section 12(i) of the Securities Exchange Act of 1934, except as otherwise provided in this rule.

(b) The financial statements and schedules required to be filed shall be supplemented as follows:

(1) A statement of source and application of funds as specified in §§ 210.11A–01 to 210.11A–02 shall be filed for each period for which an income statement is required to be filed.

(2) The aggregate amount on the basis of market quotations at the balance sheet date shall be shown parenthetically for each category of investment securities reported under caption 2 of each balance sheet required to be filed.

(3) The aggregate amount on the basis of market quotations at the balance sheet date shall be stated for each type and maturity grouping of securities listed on Schedules I and II prescribed under Form F–9D (12 CFR 206.71).

(4) Schedule VIII—Amounts receivable from directors, officers and principal holders (other than affiliates) of equity securities of the person and its affiliates: A schedule in the format prescribed by § 210.12–03 of this chapter shall be filed showing the aggregate amounts of indebtedness of more than $20,000 or 1 percent of total assets, whichever is less, of each director, officer or principal holder (other than affiliates) of equity securities of the bank that are receivable or were receivable at any time during the period for which related income statements are required to be filed. It shall not be necessary to disclose a loan or extension of credit to any person made in the ordinary course of business that (i) was made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, disclosure shall be made if at any time during the period for which related income statements are required to be filed there existed—

(*a*) indebtedness of any officer in an amount which exceeded the maximum loan or extension of credit permitted under applicable rules and regulations of the banking regulatory agencies to which the bank is subject;

(*b*) indebtedness of any director or any principal holder (other than affiliates) of equity securities of the person and its affiliates in an amount which exceeded 10 percent of the stockholders' equity of the bank; or

(*c*) indebtedness of all directors and principal holders (other than affiliates) of equity securities of the person and its affiliates as a group which exceeded 20 percent of the stockholders' equity of the bank.

For the purpose of this schedule the term "officer" means a chairman of the board of directors, vice chairman of the board, chairman of the executive committee, president, vice president (except as indicated in the next sentence), cashier, treasurer, secretary, comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as executive vice president, senior vice president, or first vice president as well as a number of "vice presidents"), some or all "vice presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this schedule.

(5) Schedule IX—Supplementary income statement information: The schedule prescribed by § 210.12–16 shall be filed in support of each income statement required to be filed. This schedule may be omitted if the information required by Column B and Instructions 3 and 4 thereof is furnished in the income statement or in a note thereto.

(c) The schedules specified as Schedules I, II, III, IV, and VI in Form F–9D (12 CFR 206.71) shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed. All other schedules, specified as Schedules V and VII in

Form F-9D and VIII and IX in this rule, shall be filed for each period for which an income statement is required to be filed. The provisions of §§ 210.5-04 (b), (c), and (d) shall apply to the schedules.

(d) Financial statements of banks need not be certified for periods ending on or before November 30, 1971.

§ 210.12-32 [Deleted]

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685 15 U.S.C. 77f, 77g, 77h, 77j, 77s; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 850, secs. 1, 2, 84 Stat. 1497, 15 U.S.C. 78*l*, 78m, 78o(d), 78w; secs. 5(b), 14, 20(a), 49 Stat. 812, 827, 833, 15 U.S.C. 79e, 79n, 79t; secs. 8, 30, 31(c), 38(a), 54 Stat. 803, 836, 838, 841, sec. 3(c), 84 Stat. 1415, 15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a))

The foregoing amendments shall be effective with respect to financial statements required to be filed with the Commission for periods ending on or after December 31, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

SEPTEMBER 20, 1972.

[FR Doc.72-16504 Filed 9-27-72;8:48 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive 5-72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

SEPTEMBER 18, 1972.

By virtue of the authority vested in me by Part O of Title 28 of the Code of Federal Regulations, particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168, I hereby redelegate to U.S. Attorneys authority to compromise condemnation cases subject to and in accordance with the following limitations and conditions:

1. Except as provided in paragraph 2 hereof, U.S. Attorneys are authorized to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which the gross amount of the proposed settlement does not exceed $20,000: *Provided*, That—

(a) The settlement is approved in writing (to be retained in the file of the U.S. Attorney concerned) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(b) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks.

2. This redelegation of authority shall not apply—

(a) In any case in which, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling an amount in excess of $20,000; or

(b) In any case in which the U.S. Attorney concerned is of the opinion that because of a question of law or policy presented, or for any other reason, the offer should receive the attention of the Land and Natural Resources Division of the Department; or

(c) When the case involves the revestment of any land or improvements or any interest, or interests, in land under the Act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f).

3. The procedural functions necessary for completing disposition of the matter, including the entry of judgment and distribution of the award, shall be performed promptly when a settlement has been made under this redelegation of authority. The U.S. Attorney concerned shall immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval. The report, an initialed copy of which shall be retained in the file of the U.S. Attorney, shall show the action taken and shall contain an adequate statement of the reasons therefor. In routine cases, a form, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

Land and Natural Resources Division Memo No. 389 is superseded.

KENT FRIZZELL,
Assistant Attorney General.

Approved:

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.72-16495 Filed 9-27-72;8:47 am]

[Directive 4-72.]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

SEPTEMBER 18, 1972.

Pursuant to the authority contained in 28 CFR 0.168, the Deputy Assistant Attorney General in the Land and Natural Resources Division is hereby authorized, with respect to matters assigned to the Land and Natural Resources Division, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $100,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $100,000; and the Chief of the Land Acquisition Section and the Chief of the General Litigation Section of the Land and Natural Resources Division are hereby authorized, with respect to matters assigned to their respective sections, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed $50,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed $50,000; except:

(1) When, for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated above;

(2) When because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General in charge of the Land and Natural Resources Division; and

(3) When the agency or agencies involved are opposed to the proposed acceptance or rejection of the offer in compromise.

Lands Division Directive No. 27, dated April 11, 1961, is superseded.

KENT FRIZZELL,
Assistant Attorney General.

Approved:

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.72-16494 Filed 9-27-72;8:47 am]

Title 29—LABOR

Chapter XX—Occupational Safety and Health Review Commission

PART 2200—RULES OF PROCEDURE

Pursuant to section 12(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C.A. 661(f)), the Occupational Safety and Health Review Commission has by official action adopted the following rules of procedure under authority of section 10 of the Act to supersede interim rules adopted by the Commission on August 25, 1971 (36 F.R. 17409, August 31, 1971), and set forth in § 2200.1, et seq., of this title.

At the time of publication of the proposed rules (37 F.R. 15470, August 2, 1972), the Commission requested written comments, suggestions, or objections from all interested persons. Many have been received, and each has been carefully considered.

These rules are effective upon publication (9–28–72).

By the Commission.

Dated: September 21, 1972.

[SEAL] ROBERT D. MORAN, *Chairman.*

JAMES F. VAN NAMEE, *Commissioner.*

ALAN F. BURCH, *Commissioner.*

Subpart A—General Provisions

Sec.

Subpart B—Parties and Representatives

Subpart C—Pleadings and Motions

Subpart D—Pre-Hearing Procedures and Discovery

Subpart E—Hearings

Subpart F—Post Hearing Procedures

Sec.

Subpart G—Miscellaneous Provisions

AUTHORITY: The provisions of this Part 2200 are issued under 29 U.S.C.A. 661(f).

Subpart A—General Provisions

§ 2200.1 Definitions.

As used herein:

(a) "Act" means the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 29 U.S.C.A. 651, et seq.

(b) "Commission," "person," "employer," and "employee" have the meanings set forth in section 3 of the Act.

(c) "Secretary" means the Secretary of Labor or his duly authorized representative.

(d) "Executive Secretary" means the Executive Secretary of the Commission.

(e) "Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.

(f) "Judge" means a Hearing Examiner appointed by the Chairman of the Commission pursuant to section 12(j) of the Act.

(g) "Authorized employee representative" means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.

(h) "Representative" means any person, including an authorized employee representative, authorized by a party or intervenor to represent him in a proceeding.

(i) "Citation" means a written communication issued by the Secretary to an employer pursuant to section 9(a) of the Act.

(j) "Notification of proposed penalty" means a written communication issued by the Secretary to an employer pursuant to section 10 (a) or (b) of the Act.

(k) "Day" means a calendar day.

(l) "Working day" means all days except Saturdays, Sundays, or Federal holidays.

(m) "Proceeding" means any proceeding before the Commission or before a judge.

§ 2200.2 Scope of rules; applicability of Federal Rules of Civil Procedure.

(a) These rules shall govern all proceedings before the Commission and its judges.

(b) In the absence of a specific provision, procedure shall be in accordance with the Federal Rules of Civil Procedure.

§ 2200.3 Use of gender and number.

(a) Words importing the singular number may extend and be applied to the plural and vice versa.

(b) Words importing the masculine gender may be applied to the feminine gender.

§ 2200.4 Computation of time.

(a) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and Federal holidays shall be excluded in the computation.

(b) Where service of a pleading or document is by mail pursuant to § 2200.7 of this subpart, 3 days shall be added to the time allowed by these rules for the filing of a responsive pleading.

§ 2200.5 Extensions of time.

Requests for extensions of time for the filing of any pleading or document must be received in advance of the date on which the pleading or document is due to be filed.

§ 2200.6 Record address.

The initial pleading filed by any person shall contain his name, address, and telephone number. Any change in such information must be communicated promptly in writing to the judge or the Commission, as the case may be, and to all other parties and intervenors. A party or intervenor who fails to furnish such information shall be deemed to have waived his right to notice and service under these rules.

§ 2200.7 Service and notice.

(a) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(b) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(c) Unless otherwise ordered, service may be accomplished by postage prepaid first class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(d) Proof of service shall be accomplished by a written statement of the

same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(e) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

(f) Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in paragraph (c) of this section.

(g) In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of notice of the docketing of the notice of contest or petition for modification of the abatement period, post, where the citation is required to be posted, a copy of the notice of contest and a notice informing such affected employees of their right to party status and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this paragraph:

(Name of employer)

Your employer has been cited by the Secretary of Labor for violation of the Occupational Safety and Health Act of 1970. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Commission in its rules of procedure. Notice of intent to participate should be sent to:

Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, DC 20006.

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace.)

Where appropriate, the second sentence of the above notice will be deleted and the following sentence will be substituted:

The reasonableness of the period prescribed by the Secretary of Labor for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission.

(h) The authorized employee representative, if any, shall be served with the notice set forth in paragraph (g) of this section and with a copy of the notice of contest.

(i) A copy of the notice of the hearing to be held before the judge shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of such hearing at or near the place where the citation is required to be posted.

(j) A copy of the notice of the hearing to be held before the judge shall be served by the employer on the authorized employee representative of affected employees in the manner prescribed in paragraph (c) of this section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such notice is received by the employer.

(k) Where a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the statement filed in conformance with § 2200.35 of this part, serve a copy thereof on such authorized employee representative in the manner prescribed in paragraph (c) of this section and shall file proof of such service.

(l) Where a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and response filed in support thereof shall be provided to the employer for posting in the manner prescribed in paragraph (g) of this section.

(m) An authorized employee representative who files a notice of contest shall be responsible for serving any other authorized employee representative whose members are affected employees.

(n) Where posting is required by this section, such posting shall be maintained until the commencement of the hearing or until earlier disposition.

§ 2200.8 Filing.

(a) Prior to the assignment of a case to a judge, all papers shall be filed with the Executive Secretary at 1825 K Street NW., Washington, DC 20006. Subsequent to the assignment of the case to a judge, and before the issuance of his decision, all papers shall be filed with the judge at the address given in the notice informing of such assignment. Subsequent to the issuance of the decision of the judge, all papers shall be filed with the Executive Secretary.

(b) Unless otherwise ordered, all filing may be accomplished by first class mail.

(c) Filing is deemed effected at the time of mailing.

§ 2200.9 Consolidation.

Cases may be consolidated on the motion of any party, on the judge's own motion, or on the Commission's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

§ 2200.10 Severance.

Upon its own motion, or upon motion of any party or intervenor, the Commission or the judge may, for good cause, order any proceeding severed with respect to some or all issues or parties.

§ 2200.11 Protection of trade secrets and other confidential information.

(a) Upon application by any person, in a proceeding where trade secrets or other matters may be divulged, the confidentiality of which is protected by 18 U.S.C. 1905, the judge shall issue such orders as may be appropriate to protect the confidentiality of such matters.

(b) Interlocutory appeal from an adverse ruling under this section shall be granted as of right.

Subpart B—Parties and Representatives

§ 2200.20 Party status.

(a) Affected employees may elect to participate as parties at any time before the commencement of the hearing before the judge, unless, for good cause shown, the Commission or the judge allows such election at a later time. See also § 2200.21.

(b) Where a notice of contest is filed by an employee or by an authorized employee representative with respect to the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing before the judge. See also § 2200.21.

§ 2200.21 Intervention; appearance by nonparties.

(a) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing before the judge.

(b) The petition shall set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding.

(c) The Commission or the judge may grant a petition for intervention to such an extent and upon such terms as the Commission or the judge shall determine.

§ 2200.22 Representatives of parties and intervenors.

(a) Any party or intervenor may appear in person or through a representative.

(b) A representative of a party or intervenor shall be deemed to control all matters respecting the interest of such party or intervenor in the proceeding.

(c) Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.

(d) Nothing contained herein shall be construed to require any representative to be an attorney at law.

(e) Withdrawal of appearance of any representative may be effected by filing a written notice of withdrawal and by serving a copy thereof on all parties and intervenors.

Subpart C—Pleadings and Motions

§ 2200.30 Form.

(a) Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required to contain a caption sufficient to identify the parties in accordance with § 2200.31, which shall include the Commission's docket number, if assigned, and a clear and plain statement of the relief that is sought, together with the grounds therefor.

(b) Pleadings and other documents (other than exhibits) shall be typewritten, double spaced, on letter size opaque paper (approximately 8½ inches by 11 inches). The left margin shall be 1½ inches and the right margin 1 inch. Pleadings and other documents shall be fastened at the upper left corner.

(c) Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information and belief the statements made therein are true, and that it is not interposed for delay.

(d) The Commission may refuse for filing any pleading or document which does not comply with the requirements of paragraphs (a), (b), and (c) of this section.

§ 2200.31 Caption; titles of cases.

(a) Cases initiated by a notice of contest shall be titled:

Secretary of Labor, Complainant v. (*Name of Contestant*), *Respondent.*

(b) Cases initiated by a petition for modification of the abatement period shall be titled:

(*Name of employer*), *Petitioner* v. *Secretary of Labor, Respondent.*

(c) The titles listed in paragraphs (a) and (b) of this section shall appear at the left upper portion of the initial page of any pleading or document (other than exhibits) filed.

(d) The initial page of any pleading or document (other than exhibits) shall show, at the upper right of the page, opposite the title, the docket number, if known, assigned by the Commission.

§ 2200.32 Notices of contest.

The Secretary shall, within 7 days of receipt of a notice of contest, transmit the original to the Commission, together with copies of all relevant documents.

§ 2200.33 Employer contests.

(a) *Complaint.* (1) The Secretary shall file a complaint with the Commission no later than 20 days after his receipt of the notice of contest.

(2) The complaint shall set forth all alleged violations and proposed penalties which are contested, stating with particularity:

(i) The basis for jurisdiction;

(ii) The time, location, place, and circumstances of each such alleged violation; and

(iii) The considerations upon which the period for abatement and the proposed penalty on each such alleged violation is based.

(3) Where the Secretary seeks in his complaint to amend his citation or proposed penalty, he shall set forth the reasons for amendment and shall state with particularity the change sought.

(b) *Answer.* (1) Within 15 days after service of the complaint, the party against whom the complaint was issued shall file an answer with the Commission.

(2) The answer shall contain a short and plain statement denying those allegations in the complaint which the party intends to contest. Any allegation not denied shall be deemed admitted.

§ 2200.34 Petitions for modification of abatement period.

(a) An employer may file with the Secretary a petition for modification of an abatement period no later than the close of the next working day following the date on which abatement is required.

(b) The Secretary shall transmit such petition to the Commission within 3 days after its receipt.

(c) The Secretary shall file a response within 10 days of receipt of the petition.

(d) The burden of proving the need for modification of the abatement period shall rest with the petitioner.

§ 2200.35 Employee contests.

(a) Where an affected employee or authorized employee representative files a notice of contest with respect to the abatement period, the Secretary shall, within 10 days from his receipt of the notice of contest, file a clear and concise statement of the reasons the abatement period prescribed by him is not unreasonable.

(b) Not later than 10 days after receipt of the statement referred to in paragraph (a) of this section, the contestant shall file a response.

§ 2200.36 Statement of position.

At any time prior to the commencement of the hearing before the judge, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

§ 2200.37 Response to motions.

Any party or intervenor upon whom a motion is served shall have 10 days from service of the motion to file a response.

§ 2200.38 Failure to file.

Failure to file any pleading pursuant to these rules when due, may, in the discretion of the Commission or the judge, constitute a waiver of the right to further participation in the proceedings.

Subpart D—Prehearing Procedures and Discovery

§ 2200.50 Withdrawal of notice of contest.

At any stage of a proceeding, a party may withdraw his notice of contest, subject to the approval of the Commission.

§ 2200.51 Prehearing conference.

(a) At any time before a hearing, the Commission or the judge, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(b) The Commission or the judge may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

§ 2200.52 Requests for admissions.

(a) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within 15 days after service of the request, or within such shorter or longer time as the Commission or the judge may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.

(b) Copies of all requests and responses shall be served on all parties in accordance with the provisions of § 2200.7(a) and filed with the Commission within the time allotted and shall be a part of the record.

§ 2200.53 Discovery depositions and interrogatories.

(a) Except by special order of the Commission or the judge, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(b) In the event the Commission or the judge grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

§ 2200.54 Failure to comply with orders for discovery.

If any party or intervenor fails to comply with an order of the Commission or the judge to permit discovery in accordance with the provisions of these rules, the Commission or the judge may issue appropriate orders.

§ 2200.55 Issuance of subpenas; petitions to revoke or modify subpenas; right to inspect or copy data.

(a) Any member of the Commission shall, on the application of any party directed to the Commission, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for subpenas, if filed subsequent to the assignment of the case to a judge, shall be filed with the judge. A judge shall grant the application on behalf of any member of the Commission. Applications for subpenas may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person served with a subpena, whether ad testificandum or duces tecum, shall, within 5 days after the date of service of the subpena upon him, move in writing to revoke or modify the subpena if he does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpena was issued. The judge or the Commission, as the case may be, shall revoke

or modify the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpena is otherwise invalid. The judge or the Commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to procure copies of transcripts of the data or evidence submitted by them.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a party, the Commission by its counsel shall initiate proceedings in the appropriate district court for the enforcement thereof, if in its judgment the enforcement of such subpena would be consistent with law and with policies of the Act. Neither the Commission nor its counsel shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

Subpart E—Hearings

§ 2200.60 Notice of hearing.

Notice of the time, place, and nature of a hearing shall be given to the parties and intervenors at least 10 days in advance of such hearing, except as otherwise provided in § 2200.101.

§ 2200.61 Postponement of hearing.

(a) Postponement of a hearing ordinarily will not be allowed.

(b) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least 3 days in advance of the time set for the hearing.

(c) No postponement in excess of 30 days shall be allowed without Commission approval.

§ 2200.62 Failure to appear.

(a) Subject to the provisions of paragraph (c) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the judge and to request Commission review pursuant to § 2200.91.

(b) Requests for reinstatement must be made, in the absence of extraordinary circumstances, within 5 days after the scheduled hearing date.

(c) The Commission or the judge, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

§ 2200.63 Payment of witness fees and mileage; fees of persons taking depositions.

Witnesses summoned before the Commission or the judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

§ 2200.64 Reporter's fees.

Reporter's fees shall be borne by the Commission, except as provided in § 2200.63.

§ 2200.65 Transcript of testimony.

Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the judge before whom the matter was heard. The judge shall promptly serve notice upon each of the parties and intervenors of such filing.

§ 2200.66 Duties and powers of judges.

It shall be the duty of the judge to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The judge shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the Commission, to:

(a) Administer oaths and affirmations;

(b) Issue authorized subpenas;

(c) Rule upon petitions to revoke subpenas;

(d) Rule upon offers of proof and receive relevant evidence;

(e) Take or cause depositions to be taken whenever the needs of justice would be served;

(f) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(g) Hold conferences for the settlement or simplification of the issues;

(h) Dispose of procedural requests or similar matters, including motions referred to the judge by the Commission and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of his decision;

(i) Make decisions in conformity with section 557 of title 5, United States Code;

(j) Call and examine witnesses and to introduce into the record documentary or other evidence;

(k) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(l) Adjourn the hearing as the needs of justice and good administration require;

(m) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the Commission.

§ 2200.67 Disqualification of Judge.

(a) A judge may withdraw from a proceeding whenever he deems himself disqualified.

(b) Any party may request the judge, at any time following his designation and before the filing of his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

(c) If, in the opinion of the judge, the affidavit referred to in paragraph (b) of this section is filed with due diligence and is sufficient on its face, the judge shall forthwith disqualify himself and withdraw from the proceeding.

(d) If the judge does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision, and the provisions of § 2200.90 shall thereupon apply.

§ 2200.68 Examination of witnesses.

Witnesses shall be examined orally under oath. Opposing parties shall have the right to cross-examine any witness whose testimony is introduced by an adverse party.

§ 2200.69 Affidavits.

An affidavit may be admitted as evidence in lieu of oral testimony if the matters therein contained are otherwise admissible and the parties agree to its admission.

§ 2200.70 Deposition in lieu of oral testimony; application; procedures, form; rulings.

(a) An application to take the deposition of a witness in lieu of oral testimony shall be in writing and shall set forth the reasons such deposition should be taken, the name and address of the witness, the matters concerning which it is expected he will testify and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for purposes of this section, hereinafter referred to as "the officer"). Such application shall be filed with the Commission or the judge, as the case may be, and shall be served on all other parties and intervenors not less than 7 days (when the deposition is to be taken within the continental United States) and not less than 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. Where good cause has been shown, the Commission or the judge shall make and serve on the parties and intervenors an order which specifies the name of the witness whose deposition is to be taken and the time, place, and designation of the officer before whom the witness is to testify. Such officer may or may not be the officer specified in the application.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in the order, the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and the testimony of the witness shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objection, but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may be used as fully as though signed. The officer shall immediately deliver an original and four copies of the transcript, together with his certificate, in person or by registered mail to the Executive Secretary at 1825 K Street NW., Washington, D.C. 20006.

(d) The judge shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provision of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been discovered.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used as other depositions.

§ 2200.71 Exhibits.

(a) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(b) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the judge pursuant to § 2200.72.

(c) Unless the judge finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(d) All exhibits offered, but denied admission into evidence, shall be identified as in paragraph (a) of this section and shall be placed in a separate file designated for rejected exhibits.

§ 2200.72 Rules of evidence.

Hearings before the Commission and its judges shall be in accordance with section 554 of title 5 U.S.C. and insofar as practicable shall be governed by the rules of evidence applicable in the United States District Courts.

§ 2200.73 Burden of proof.

(a) In all proceedings commenced by the filing of a notice of contest, the burden of proof shall rest with the Secretary.

(b) In proceedings commenced by a petition for modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

§ 2200.74 Objections.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling by the judge, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(b) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

§ 2200.75 Interlocutory appeals; special; as of right.

(a) Unless expressly authorized by these rules, rulings by the judge may not be appealed directly to the Commission except by its special permission. Unless otherwise provided by these rules, all such rulings shall become a part of the record.

(b) Request to the Commission for special permission to appeal from such ruling shall be filed in writing within 5 days following receipt of the ruling and shall state briefly the grounds relied on.

(c) Interlocutory appeal from a ruling of the judge shall be allowed as of right where the judge certifies that: (1) the ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and (2) an immediate appeal from the ruling will materially expedite the proceedings. Such appeal shall also be allowed in the circumstances set forth in § 2200.11.

(d) Neither the filing of a petition for interlocutory appeal, nor the granting thereof as provided in paragraphs (b) and (c) of this section, shall stay the proceedings before the Judge unless such stay is specifically ordered by the Commission.

§ 2200.76 Filing of briefs and proposed findings with the Judge; oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief, proposed findings of fact and conclusions of law, or both, with the judge. The judge may fix a reasonable period of time for such filing, but such initial period may not exceed 20 days from the receipt by the party of the transcript of the hearing.

Subpart F—Post Hearing Procedures

§ 2200.90 Decisions of Judges.

(a) The decision of the judge shall include findings of fact, conclusions of law, and an order.

(b) The judge shall sign and date the decision. Upon issuance of the decision, jurisdiction shall rest solely in the Commission, and all motions, petitions and other pleadings filed subsequent to such issuance shall be addressed to the Commission.

§ 2200.91 Discretionary review; petition.

(a) A party aggrieved by the decision of a judge may submit a petition for discretionary review.

(b) The petition must be received by the Commission at its offices in Washington, D.C. on or before the 25th day following receipt by the Commission of the judge's decision.

(c) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The original and three (3) copies shall be filed with the Commission.

(d) Failure to act on such petition within the review period shall be deemed a denial thereof.

§ 2200.92 Stay of final order.

(a) Any party aggrieved by a final order of the Commission may, while the matter is within the jurisdiction of the Commission, file a motion for a stay.

(b) Such motion shall set forth the reasons a stay is sought and the length of the stay requested.

(c) The Commission may order such stay for the period requested or for such longer or shorter period as it deems appropriate.

§ 2200.93 Oral argument before the Commission.

(a) Oral argument before the Commission ordinarily will not be allowed.

(b) In the event the Commission desires to hear oral argument with respect to any matter it will advise all parties to the proceeding of the date, hour, place, time allotted, and scope of such argument at least 10 days prior to the date set.

Subpart G—Miscellaneous Provisions

§ 2200.100 Settlement.

(a) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.

(b) Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.

(c) Where parties to settlement agree upon a proposal, it shall be served upon

represented and unrepresented affected employees in the manner set forth in § 2200.7. Proof of such service shall accompany the proposed settlement when submitted to the Commission or the judge.

§ 2200.101 Expedited proceeding.

(a) Upon application of any party or intervenor, or upon his own motion, any Commissioner may order an expedited proceeding.

(b) When such proceeding is ordered, the Executive Secretary shall notify all parties and intervenors.

(c) The judge assigned in an expedited proceeding shall make necessary rulings with respect to time for filing of pleadings and with respect to all other matters, without reference to times set forth in these rules, shall order daily transcripts of the hearing, and shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

§ 2200.102 Standards of conduct.

All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the United States.

§ 2200.103 Ex parte communication.

(a) There shall be no ex parte communication, with respect to the merits of any case not concluded, between the Commission, including any member, officer, employee, or agent of the Commission who is employed in the decisional process, and any of the parties or intervenors.

(b) In the event such ex parte communication occurs, the Commission or the judge may make such orders or take such action as fairness requires. Upon notice and hearing, the Commission may take such disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

§ 2200.104 Restrictions as to participation by investigative or prosecuting officers.

In any proceeding noticed pursuant to the rules in this part, the Secretary shall not participate or advise with respect to the report of the judge or the Commission decision.

§ 2200.105 Inspection and reproduction of documents.

(a) Subject to the provisions of law restricting public disclosure of information, any person may, at the offices of the Commission, inspect and copy any document filed in any proceeding.

(b) Costs shall be borne by such person.

§ 2200.106 Restrictions with respect to former employees.

(a) No former employee of the Commission or the Secretary (including a member of the Commission or the Secretary) shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, in which he participated personally and substantially during the period of his employment.

(b) No former employee of the Commission or the Secretary (including a member of the Commission or the Secretary) shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which he was personally responsible during the period of his employment, unless 1 year has elapsed since the termination of such employment.

§ 2200.107 Amendments to rules.

The Commission may at any time upon its own motion or initiative, or upon written suggestion of any interested person setting forth reasonable grounds therefor, amend or revoke any of the rules contained herein. Such suggestions should be addressed to the Commission at 1825 K Street NW., Washington, DC 20006.

§ 2200.108 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the Commission may, upon application by any party or intervenor, or on its own motion, after 3 days notice to all parties and intervenors, waive any rule or make such orders as justice or the administration of the Act requires.

§ 2200.109 Penalties.

(a) All penalties assessed by the Commission are Civil.

(b) The Commission has no jurisdiction under section 17 (e), (f), and (g) of the Act and will conduct no proceeding thereunder.

§ 2200.110 Official Seal Occupational Safety and Health Review Commission.

The seal of the Commission shall consist of: A gold eagle outspread, head facing dexter, a shield with 13 vertical stripes superimposed on its breast, holding an olive branch in its claws, the whole superimposed over a plain solid white Greek cross with a green background, encircled by a white band edged in black and inscribed "Occupational Safety and Health Review Commission" in black letters.

[FR Doc.72-16498 Filed 9-27-72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809a—ENFORCEMENT OF ORDER AT AIR FORCE INSTALLATIONS, CONTROL OF CIVIL DISTURBANCES, AND SUPPORT OF DISASTER RELIEF OPERATIONS

Miscellaneous Amendment; Correction

Item 7 of the miscellaneous amendment for Part 809a, published in 37 F.R. 18728, September 15, 1972, should be corrected to read:

§ 809a.5 [Amended]

7. Section 809a.5 is amended by adding a new sentence to the end of paragraph (c) to read: "They include riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders."

JOHN W. FAHRNEY,
Colonel, U.S. Air Force, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-16487 Filed 9-27-72;8:46 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 120—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

Pursuant to the authority of section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1160 (c), the Administrator of the Environmental Protection Agency hereby determines that the water quality standards adopted by the States listed, and contained in the documents identified in § 120.10, except as otherwise indicated, are consistent with paragraph (3) of section 10(c) of the Federal Water Pollution Control Act, as amended, and are such standards as protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act; such standards shall hereafter be the standards applicable to the interstate waters for which adopted.

The documents containing such standards are incorporated herein and made a part hereof.

Section 120.10 is amended as follows:

Section 120.10 is amended by revising the paragraph entitled "California" as follows:

Water quality standards established by California in June 1967 for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. Water Quality Control Policy for Klamath River in California, 1967, as amended June 5, 1969.[1]
2. Water Quality Control Policy for Smith River, 1967, as amended June 4, 1970.[1]
3. Water Quality Control Policy for Humboldt Bay, 1967.[1]
4. Water Quality Control Policy for Humboldt-Del Norte Coast, 1967.[1]
5. Water Quality Control Policy for Sonoma-Marin Coast, 1967.[1]
6. Water Quality Control Policy for Mendocino Coast, 1967.[1]
7. Lake Tahoe Water Quality Control Policy, June 1966, with Addendum Regarding Control of Siltation adopted December 17, 1970.[1]
8. Water Quality Control Policy for East Walker River, 1967.[1]
9. Water Quality Control Policy for West Fork Carson River, 1967.[1]
10. Water Quality Control Policy for Truckee River, 1967, as amended June 5, 1969.[1]

See footnote on next page.

11. Water Quality Control Policy for West Walker River and Lake Topaz, 1967.[1]

12. Water Quality Control Policy for East Fork Carson River, 1967.[1]

13. Statement of Policy for Water Quality Control of Minor California, Nevada Interstate Waters, April 1967.[1]

14. Water Quality Control Policy for Pacific Ocean, 1967 [Within the San Diego Water Quality Control Region, March 30, 1967].[1]

15. Water Quality Control Policy for San Diego Bay, 1966.[1]

16. Water Quality Control Policy for Mission Bay including Tidal Prism of San Diego River and Agua Hedionda Lagoon, 1967.[1]

17. Water Quality Control Policy for Tijuana River Basin in California, 1967.[1]

18. Water Quality Control Policy for Sacramento-San Joaquin Delta, 1967, as amended.[1]

19. Water Quality Control Policy for Goose Lake, Calif., January 1967.[1]

20. Water Quality Control Policy for Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region, 1967, as amended December 3, 1970.[1]

21. Water Quality Control Policy for Pacific Ocean, Pescadero Point to Mouth of Tomales Bay (Bolinas Lagoon, Drakes Estero, Limantour Estero, Portions of Tomales Bay and Tidal Portions of Coastal Streams), 1967.[1]

22. Water Quality Control Policy for Coastal Waters, Point Piedras Blancas to Pescadero Point, 1967.[1]

23. Water Quality Control Policy for Coastal Waters, Point Arguello to Point Piedras Blancas.[1]

24. Water Quality Control Policy for Coastal Waters, Rincon Point to Point Arguello, 1967.[1]

25. Water Quality Control Policy for Pacific Ocean Coastal Waters, Rincon Point to San Gabriel River, 1967.[1]

26. Water Quality Control Policy for San Gabriel Tidal Prism, 1967.[1]

27. Water Quality Control Policy for Pacific Ocean Coastal Waters, 1967 [San Gabriel River to the Drainage Divide Between Muddy Canyon and Moro Canyon, Orange County, March, 1967], as amended December 4, 1969.[1]

28. Water Quality Control Policy for Coastal Bays, Marinas and Sloughs, 1967.[1]

29. Water Quality Control Policy for Colorado River in California, 1967, as amended June 4, 1970.[1]

30. Water Quality Control Policy for Alamo River in California, 1967.[1]

31. Water Quality Control Policy for New River in California, 1967.[1]

32. Water Quality Control Policy for Harbors, Marinas, and Tidal Prisms of Los Angeles and Ventura Counties, 1967, as revised February 6, 1969, December 4, 1969, and November 5, 1970, and corrected February 18, 1971.[1]

33. Water Quality Control Policy for the Lost River in California, September, 1969, as revised November 19, 1970.[1]

34. Water Quality Control Plan for the Bryant Creek Basin, January 21, 1971.[1]

35. Policy Regarding the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California, October 13, 1971 [approval was conditioned upon the accomplishment by California of specified revisions to the "General Water Quality Provisions" and "Implementation" portions of the Policy], together with material supporting the above policies.

Section 120.10 is further amended by revising the paragraph entitled "Florida" as follows:

Water quality standards established by Florida on February 20, 1968, for interstate waters subject to its jurisdiction and which are contained in the document entitled, "Rules of the Florida Air and Water Pollution Control Commission, Chapter 28-5, Pollution of Waters," as amended, recodified as Chapter 17-3, as amended on October 28, 1970 (section 17-3.04(1)) and February 17, 1971 (section 17-3.05(v)), and March 4, 1971 (sections 17-3.08, 17-3.09, 17-3.10, and 17-3.21).

Section 120.10 is further amended by revising the paragraph entitled "Hawaii" as follows:

Water quality standards established by Hawaii on June 29, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards, June 29, 1967," and which were revised on December 26, 1967, by revisions of Chapters 37 and 37-A of the Public Health Regulations, as amended on November 16, 1970, and as further amended on January 15, 1971.

Section 120.10 is further amended by revising the paragraph entitled "Illinois" as follows:

Water quality standards established by Illinois on January 6, 1972, and on March 7, 1972, for interstate waters subject to its jurisdiction and which are contained in the document entitled "Water Pollution Regulations of Illinois," except for Rules 205 and 302 Restricted Use Waters, and the Rule 206(e), Lake Michigan Thermal Standards, implementation plan as it relates to the power plant at Zion.

Section 120.10 is further amended by revising the paragraph entitled "Kentucky" as follows:

Water Quality Standards established by Kentucky as follows: WP-4-1, Water Quality Standards for the Waters of the Commonwealth of Kentucky, July 23, 1971; Antidegradation statement, March 5, 1971; and Plan of Implementation, Parts I and II, July 1971; together with supporting material. Approval was conditioned on the adoption by Kentucky of appropriate water use classifications.

Section 120.10 is further amended by revising the last five lines of the paragraph entitled "Maine" as follows:

"St. John River Basin Water Quality Standards"; Antidegradation provisions, Chapter 461, Public Law 1971, section 363 and sections 413-415; and supporting documents contained in rules and regulations of the Maine Environmental Improvement Commission, including temperature criteria.

Section 120.10 is further amended by revising the paragraph entitled "Pennsylvania" as follows:

Water quality standards established by Pennsylvania on June 28, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards for Pennsylvania's Interstate Streams, June 1967," as amended; including criteria and use classifications contained in Article 301 of the Pennsylvania Sanitary Water Board's rules and regulations, as amended on November 19, 1969, and as further amended on September 16, 1971 (Pennsylvania Bulletin, Vol. I, No. 68, Oct. 2, 1971), except that the following criterion remains in effect for interstate waters to which such criterion previously applied: "not to be changed by more than 2° F. during any one hour period;" and section 95.1 of chapter 25 of title 25 of the rules and regulations of the Department of Environmental Resources, adopted August 11, 1971.

Section 120.10 is further amended by revising the paragraph entitled "South Carolina" as follows:

Water quality standards established by South Carolina on November 7, 1967, for interstate waters subject to its jurisdiction and which are contained in the document entitled "General Water Quality Criteria and Specific Water Quality Standards, Implementation Plan," as amended September 8, 1971.

Section 120.10 is further amended by revising the paragraph entitled "Tennessee" as follows:

Water quality standards established by Tennessee on May 26, 1967, for interstate waters subject to its jurisdiction and which are contained in the following document entitled "Water Quality Criteria for the State of Tennessee" as amended on November 17, 1967, May 22, 1970, October 26, 1971, and December 14, 1971, to include temperature criteria previously excepted from approval and an antidegradation statement.

Dated: September 22, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-16497 Filed 9-27-72;8:47 am]

[1] Temperature requirements established by the Policy Regarding the Control of Temperature (paragraph 35) supersede temperature requirements stated in water quality control policies for particular waters.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

A new section, § 9-5.5202-5, *Justifications,* is added to highlight the requirement for justification of AEC-direct typewriter purchases, when appropriate, as set forth in FPMR 101-26.408-3. § 9-7.5006-52, *Priorities, allocations and allotments,* is changed to reflect the name change from "Business and Defense Services Administration" to "Bureau of Domestic Commerce, Department of Commerce." In § 9-53.106, *Assigned contract prefixes,* a prefix for Regulation is added.

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

1. In Subpart 9-5.52, Procurement of Special Items, a new section § 9-5.5202-5, *Justifications* is added as follows:

§ 9-5.5202 Typewriters.

§ 9-5.5202-5 Justifications.

The justification which is required for AEC direct procurements of typewriters made at price other than the lowest delivered price available is set forth in FPMR 101-26.408-3.

PART 9-7—CONTRACT CLAUSES

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5006-52, *Priorities, allocations and allotments,* is revised as follows:

§ 9–7.5006 Standard AEC clauses not included in § 9–7.5004 or § 9–7.5005.

§ 9–7.5006–52 Priorities, allocations, and allotments.

The contractor shall follow the provisions of DMS Regulation 1 and all other applicable regulations and orders of the Bureau of Domestic Commerce, Department of Commerce in obtaining controlled materials and other products and materials needed to fill this order.

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

3. In Subpart 9–53.1, Contracts, § 9–53.106, *Assigned contract prefixes*, is revised as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

ACTIVE OFFICES

	Contract prefix
Field Installations:	
San Francisco	AT(04–3)–
Grand Junction	AT(05–1)–
Idaho Falls	AT(10–1)–
Chicago	AT(11–1)–
Paducah	AT(15–1)–
Kansas City	AT(23–3)–
Nevada	AT(26–1)–
New Brunswick	AT(28–1)–
Los Alamos	AT(49–16)–
Albuquerque	AT(29–1)–
Brookhaven	AT(29–2)–
Schenectady	AT(30–2)–
Dayton	AT(30–3)–
Portsmouth	AT(33–1)–
Pittsburgh	AT(33–2)–
Savannah River	AT(36–1)–
Oak Ridge	AT(38–1)–
Richland	AT(40–1)–
Puerto Rico	AT(45–1)–
Headquarters:	
Headquarters Services	AT(51–1)–
General Manager	AT(49–1)–
Military Application	AT(49–2)–
Production and Materials Management	AT(49–3)–
Reactor Development and Technology	AT(49–4)–
Biomedical and Environmental Research	AT(49–5)–
Physical Research	AT(49–7)–
Personnel	AT(49–8)–
International Programs	AT(49–13)–
Space Nuclear Systems	AT(49–14)–
Management Information and Telecommunications Systems	AT(49–15)–
Contracts	AT(49–17)–
Applied Technology	AT(49–18)–
Controlled Thermonuclear Research	AT(49–19)–
Office of Information Services	AT(49–20)–
Waste Management and Transportation	AT(49–21)–
Nuclear Materials Security	AT(49–22)–
Regulation	AT(49–23)–
Joint AEC/NASA Space Nuclear Systems Office	AT(49–24)–
Joint AEC/NASA Space Nuclear Systems Office — Nevada	SNSO– SNSN–

INACTIVE OFFICES

Field Installations:	
Los Angeles	AT(04–1)–
Berkeley	AT(04–2)–
Canoga Park	AT(04–4)–
Rocky Flats	AT(05–2)–
Hartford	AT(06–1)–
Wilmington	AT(07–1)–
Spoon River	AT(11–2)–
Iowa (Burlington)	AT(13–1)–
Ames	AT(13–2)–
Detroit	AT(20–1)–
Centerline	AT(20–2)–
St. Louis	AT(23–2)–
Princeton	AT(28–2)–
Sandia	AT(29–3)–
New York	AT(30–1)–
Lockland	AT(33–3)–
Fernald	AT(33–4)–
Pantex	AT(41–1)–
Milwaukee	AT(47–1)–
Eniwetok	AT(50–1)–
Headquarters:	
Raw Materials	AT(49–6)–
Special Projects	AT(49–9)–
Labor Relations	AT(49–10)–
Isotopes Development	AT(49–11)–
Technical Information	AT(49–12)–
Peaceful Nuclear Exposives	AT(49–16)–
Space Nuclear Propulsion	SNP–

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (9–28–72).

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

Dated at Germantown, Md., this 22d day of September 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72–16471 Filed 9–27–72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9–28–72).

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

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxachatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

1. Only portable or temporary blinds constructed of native vegetation are permitted. Blinds should be disassembled at the close of the hunt, or within 10 days after the waterfowl season.

2. Hunters must enter and leave the refuge by either the S–39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area; those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S–39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

3. While using the designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

4. Air-thrust boats may be authorized for use only by special permit issued by the refuge manager.

5. All public use within the refuge during the hunting season is limited to the period each day from 1½ hours before sunrise to 1 hour after sunset.

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the areas designated by signs as open to hunting. The open area, comprising 2,500 acres, is delinated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

1. Hunting will be permitted only on Wednesdays through Sundays during the regular waterfowl season.

2. Only temporary blinds constructed of native vegetation are permitted.

3. Designated routes of travel must be used for entering or leaving the public hunting area.

4. A Federal permit is required for the use of airboats in the refuge area. All airboats must be equipped with exhaust mufflers.

5. All guns must be unloaded and cased while hunters are traveling to and from the hunting area.

6. Decoys will be retrieved by hunters at the end of each day's hunt.

GEORGIA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Eufaula National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 770 acres, is delineated on a map available at the refuge headquarters, Eufaula, Ala., and from the Regional Director, Bureau of

Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions.

1. Hunting will be permitted only on Saturdays. Hunting hours will be from one-half hour before sunrise to 11:30 a.m. during the waterfowl season.

2. Hunters must hunt only from designated blinds provided and located by the Bureau. Shooting is not permitted outside of designated blind zone.

3. Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds.

4. Each hunter is limited to no more than 15 shells in his possession. Shells with shot larger than No. 4 are prohibited.

5. Hunters are required to check in and out of the hunt area and must present all bagged game for inspection.

6. A refuge permit is required. A blind fee of $6 per blind will be charged at the time permits are issued prior to each day's hunt.

7. Applications for reservations for refuge permits must be received by the Refuge Manager, Eufaula Refuge, Eufaula, Ala., prior to 12 noon, October 30, 1972. Successful applicants will be determined by an impartial drawing on November 1, 1972.

8. Hunters under 18 years of age must be accompanied by an adult, 21 years of age or older.

9. Blind reservations are nontransferable.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge, Ga., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on the map which is available at the refuge headquarters, Hardeeville, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

1. Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 2 p.m. during the season set by State regulations. Note that State snipe season opens at different dates than ducks and coots but will close on the refuge on the same date.

2. Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

3. Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

4. Guns must be unloaded while being carried to and from the hunting area, and shot size larger than No. 4 will not be permitted on the refuge.

5. Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds, furnish their own boats and decoys.

6. Dogs used to retrieve waterfowl must be under complete control at all times.

7. Before entering the hunting area, hunters are required to obtain a permit at the refuge check station located on U.S. Highway 17 at the Middle River Bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl is permitted on Lacassine National Wildlife Refuge, La., only on the area designated by signs as open to hunting. The open area comprises 6,400 acres or approximately 20 percent of the total refuge area and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Waterfowl hunting shall be in accordance with applicable State and Federal regulations subject to the following special conditions:

1. Waterfowl hunting is permitted five half-days per week, Wednesday through Sunday, during the periods November 4–26, 1972, and December 16, 1972, through January 11, 1973. No one allowed on the area from November 27 through December 15.

2. Shooting hours: One-half hour before sunrise to 12 noon daily. Hunters may enter the refuge 2 hours prior to shooting time and must depart the hunting area by 1 p.m.

3. Temporary blinds of native vegetation may be constructed or portable blinds can be carried in for each hunt.

4. During the waterfowl season only, small boats may be left on the area at the owner's risk provided they do not block traffic and provided they are removed from the refuge not later than January 11, 1973. Airboats may not be used on the refuge.

5. The use of retriever dogs is permitted and encouraged but they must be under control at all times.

6. Hunting is not permitted within refuge waterways and hunters must station themselves a minimum of 50 yards inland from all streams and canals. Hunting along lake and pond edges is permissible.

7. All guns must be encased or dismantled while traveling through waterways.

8. Hunters shall not interfere with any refuge trapper during his daily rounds nor disturb any trap or set.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. The open area of 520 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

1. Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 noon during the period December 2, 1972 through January 20, 1973.

2. The use of boats with electric motors is permitted within the hunting area.

3. The construction of blinds is not permitted.

4. Hunters will not be permitted to enter the hunting area sooner than 15 minutes before legal shooting hours.

5. All hunters must enter and leave the waterfowl hunting area by way of the designated access point.

6. No hunter may take more than 16 shotgun shells into the hunting area.

7. No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

8. All hunters are required to check out at the designated check station before leaving the area.

9. Bag limits: To be set by flyway.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, N.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

1. Each hunter is limited to 25 shells per day.

2. Air thrust boats are prohibited.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, Lake Moultrie Unit, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of geese, ducks, and coots subject to the following special conditions:

1. Hunting will be permitted only on Tuesdays, Thursday, and Saturdays, during the established season.

2. Shooting hours are from one-half hour before sunrise until 12 noon. Hunters may not enter the refuge hunting area prior to 1½ hours before sunrise and must be off the hunting area no later than 1 p.m.

3. Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first come, first served basis.

4. Boats will not be left in Pinopolis Pool (hatchery) overnight.

5. Only boat motors of less than 10 horsepower allowed in Pinopolis Pool (hatchery).

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 January 1973.

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

SEPTEMBER 22, 1972.

[FR Doc.72-16488 Filed 9-27-72;8:46 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-28-72).

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, and rabbits on the Crab Orchard National Wildlife Refuge, Ill., is permitted from November 11, 1972, through January 15, 1973. The hunting of raccoons, opossums, skunks, and weasels is permitted from November 11, 1972, through January 31, 1973, except on November 17, 18, 19, and December 8, 9, and 10. Hunting is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters, Carterville, Ill. 62918, 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.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1973.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Illinois.

SEPTEMBER 20, 1972.

[FR Doc.72-16489 Filed 9-27-72;8:46 am]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-28-72).

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Bitter Lake National Wildlife Refuge is permitted only on the North Tract and as follows: Bow hunting from October 14, 1972, through October 29, 1972, inclusive; general hunting from November 18, 1972, through December 3, 1972, inclusive. The hunting area comprising about 12,000 acres, is delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 3, 1972.

LAWRENCE G. KLINE,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, New Mexico.

SEPTEMBER 21, 1972.

[FR Doc. 72-16496 Filed 9-27-72;8:47 am]

Title 36—PARKS, FORESTS AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Blue Ridge Parkway, Virginia-North Carolina; Fishing

A proposal was published at page 10448 of the FEDERAL REGISTER of May 23, 1972 to revise § 7.34 of Title 36 of the Code of Federal Regulations. The purpose of this amendment is to conform our fishing regulations with those of the North Carolina Wildlife Resources Commission to eliminate confusion among fishermen of a short stretch of water along the Linville River and at Camp Creek.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 49 Stat. 2041; 16 U.S.C. 460a-2 as amended)

Paragraph (b)(3)(i) of § 7.34 is amended to read as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(b) * * *

(3) * * *

(i) *North Carolina.* Basin Creek and its tributaries in Doughton Park; Trout Lake in Moses H. Cone Memorial Park; Ash Bear Pen Pond, Boone Fork River, Cold Prong Branch, Laurel Creek, Price Lake, Sims Creek, and Sims Pond in Julian Price Memorial Park.

* * * * *

GRANVILLE B. LILES,
Superintendent, Blue Ridge Parkway.

[FR Doc.72-16490 Filed 9-27-72;8:47 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one additional position of Staff Assistant to the Administrator is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9-28-72), § 213.3318(a)(4) is amended as set out below.

§ 213.3318 Environmental Protection Agency.

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

(4) Two Staff Assistants to the Administrator.

* * * * *

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

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

[FR Doc.72-16548 Filed 9-27-72;8:52 am]

PART 213—EXCEPTED SERVICE

Occupational Safety and Health Review Commission

Section 213.3344 is amended to show that one position of Confidential Assistant to a member of the Commission is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–28–72), § 213.3344(c) is amended as set out below.

§ 213.3344 Occupational Safety and Health Review Commission.

* * * * *

(c) One Confidential Assistant to each member of the Commission.

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

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

[FR Doc.72–16549 Filed 9–27–72;8:52 am]

PART 550—PAY ADMINISTRATION (GENERAL)

Hazardous Pay Differential for Small Craft Tests Under Unsafe Sea Conditions

Appendix A to Subpart I of Part 550 is amended by adding a new item (7), "Small craft tests under unsafe sea conditions", under the duty "Exposure to Hazardous Weather or Terrain", to provide for paying a hazard differential for work on small test crafts when the U.S. Storm Warning System indicates a hazardous sea state for the particular type of craft being tested.

The amendment, which is effective on the date shown in the schedule reads as follows:

APPENDIX A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate of hazard pay differential	Effective date
Exposure to Hazardous Weather or Terrain:		
* * *	* * *	* * *
(7) *Small craft tests under unsafe sea conditions.* Conducting craft tests to determine the seakeeping characteristics of small craft in a seaway when U.S. storm warnings normally indicate unsafe seas for a particular size craft.	25%	First pay period beginning on or after Sept. 28, 1972.
* * *	* * *	* * *

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–65 Comp., p. 357)

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

[FR Doc.72–16550 Filed 9–27–72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Quarterly Reports by Insurers; Forms

Section 300.20(h) of the regulations of the Price Commission requires each insurer that had annual revenues of $50 million or more, during the calendar year preceding any rate increase proposed by it, to file a quarterly report with the Price Commission at the time the insurer normally releases its quarterly reports, but not later than 45 days after the end of the quarter, of each rate increase by it during that quarter that affects $250,000 or more in aggregate premiums under the existing rate. The report is required to be made on a form prescribed by the Price Commission.

By notice published in the FEDERAL REGISTER on April 1, 1972, (37 F.R. 6718), the Price Commission postponed the time for filing because the required form was not available at that time.

Form PC–63, designed for this purpose, has now been approved, and is available from Internal Revenue Service District Offices or from the Price Commission, 2000 M Street NW., Washington, DC 20508. The form has been approved by the Office of Management and Budget, pursuant to OMB 164–R0005, which expires April 1973.

All quarterly reports required by § 300.20(h) shall be filed on Form PC–63. Reports for the third quarter of 1972, and all subsequent reports, shall be filed within the time limits required by § 300.20(h). Reports for the first and second quarters of 1972 shall be filed no later than 45 days after the end of the third quarter of 1972.

Since the purpose of this amendment is to provide immediate information and guidance with respect to compliance with price stabilization rules, it is hereby found that notice and public procedure is impracticable and that good cause exists for making it effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Appendix II to Part 300 of Title 6 of the Code of Federal Regulations is amended by adding the following Form PC–63 and instructions to the end thereof, effective September 25, 1972.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

Issued in Washington, D.C. on September 25, 1972.

JAMES B. MINOR,
General Counsel,
Price Commission.

Form **PC-63**
(August 1972)

Price Commission
2000 M Street, N.W.
Washington, D.C. 20508

Insurer's Quarterly Report

☐ Company In Prenotification Category
☐ Company In Reporting Category
☐ Special Filing (Describe):

OMB 164-R0005 Approval
Expires 4-73

Price Commission Use Only

CORR Control No.	SIC Code (1)
Reference No.	SIC Code (2)

Part I - Identifying Data

1(a) Is this a resubmission? ☐ No ☐ Yes

(b) If yes, indicate prior reference number

2. Date of Report — Mo. | Day | Year

3. Period Covered — FROM Mo. | Day | Year — TO Mo. | Day | Year

4.(a) Name of Insurer

(b) Address (Number and street, city, State and ZIP code)

(c) D-U-N-S Identification Number

5.(a) Name of Group (if applicable)

(b) Address (Number and street, city, State and ZIP code)

(c) D-U-N-S Identification Number

6. Total Revenues of Most Recent Calendar Year Ended — Mo. | Day | Year | $,000

7. Certification

To the best of my knowledge and belief the data submitted herewith are factually correct, complete and prepared in accordance with applicable instructions. It is understood that data reported herewith may be released pursuant to Part 311 of the Price Commission Regulations.

Name of Company | Date

Typed name of authorized executive officer | Signature of authorized executive officer

Name of Insurer (from Item 4(a), Part I) | D-U-N-S Number

FORM PC 63 **Part II Summary of Rate Increases**

Effective date of increase (1)	States affected by rate increase (2)	Line of insurance (3)	Specification of coverages (4)	Aggregate annualized premium prior to rate increase (000 omitted) (5)	Average percentage increase (6)	Annualized inflationary trend factors (percentage) Prior to 8/16/71 (7)	8/16/71 to 11/13/71 (8)	After 11/13/71 (9)	Is increase in general expenses & other acquisition profit limited to 2½ percent? (10)

Instructions for the Preparation of Form PC-63 for Report on Insurance Rate Increases

Purpose
Form PC-63 is to be used to report rate increases affecting $250,000 or more in aggregate annualized premiums.

Confidentiality of Information
It is the practice of the Price Commission to release to the public information regarding price increases requested and allowed, consistent with Part 311 of Price Commission Regulations.

Who Must File
Form PC-63 must be filed by each insurer that had annual revenues of $50 million or more during the preceding calendar year.

When to File
Form PC-63 must be filed on a quarterly basis at the time the insurer normally releases its quarterly reports, but not more than 45 days after the end of the quarter.

Where to File
Reporting insurers must file these forms with the Price Commission, 2000 M Street, N.W., Washington, D.C. 20508.

What to File
Firms required to file Form PC-63 must attach all supporting schedules, forms and explanations indicated in the instructions.

Rounding
For the purpose of this form, all percentages should be expressed to the nearest decimal place; (e.g., 1.3%). All dollar entries should be entered to the nearest whole dollar; (e.g., $257,875.22 entered as $257,875).

Definition
"Revenues" for the purposes of this report means the sum of net premiums written, other income, gross investment income and realized capital gains as reported in the Insurer's Annual Statement.

Specific Instructions

Part I - Identifying Data

Item 1
If you are supplying requested additional information or are resubmitting a report which had been returned, check the box for "yes" in (a) and supply in (b) the prior reference number.

Item 3
Period Covered - This item should specify the first day of the quarter covered by the report to the last day of the quarter being reported. For example, for the report covering the last quarter of 1971 this item should read "From 10/1/71 to 12/31/71."

Item 4
Name of Insurer - The name of the individual insurance company filing the report should be shown here. If the report is being made by a group of companies, the name of the group may be shown for this item with the names of the individual companies comprising the group listed separately and attached to this form.

Item 5(a)
Name of Group - If the individual insurer is a member of an affiliated group or fleet of companies; i.e., such companies are under common ownership, management or control, the name of the group should be shown here. If the address of the executive office of the group is different from that of the individual insurer such address should be noted here.

Item 5(c)
D-U-N-S Identification Number - Enter the "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the insurer has more than one D-U-N-S Number, the number entered in this item should be that assigned to the insurer for the address entered above as the executive office.

Item 6
Total Revenues in Most Recent Calendar Year - This item refers to the total revenues of the *group* not the individual insurer if that insurer is a member of a group or fleet of companies under common ownership, management or control. If the insurer is not a member of such group, that individual company's revenue should be shown in this item.

Item 7
Certification of Compliance - Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to this Form PC-63 must be the Chief Executive Officer of the Insurer, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose.

Part II Summary of Rate Increases

General

Rate increases which have been prenotified to the Price Commission need not be listed here if a copy of the prenotification form is attached for each of those rate increases.

Rate increases which have been filed by a rating organization or the Automobile Insurance Plans Service Office on behalf of the insurer should be noted on this part and the name of the rating organization should be inserted in lieu of the data specified for Columns (7) - (10).

Rate increases do not include rate increases made through January 10, 1972, by insurers in accordance with Section 406 of CEP Economic Stabilization Circular No. 12, issued on September 15, 1971 (36 F.R. 18471). (See 37 F.R. 11754.)

Column (1)
Effective Date - The date the increase became effective should be shown here. If there were separate effective dates for new and renewal policies, only the earlier date need be indicated.

Column (2)
Optional treatment as provided by 6 CFR 300.20(d) may be used for experience rated or group contracts involving multi-state risks.

Column (3)
If the increase pertains to an individual contract for health insurance or other lines, the policyholder's name, a description of the policy, or the contract number, as may be applicable, should be entered here.

Column (4)
Coverage(s) - To the extent that rates are customarily determined separately for component parts of the line of insurance, those component parts should be listed in this column; (e.g., Bodily Injury, Property Damage, Medical Payments, and Uninsured Motorists for Private Passenger Auto Liability).

Column (5)
Aggregate Annualized Premium Volume Prior to Rate Increase - The premium volume affected by the rate increase should be shown here. The premium figure may be shown in the aggregate for all coverages listed in Column (4) which would be the aggregate for the line of insurance described in Column (3). These figures may be shown individually by coverage if the insurer so elects.

Column (6)
Average Percentage Increase - The percentage increase in rates over the previously established rates should be entered in this column. This may be an average figure for all of the coverages listed in Column (4) which would be the average for the line of insurance as described in Column (3). If the insurer prefers, the percentage increases by coverage may be shown instead of the average for all coverages.

Columns (7), (8), and (9)
Annualized Inflationary Trend Factors - The information required in these columns should be shown separately for each of the coverages involved; (e.g., Bodily Injury, Property Damage, Medical Payments, if applicable). This is consistent with customary ratemaking procedures. Those insurers reporting rate increases for health insurance coverages need only indicate the trend factors used for each of the major coverages once, provided that such trend factors are standard for all contracts and all States; (e.g., comprehensive coverage, plus 10% before 8/16/71; major medical, plus 20% before 8/16/71).

Column (10)
Increase in General Expenses, Other Acquisition Costs and Underwriting Profit Provision - Any expense, profit, or retention portion of premiums (other than contingencies, claim settlement expenses or loss adjustment expense, State taxes and fees, and commissions payable to licensed agents and brokers based on a percentage of premium) when loaded on a percentage of premium basis may not be used to produce an actual dollar amount when applied to the average premium per unit of exposure under the proposed rate in excess of 2 1/2 percent more than the actual dollar amount represented by those loadings applied to the average premium per unit of exposure under the rates that are to be increased. This question need only be answered by "yes" or "no" for each rate increase effected. If a "no" answer is entered, an explanation must be attached to this form.

[FR Doc.72-16569 Filed 9-26-72;10:29 am]

PART 300—PRICE STABILIZATION

Miscellaneous Amendments

The purpose of these amendments is to change certain citations in §§ 300.31(i), 300.32(f), 300.51(j), 300.52(c), 300.53(a), 300.53(b), 300.54(a), and 300.507(2), of the regulations of the Price Commission from reference solely to §§ 300.16 and 300.16a, relating to public utilities, to an additional reference to Subpart C, "Public Utilities."

On September 16, 1972 (37 F.R. 18893), the Price Commission established a new Subpart C to replace and expand upon §§ 300.16 and 300.16a, and to contain all Commission regulations for public utilities. The effective date of the new subpart was September 18, 1972, but rate increases authorized to be placed into effect, or legally placed into effect, before that date remain subject to §§ 300.16 and 300.16a, as appropriate.

In view of the establishment of Subpart C, and the continued applicability of §§ 300.16 and 300.16a to certain rate increases, it is neecssary to add reference to the new subpart in sections currently making reference only to §§ 300.16 and 300.16a. These modifications are accomplished by these amendments.

Since the purpose of these amendments is to make conforming modifications without substantive change to any regulatory section, it is hereby found that further notice and public procedure is impracticable and that good cause exists for making them effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 20202, October 16, 1971)

In consideration of the foregoing, Part 300 of Chapter III of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective September 27, 1972.

Issued in Washington, D.C., on September 26, 1972.

JAMES B. MINOR,
General Counsel,
Price Commission.

1. Section 300.31(i) is amended to read as follows:

§ 300.31 Low profit firms: Manufacturers, wholesalers, and retailers.

* * * * *

(i) *Persons to which section does not apply.* This section does not apply to any service organization covered by § 300.14; any public utility covered by §§ 300.16 and 300.16a, or Subpart C; any milk producer covered by § 300.17; any provider of health services covered by § 300.18 or § 300.19; any insurer covered by § 300.20; any public benefit corporation covered by § 300.51(k); or any cooperative organized under the laws of the United States or any State or the District of Columbia.

* * * * *

2. Section 300.32(f) is amended to read as follows:

§ 300.32 Low profit firms: Certain service organizations.

* * * * *

(f) *Persons to which section does not apply.* This section does not apply to any manufacturer covered by § 300.12; any wholesaler or retailer covered by § 300.13; any public utility covered by §§ 300.16 and 300.16a, or Subpart C; any milk producer covered by § 300.17; any provider of health services covered by § 300.18 or § 300.19; any insurer covered by § 300.20; any public benefit corporation covered by § 300.51(k); or any cooperative organized under the laws of the United States or any State or the District of Columbia.

3. Section 300.51(j) is amended to read as follows:

§ 300.51 Prenotification firms.

* * * * *

(j) *Persons to whom section does not apply.* This section does not apply to any public utility covered by §§ 300.16 and 300.16a, or Subpart C; any provider of health services covered by § 300.18 or § 300.19; or any insurer covered by § 300.20.

* * * * *

4. Section 300.52(c) is amended to read as follows:

§ 300.52 Reporting firms.

* * * * *

(c) *Persons to whom this section does not apply.* This section does not apply to any public utility covered by §§ 300.16 and 300.16a, or Subpart C; any provider

of health services covered by § 300.18 or § 300.19 (except for those providers with annual sales or revenues in excess $1 million which have received exceptions from the Price Commission); or any insurer covered by § 300.20.

5. Section 300.53 is amended to read as follows:

§ 300.53 Effect of failure to file reports or other documents required by or under certain sections of this part.

(a) If a person who is required to file a report or other document with the Price Commission by or under §§ 300.16 and 300.16a, Subpart C, §§ 300.20, 300.31, and 300.32, 300.51, 300.52, and 300.54, or any other section of this part pertaining to the filing of reports or other documents, does not, within the time limits prescribed in or pursuant to that section, file the report (including any optional report) or other document which complies with that section or an order issued under that section—

(1) The person may not implement any further price increases until he has complied with that reporting requirement and has obtained the special approval of the Commission;

(2) Action on all pending requests for price increases or exceptions by that person are suspended until it has complied with the reporting requirement; and

(3) The Commission may, whenever it considers it appropriate under the circumstances, order the person to reduce any of its prices.

(b) Each day that a person fails to comply with a reporting requirement pursuant to §§ 300.16 and 300.16a, Subpart C, §§ 300.20, 300.31, 300.51, 300.52, and 300.54, or any other section of this part pertaining to reports, or an order under any of those sections, is considered to constitute a separate violation of this part or that order.

6. Section 300.54(a) is amended to read as follows:

§ 300.54 Profit margin limitations and prevention of windfall profits: Price Commission actions.

(a) *Applicability:* This section applies to manufacturers, service organizations, retailers, wholesalers, and providers of health services. It does not apply to any public utility covered by § 300.16, § 300.16a, or Subpart C; to any insurer covered by § 300.20; or to any firm covered by § 300.31 or § 300.32, so long as it is within the profit margin limits allowed by that section.

* * * * *

7. Section 300.507(b) is amended to read as follows:

§ 300.507 Exceptions: Authority of District Directors of Internal Revenue in certain cases.

* * * * *

(b) Any price category III firm (as defined in § 101.15 of this chapter) except a public utility subject to § 300.16, § 300.16a, or Subpart C.

[FR Doc.72-16641 Filed 9-27-72;10:34 am]

PART 301—RENT STABILIZATION

Rent Reduction Based on Decreases in Allowable Costs, Property and Services, or Costs of Property and Services

The purpose of these amendments to § 301.102 is (1) to expressly require that certain rents must be reduced to reflect decreases in allowable costs, not only in those cases in which rent for a residence was increased due to increases in allowable costs occurring after August 15, 1971, but also in those cases in which there has been no increase in allowable costs occurring after August 15, 1971, (2) provide that the rent for a residence must be reduced to reflect decreases in any property or service or the cost of any such property or service, and (3) establish a date on which such reductions must be made.

Section 301.102(a) as adopted herein contains two new subparagraphs. Subparagraph (1) provides that if an increase in allowable costs for a residence occurred after August 15, 1971, and an increase in the rent for that residence was made to reflect those allowable costs, a reduction in the rent must also be made to reflect any subsequent decrease in allowable costs for that residence. Subparagraph (2) requires rent reductions to reflect decreases in allowable costs occurring after August 15, 1971, even though no increase in such costs occurred after that date. Paragraphs (b) and (c) of § 301.102 have been retitled and changed to make it clear that the provisions of those paragraphs apply to decreases in the cost of property and services used in connection with a residence and the actual reduction of such property or services respectively. A new § 301.102(e) has been added to provide for the date any reduction in rent is to became effective.

Because the purpose of this amendment is to provide immediate guidance and information as to the rent stabilization program, and for its effective implementation, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, P.L. 91-379, 84 Stat. 799; P.L. 91-558, 84 Stat. 1468; P.L. 92-8, 85 Stat. 13, P.L. 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1970, P.L. 92-210, Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing Part 301 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective September 25, 1972.

By direction of the Commission.

Issued in Washington, D.C. on September 25, 1972.

C. JACKSON GRAYSON, Jr.
Chairman, Price Commission.

1. In § 301.102, the captions of that section and paragraph (b) and (c) are changed, paragraphs (a) and (c) are revised, and a new paragraph (e) is added. As amended § 301.102 reads as follows:

§ 301.102 Rent reduction: decreases in allowable costs, property or services, cost of property or services.

(a) *Decreases in allowable costs.* Notwithstanding any other provision of this part, the rent charged for any residence shall be reduced to reflect decreases in allowable costs in accordance with this paragraph.

(1) *Decrease in allowable costs; when an increase in those costs occurred after August 15, 1971.* When a decrease in allowable costs allocable to a residence occurs after an increase in such costs, the rent of that residence, if increased after August 15, 1971, to reflect the increase in allowable costs, shall be reduced by the amount of that decrease. The amount of the decrease is the excess of (i) over (ii) divided by 12.

(i) The allowable costs related to the residence which were charged during the 12-month period ending on the day before the date the first installment of the decrease in costs is payable.

(ii) The allowable costs related to the same residence which will be charged during the 12-month period beginning on the date the first installment of the decrease in costs is payable.

(2) *Decrease in allowable costs; when no increase in those costs occurred after August 15, 1971.* When no increase in allowable costs allocable to a residence occurred after August 15, 1971, but a decrease in those costs occurred after that date, the rent of that residence shall be reduced by the amount of the decrease. The amount of the decrease is the excess of (i) over (ii) divided by 12.

(i) The allowable costs related to the residence which were charged during a 12-month period including August 15, 1971, beginning on the date before August 15, 1971, that the first installment of the costs was payable.

(ii) The allowable costs related to the same residence which will be charged during any 12-month period, after August 15, 1971, beginning on the date the first installment of the decreased costs is payable.

(b) *Decreases in cost of property or services.* The rent charged for any residence shall be reduced to the extent that any increase in costs for an increase in property or services, which was reflected in a rent increase under § 301.101(a)(4), does not continue to be incurred by the lessor or owner of that residence.

(c) *Decreases in property or services.* If any property or service provided in connection with the use of a residence is decreased from that expressly or impliedly provided in the lease under which the base rent for that residence is calculated, the monthly rent shall be reduced by the cost per month allocable to that

residence which is no longer incurred by the lessor or owner of the residence as a result of the decrease in the property or service provided.

(d) *Allocation.* The amount of the decrease in allowable costs allocable to a particular residence shall be determined in accordance with the method for allocating rent adjustments in § 301.101(b).

(e) *Effective date of reduction.* The rent of any residence required to be reduced under this section shall be reduced beginning with the first rent payment interval after—

(1) The first installment of the allowable cost reflecting a decrease is payable; or

(2) The increase in the cost of any property or service is no longer incurred by the lessor; or

(3) Any property or service is reduced;

without regard to the duration of the lease in effect on the date such reduction must be made.

[FR Doc.72-16618 Filed 9-26-72;3:04 pm]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 1, 8, 10, 13, 14, 16, 18, 141, 142, 143, 144, 151, 152, 159]

MERCHANDISING DUTIES

Proposed Entry, Examination, Sampling, Testing, Classification, Appraisement and Liquidation; Extension of Time for Submission of Data, Views, or Arguments

Notice of proposed revision to the Customs Regulations pertaining to entry of merchandise, examination, sampling, and testing of merchandise, classification, and appraisement of merchandise, and liquidation of duties, was published in the FEDERAL REGISTER on Thursday, June 29, 1972 (37 F.R. 12805), with corrections published on Tuesday, July 25, 1972 (37 F.R. 14786). Ninety days from the date of publication of the notice were given for submission of data, views, or arguments pertaining to the proposed revision.

Requests have been received for extension of the time for submission of comments. Therefore, the period for submission of data, views, or arguments relating to the revision is extended to October 30, 1972.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

SEPTEMBER 25, 1972.

[FR Doc.72-16563 Filed 9-27-72;8:53 am]

[19 CFR Part 6]

GREATER BUFFALO INTERNATIONAL AIRPORT, BUFFALO, N.Y.

Proposed Revocation of International Airport Status

A review of airport operations at Greater Buffalo International Airport indicates that there are no facilities for clearing passengers or baggage, and that revocation of international airport status would give the district director of Customs better control over charter flights. Furthermore, the revocation would not preclude aircraft arriving from foreign countries from applying for permission to land under the provisions for a landing rights airport. Aircraft denied permission to land could easily be handled, without undue inconvenience to the public, at any of the several alternative airports in that area having available Customs service.

Therefore, notice is hereby given that under the authority of section 1109(b) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)), it is proposed to revoke the designation of Greater Buffalo International Airport, Buffalo, N.Y., as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, and to amend § 6.13 of the Customs regulations (19 CFR 6.13), to delete Greater Buffalo International Airport, Buffalo, N.Y., from the list of international airports.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3 (b)), at the Bureau of Customs, Division of Regulations, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 7, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16564 Filed 9-27-72;8:53 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Containers, Packing, and Container Marking

Consideration is being given to the following proposal, applicable to § 906.340 *Container, pack, and container marking regulations* (7 CFR 906.340; 37 F.R. 2765; 4707), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

The proposed amendment would extend beyond October 15, 1972, certain pack requirements with respect to pack size 96 and add such requirements for pack size 112 grapefruit. Such requirements would restrict the diameter range for pack size 96 by prescribing $3\frac{3}{16}$ inches as the minimum diameter limit and $3\frac{5}{16}$ inches for pack size 112, instead of the $3\frac{6}{16}$ inches and $3\frac{9}{16}$ inches, respectively, specified in § 51.630(c) of the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona). This packing requirement is intended to effect the handling of larger and more uniform size fruit, thereby improving its appearance and marketability.

The proposal is that the provisions of paragraph (a) (2) (ii) of § 906.340 (7 CFR 906.340; 37 F.R. 2765; 4707) be amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(2) * * *

(ii) *Grapefruit.* Grapefruit, when packed in any box, bag, or carton shall be within the diameter limits specified for the various pack sizes in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona): *Provided*, That the minimum diameter limit for pack size 96 grapefruit shall be $3\frac{3}{16}$ inches and for pack size 112 grapefruit shall be $3\frac{5}{16}$ inches: *And provided further*, That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack.

* * * * *

Dated: September 22, 1972.

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

[FR Doc.72-16510 Filed 9-27-72;8:49 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of grapefruit by establishing regulations recommended by the Texas

Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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

The proposed grade requirements are the same as those currently in effect, while the proposed size requirements for the periods specified are comparable to those in effect during the past season. The proposed more stringent size requirement, for the period November 6, 1972, through February 25, 1973, is designed to prevent a weakening of the market during a period of normally heavy shipments, and to maintain the competitiveness of Texas grapefruit when other areas are shipping greater volumes of larger grapefruit. Grade and size requirements are currently in effect through October 15, 1972, under § 906.349 Grapefruit Regulation 23 (36 F.R. 19971). The proposed requirements would become effective October 16, 1972.

Such proposal reads as follows:

§ 906.351 Grapefruit Regulation 24.

(a) Order: During the period October 16, 1972, through October 15, 1973, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the U.S. Standards for grapefruit in this title (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3 5/16 inches: *Provided*, That during the period November 6, 1972, through February 25, 1973, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for grapefruit, except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3 5/16 inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for grapefruit (Texas and States other than Florida, California, and Arizona (§§ 51.620–51.653 of this title).

Dated: September 22, 1972.

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

[FR Doc.16511 Filed 9-27-72;8:49 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND COTTON

Proposed Base Acreage Allotments for 1971, 1972, and 1973 Crops

Notice is hereby given that pursuant to applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend the Regulations for Determination of Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton (36 F.R. 4853, as amended). The purposes of this amendment would be to make miscellaneous changes as follows:

(1) Section 722.404(f) would be amended to provide that planted and considered planted credit be given upland cotton on federally owned land having a restrictive lease in effect prohibiting its production only when the land is leased back with uninterrupted possession to the former owner after acquisition under the right of eminent domain.

(2) Section 722.407 would be restructured for uniformity and would provide that the spouse's farm and nonfarm income be used in computing the income requirement.

(3) Section 722.421(h) would be amended to provide for a transfer from federally owned land only when leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain.

Prior to the issuance of the proposed change in the regulations, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submissions should be postmarked not later than 15 days from the date of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a matter convenient to the public business (7 CFR 1.27(b)).

It is proposed that the Regulations for Determination of Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton be amended as follows:

1. Paragraph (f) of § 722.404 is amended by adding a new subparagraph (9) to read as follows:

§ 722.404 Definitions.

* * * * *

(f) * * *

(9) Acreage on federally owned land having a restirctive lease in effect prohibiting production of upland cotton when the land is leased back with uninterrupted possession to the former owner after acquisition under the right of eminent domain.

* * * * *

2. Section 722.407 is revised to read as follows:

§ 722.407 Base Acreage Allotments for new cotton farms.

(a) *Written application.* The farm owner or operator shall file an application for a new cotton farm base acreage allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which such allotment is requested.

(b) *Eligibility requirements for owner or operator.* A new cotton farm base acreage allotment may be established if each of the following conditions are met:

(1) *Interest in another farm.* Neither the farm owner nor the farm operator shall own or operate any other farm in the United States for which an upland cotton base acreage allotment is established for the current year.

(2) *Availability of equipment and facilities.* The farm operator shall own, or have readily available, adequate equipment and any other facilities of production (including irrigation water in irrigation areas) necessary to the production of upland cotton on the farm.

(3) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(*a*) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s) but shall not include estimated return from the production of any requested new cotton farm base acreage allotment.

(*b*) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions,

pensions, social security payments, and unemployment compensations.

(c) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no other major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income* farmers. The county committee may waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(c) *Eligibility requirements for the farm.* The eligibility requirements for the farm are as follows:

(1) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for cotton production. Also continuous production of cotton must not result in an undue erosion hazard.

(2) *Entire allotment permanently transferred by sale or owner.* A farm which includes land from which the entire cotton base-acreage allotment was permanently transferred by sale or owner shall not be eligible for a new cotton farm base-acreage allotment for a period of 5 years beginning with the year in which the transfer became effective.

(3) *Entire allotment permanently released.* A farm which includes land from which the entire cotton base-acreage allotment was permanently released shall not be eligible for a new cotton farm base-acreage allotment for a period of 3 years beginning with the year the release was effective.

(4) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no upland cotton base-acreage allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter shall not be eligible for a new cotton farm base-acreage allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(5) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire cotton base-acreage allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new cotton farm base-acreage allotment for a period of 3 years from the date the former owner was displaced.

(d) *Establishment of base-acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton base-acreage allotment, such base-acreage allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smallest of: (1) The factored base-acreage allotments established pursuant to § 722.406 for old cotton farms in the county which are similar except for the acreage planted to cotton during the farm-base years, (2) the base-acreage allotment requested, or (3) acreage of the requested commodity intended to be planted in the current year. The sum of the base-acreage allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county. The base-acreage allotments for new cotton farms shall be subject to review and approval by a representative of the State committee.

(e) *Reduction or cancellation of new cotton farm base-acreage allotments for misrepresentation.* If a new cotton farm base-acreage allotment is established under this section and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm base-acreage allotment was obtained by misrepresentation by or on behalf of the farm operator or owner, the new farm base-acreage allotment established for the farm shall be canceled if the farm is not eligible for a new cotton farm base-acreage allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new cotton base-acreage allotment by the county committee shall be subject to the approval of the State committee. A cotton base-acreage allotment established for a farm in any year subsequent to the establishment of a new cotton farm base-acreage allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm base-acreage allotment and a notice of revised allotment shall be issued.

3. Paragraph (h) of § 722.421 is revised to read as follows:

§ 722.421 Additional conditions and limitations.

* * * * *

(h) *Federally owned land.* No transfer under section 344a of the act shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

Signed at Washington, D.C., on September 21, 1972.

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

[FR Doc.72-16513 Filed 9-27-72;8:49 am]

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

Acreage Allotment; 1966 and Succeeding Crops

Notice is hereby given that pursuant to applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend the regulations for determination of acreage allotments for 1966 and succeeding crops of extra long staple cotton (31 F.R. 6247, as amended). The purpose of this amendment would be to make miscellaneous changes as follows:

(1) Section 722.512 (a) and (b) would be restructured for uniformity and would provide that the spouse's farm and nonfarm income would also be used in computing the income requirement, a special provision for low-income farmers, and where the ELS cotton allotment was permanently released and where a farm was reconstituted and no ELS cotton allotment was designated by owner, such farms would not be eligible for a new ELS cotton allotment for 3 years.

(2) Section 722.530(c) would be revoked since this provision is now covered in § 722.512, and paragraph (h) of § 722.530 would be amended to provide for a transfer from federally owned land only when leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain.

Prior to the issuance of the proposed changes in the regulations, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250,

will be given consideration. To be sure of consideration, such submissions should be postmarked not later than 15 days from the date of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that the regulations for determination of acreage allotments and marketing quotas for 1966 and succeeding crops of extra long staple cotton (31 F.R. 6247) be amended as follows:

1. Paragraphs (c), (d), and (e) of § 722.512 are redesignated (d), (e), and (f), respectively, and reference in redesignated paragraph (f) is changed to read "paragraph (d) of this section," and paragraphs (a) and (b) of § 722.512 are amended to read as follows:

§ 722.512 Allotments for new ELS cotton farms.

(a) *Written application.* The owner or operator shall file an application for a new farm allotment at the office of the county committee where the farm is administratively located on or before February 15 of the year for which the new farm allotment is requested.

(b) *Eligibility requirements for owner or operator.* A new farm allotment may be established if each of the following conditions are met:

(1) *Interest in another farm.* Neither the farmowner nor the farm operator shall own or operate any other farm in the United States for which an ELS cotton allotment is established for the current year.

(2) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and any other facilities of production (including irrigation water in irrigation areas) necessary to the production of ELS cotton on the farm.

(3) *Income requirement.* The operator must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(i) *Computing operator's income.* The following shall be considered in computing operator's income:

(*a*) *Income from farming.* Income from farming shall include the estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s) but shall not include estimated return from the production of the requested new farm allotment.

(*b*) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments, and unemployment compensations.

(*c*) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(ii) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(iii) *Operator a corporation.* If the operator is a corporation, it must have no other major corporate purpose other than ownership or operation of the farm(s). Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(iv) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(c) *Eligibility requirements for the farm.* A new farm allotment may be established if each of the following conditions are met:

(1) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for ELS cotton production. Also continuous production of ELS cotton must not result in an undue erosion hazard.

(2) *Entire allotment permanently transferred by sale or owner.* A farm which includes land from which the entire ELS cotton allotment was permanently transferred by sale or owner shall not be eligible for a new farm allotment for a period of 5 years beginning with the year in which the transfer became effective.

(3) *Entire allotment permanently released.* A farm which includes land from which the entire ELS cotton allotment was permanently released shall not be eligible for a new farm allotment for a period of 3 years beginning with the year the release was effective.

(4) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no ELS cotton allotment because the owner did not designate an ELS cotton allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter shall not be eligible for a new ELS cotton allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(5) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire ELS cotton allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 3 years from the date the former owner was displaced.

2. Paragraph (c) of § 722.530 is deleted. Paragraphs (d), (e), (f), (g), and (h) are redesignated (c), (d), (e), (f), and (g), respectively. The redesignated paragraph (g) is amended to read as follows:

§ 722.530 Additional conditions and limitations.

* * * * *

(g) *Federally owned land.* No transfer under §§ 722.526 to 722.531 shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States, except that the transfer may be approved in cases where the land is leased back with uninterrupted possession to the former owner after acquisition under right of eminent domain. For such transfers, the Government agency or instrumentality is not required to sign the record of transfer.

Signed at Washington, D.C., on September 21, 1972.

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

[FR Doc.72-16514 Filed 9-27-72;8:49 am]

Commodity Credit Corporation

[7 CFR Part 1464]

BURLEY TOBACCO

Advance Grade Rates

Notice of Advance Grade Rates for price support on 1972-crop Burley tobacco, Type 31.

Consideration will be given to data, views and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions, in order to be sure of consideration, must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These proposed rates calculated to provide the level of support 74.9 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

§ 1464.21 1972 Crop—Burley tobacco, type 31, advance schedule.[1]

DOLLARS PER HUNDRED POUNDS, FARM SALES WEIGH

Grade	Advance rate	Grade	Advance rate
B1F	80.25	T4VF	71.25
B2F	79.25	T5VF	67.25
B3F	78.25	T4VR	63.25
B4F	77.25	T5VR	59.25
B5F	76.25	T4GF	65.25
B1FR	77.25	T5GF	61.25
B2FR	76.25	T4GR	58.25
B3FR	75.25	T5GR	55.25
B4FR	74.25	C1L	82.25
B5FR	72.25	C2L	81.25
B1R	75.25	C3L	80.25
B2R	74.25	C4L	79.25
B3R	73.25	C5L	78.25
B4R	72.25	M3FR	70.25
B5R	70.25	M4FR	66.25
B4D	62.25	M5FR	62.25
B5D	58.25	N1L	74.25
B3K	73.25	N2L	67.25
B4K	71.25	C1F	82.25
B5K	66.25	C2F	81.25
B3M	75.25	C3F	80.25
B4M	73.25	C4F	79.25
B5M	67.25	C5F	78.25
B3VF	77.25	C3K	77.25
B4VF	74.25	C4K	75.25
B5VF	71.25	C5K	70.25
B3VR	69.25	C3M	78.25
B4VR	68.25	C4M	76.25
B5VR	65.25	C5M	72.25
B3GF	70.25	C3V	79.25
B4GF	68.25	C4V	77.25
B5GF	65.25	C5V	73.25
M1F	79.25	C4G	67.25
M2F	78.25	C5G	63.25
M3F	77.25	X1L	82.25
M4F	75.25	X2L	81.25
M5F	72.25	X3L	80.25
B3GR	63.25	X4L	79.25
B4GR	61.25	X5L	78.25
B5GR	58.25	X1F	82.25
T3F	76.25	X2F	81.25
T4F	73.25	X3F	80.25
T5F	70.25	X4F	79.25
T3FR	74.25	X5F	78.25
T4FR	72.25	X4M	76.25
T5FR	69.25	X5M	70.25
T3R	69.25	X4G	71.25
T4R	66.25	X5G	65.25
T5R	62.25	N1F	69.25
T4D	61.25	N1R	57.25
T5D	58.25	N2R	51.25
T4K	60.25	N1G	55.25
T5K	57.25	N2G	51.25

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

All comments, suggestions or objections will be considered before the final schedule is published. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Tobacco Division, during the regular business hours, 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)).

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on September 21, 1972.

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

[FR Doc.72-16516 Filed 9-27-72;8:49 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKET RULES AND FILING OF COPIES

Time Allowed for Evaluation of Rule Changes

Notice is hereby given, in accordance with the Administrative Procedure Provisions of 5 U.S.C. Section 553, that the Secretary of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act, as amended (7 U.S.C. 12a), is considering revising § 1.41 of the general regulations under the Commodity Exchange Act (17 CFR 1.41) to read as follows:

§ 1.41 Contract market rules, regulations; filing of copies.

(a) Each contract market shall file promptly with the Commodity Exchange Authority copies of any bylaw, rule, regulation, or resolution made or issued by it or by the governing board thereof, or by any committee or clearing organization thereof, and shall notify the Commodity Exchange Authority promptly of any changes in its membership.

(b) Each contract market shall file with the Commodity Exchange Authority copies of any proposed amendment or repeal of, or any addition to, its bylaws, rules, regulations, or resolutions, to be made or issued by it or by the governing board thereof, or any committee thereof, which relates to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relates to other trading requirements. Such copies shall be filed not less than 3 weeks before such amendment, repeal or addition is submitted to a vote of the members of such contract market, or before final action is taken on such amendment, repeal or addition by the governing board thereof, or any committee thereof: *Provided, however,* That under emergency circumstances such copies need not be filed as herein above provided, but in such case the contract market shall give the Commodity Exchange Authority as much notice as the circumstances permit and shall file a written statement of the reasons why the filing of copies as above provided was impracticable. If any change is made in a proposed amendment, repeal or addition after copies are filed with the Commodity Exchange Authority, the 3-week period will commence to run from the time the Commodity Exchange Authority is notified of such change, unless the change does not alter the substance of the proposed amendment, repeal or addition or the change is made in conformity to a suggestion by the Commodity Exchange Authority.

(c) Two copies of all material required to be filed by this section shall be furnished to the Acting Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, and two copies shall be furnished to the Director of the Regional Office of the Commodity Exchange Authority having local jurisdiction with respect to such contract market.

The purpose of the proposed revision is to allow sufficient time for the Commodity Exchange Authority to determine whether any proposed change in contract market bylaws, rules, regulations, or resolutions which relate to the terms and conditions in contracts of sale or to other trading requirements would, if adopted, violate any of the provisions of the Act or regulations thereunder.

It is proposed that this revision, if adopted, be made effective 30 days after publication of a notice of revision in the FEDERAL REGISTER.

Any person who wishes to submit written data, views or arguments on the proposed revision to the regulations may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued on September 25, 1972.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.72-16554 Filed 9-27-72;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-43]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days

after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

Three new public instrument approach procedures have been developed for the Central Wisconsin Airport, Mosinee, Wis. Accordingly, it is necessary to alter the Mosinee transition area to adequately protect the aircraft executing the new approach procedures.

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

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

MOSINEE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'56" N., longitude 89°39'33" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 3½ miles each side of the localizer back course 078° bearing extending from the 10-mile radius to 17½ miles east of the airport; and within 5 miles north, and 9½ miles south of the localizer course 258° bearing, extending from the 10-mile radius to 24 miles west of the airport, excluding the portions that overlie the Wausau, and Marshfield, Wis. transition areas.

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

Issued in Des Plaines, Ill., on September 5, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-16520 Filed 9-27-72;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-36]

CONTROL ZONE

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new control zone for Chino, Calif. Airport and alter the description of the Ontario, Calif. control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new control tower for Chino Airport will be commissioned on or about December 7, 1972. In order to provide controlled airspace protection for aircraft conducting special VFR operations and the VOR-1 instrument approach procedure, a 3-mile radius control zone is proposed for Chino Airport. In addition, it is proposed to alter the description of the Ontario control zone to provide for the proposed Chino control zone to become part of the Ontario control zone during the hours that the Chino Control Tower is not in operation.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (37 F.R. 2056) the following control zone is added:

CHINO, CALIF.

Within a 3-mile radius of the Chino, Calif. Airport (Latitude 33°58'30" N., Longitude 117°38'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.171 (37 F.R. 2056) the description of the Ontario, Calif., control zone is amended to read as follows:

ONTARIO, CALIF.

Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer East course extending from the 5-mile radius zone to 3 miles east of the OM, and within a 3-mile radius of Chino, Calif., excluding the portion within the Chino control zone when it is effective.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on September 18, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-16524 Filed 9-27-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-3]

PROCUREMENT BY NEGOTIATION

Administrative Actions Required in Connection With Cost Overruns

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Administrator is considering an amendment to 41 CFR Chapter 15, by adding a new Subpart 15-3.52, Administrative Actions Required in Connection With Cost Overruns, to Part 15-3. This subpart will establish EPA procedures applicable to cost overruns.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Contracts Management Division, Room 413, Environmental Protection Agency, Fourth and M Streets SW., Washington, DC 20460, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of the Director, Contracts Management Division.

Dated: September 22, 1972.

ROBERT W. FRI,
Acting Administrator.

As proposed, the amendments to Part 15-3 would read as follows:

Subpart 15-3.52 Administrative Actions Required in Connection with Cost Overruns

Sec.

§ 15-3.5200 Scope of subpart.

This subpart sets forth the procedure to be followed when a cost overrun is anticipated: i.e., the allowable actual cost of performing a cost reimbursement type

contract is expected to exceed the total estimated cost specified in the contract.

§ 15–3.5201 Applicability.

This subpart applies to the placement and administration of cost reimbursement type contracts, and the cost reimbursement portion of other types of contracts.

§ 15–3.5202 General.

Reimbursement for costs incurred under contracts referred to in § 15–3.5201 shall not exceed the amount of funds obligated by the contract, unless increased by the Contracting Officer. Cost overruns shall be held to an absolute minimum compatible with accomplishment of the statement of work. Cost overruns estimated to total $250,000 or more shall be approved by the Director, Contracts Management Division, AMAC, as prescribed in § 15–1.5403–2(b).

§ 15–3.5203 Limitation of cost clause.

The following clause shall be used in fully funded cost-reimbursement contracts. The words "exclusive of any fee," occurring twice in paragraph (a) of the clause may be deleted in any contract not providing for the payment of a fee.

LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the schedule, and the Contractor agrees to use his best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost set forth in the schedule or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract, exclusive of any fee, will be greater or substantially less than the then estimated cost, hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception of this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination Clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) If (1) the Contractor stops performance before completion of all work hereunder because it has incurred costs in the amount of or in excess of the estimated cost set forth in the contract, and (2) the Contracting Officer elects not to increase such estimated costs, the Contractor's fixed-fee will be equitably reduced to reflect the actual amount of work performed as compared with the full amount of the work required in the contract. In the event of failure to agree as to the amount of such reduction, the Contracting Officer shall determine the amount, subject to the right of the Contractor to appeal therefrom pursuant to the clause in the contract entitled "Disputes." This paragraph shall not, in any way, limit the rights of the Government under the clause in the contract entitled "Termination for Default or for the Convenience of the Government."

(d) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

§ 15–3.5204 Contract administration.

§ 15–3.5204–1 General.

(a) Upon receipt of information from any source that a Contractor's accumulated cost and projected expenditures are approaching the limit of funds obligated by the contract, the Contracting Officer shall coordinate immediately with the appropriate program office to determine whether the contract should be amended or terminated. After a programing and funding decision is received from the program office the Contracting Officer shall promptly notify the Contractor in writing that: (1) A specified amount of additional funds has been allotted to the contract by a contractual instrument; or (2) work will be discontinued when the funds allotted to the contract have been exhausted and that any work performed after that date is at the Contractor's risk; or (3) the Government is considering whether additional funds should be allotted to the contract and will notify the Contractor as soon as possible, but that any work performed after the funds then allocated to the contract have been exhausted is at the Contractor's risk. Timely, formal notification of the Government's intention is essential in order to preclude loss of contractual rights in the event of dispute, termination, or litigation.

(b) Contracting Officers shall refrain from issuing any contractual documents which will require new work or an extension of time, pending resolution of an overrun or additional fund request.

§ 15–3.5204–2 Procedure.

(a) When the Contracting Officer receives information from a source other than the Contractor that a cost overrun is anticipated, he shall remind the Contractor immediately of the notification requirements of the Limitation of Cost clause and request the Contractor to submit a request for additional funds including:

(1) Name and location of Contractor.

(2) Contract number and expiration date.

(3) Contract item number(s) and amount(s) of each creating the overrun.

(4) The elements of cost which changed from the original estimate, i.e., labor, material, or overhead. This data should be furnished in the following format: (i) Original estimate, (ii) costs incurred to date, (iii) estimated cost to completion, (iv) revised estimate, (v) adjustment.

(5) The factors responsible for the increase, i.e., error in estimate, changed conditions, etc.

(6) The latest date by which funds must be available for commitment to avoid contract slippage, work stoppage, or other program impairment.

(b) When the Contractor submits notice of an impending overrun the Contracting Officer shall:

(1) Immediately advise the appropriate program office and furnish a copy of the notice and any other data received.

(2) Request audit, cost analysis, and technical support, as necessary, for evaluation of information and data received.

(3) Maintain continuous follow-up with the program office in order to obtain a timely decision as to whether the work under the contract will be continued or expanded, additional funding provided, or the contract terminated. The decision of the program office must be supported by an appropriate written statement and funding authority; including an EPA Form 1900–8, Procurement Request/Requisition, when new work is added and a formal request for termination, when applicable.

§ 15–3.5204–3 Contract amendments.

(a) Change orders and amendments to contracts containing the Limitation of Cost clause prescribed in § 15–3.5203 shall include either: (1) A provision increasing the estimated or ceiling amount referred to in Limitation of Cost clause of the contract and stating that the clause will thereafter apply in respect of such increased amount; or (2) a provision stating that the estimated or ceiling amount referred to in the Schedule is not changed by the amendment and that the Limitation of Cost clause will continue applicable with respect to the amount in effect prior to the amendment. (Note paragraph (d) of the Limitation of Cost clause prescribed in § 15–3.5203.)

(b) Changes in fixed fee provided in the contract will be made only to reflect changes in the Scope of Work which justify an increase or decrease in the fixed fee.

[FR Doc.72–16476 Filed 9–27–72;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-455]

STATEMENTS AND REPORTS (SCHEDULES)

Imported Rate of Return on Jurisdictional Rate Base

SEPTEMBER 21, 1972.

Revisions to FPC annual report Form No. 2 to obtain allocation of costs between jurisdictional and nonjurisdictional pipeline operations to determine the imputed rate of return on jurisdictional rate base.

Pursuant to 5 U.S.C. 553, sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to amend for the reporting year 1972, FPC Form No. 2, annual report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

The proposed amendment to the Commission's annual report Form No. 2 would add one additional schedule page. The schedule page would be numbered and entitled schedule page 116B, imputed rate of return on jurisdictional rate base.

The rate of return on common equity on a total company basis is one of the measurement that is commonly used by financial analysts, investors and others in evaluating the operating results of a company. The rates of return on average common equity allowed by the Commission in formal rate proceedings are applicable to jurisdictional operations which might differ substantially from the earned rates of return computed from data as reported in FPC publications.

It is important, therefore, for proper evaluation by the Commission, its staff, and other interested parties, that pipeline companies allocate costs between their jurisdictional and nonjurisdictional operations so as to report the imputed rate of return on jurisdictional rate base, as set out in Attachment A.[1]

Additionally, this information would be utilized for reporting imputed rate of return on jurisdictional rate base in the Commission's annual statistics of Interstate Natural Gas Pipeline Companies in a manner similar to that which has been published for some time in the statistics of publicly owned electric utilities on a total company basis.

Consequently, it is proposed that each Class A and Class B pipeline company shall base the cost classification and cost allocations, and allocations when necessary to functionalize items of cost or rate base, on the methods utilized by the Commission resolving the last formal rate proceeding which has been approved by a Commission opinion, or in Commission approval of a settlement agreement. In the event there has not been such a Commission opinion or approval of a settlement for purposes of this schedule the respondent will be permitted to utilize the cost classification and cost allocation methods employed in its last rate request[2] accepted for filing by the Commission. Such a request includes a request under suspension or a request in effect subject to refund. Regardless of whichever of the foregoing methods is utilized, no parties to the proceeding will be bound by the method utilized in any proceeding.

Furthermore, it is proposed that each Class A and Class B pipeline company shall include as a part of the new schedule a statement which clearly and completely explains the basis of the functionalization of items of cost or rate base where allocations are necessary and also clearly and completely explains the basis of the cost classification and cost allocation utilized to determine the imputed rate of return on jurisdictional rate base.

The Commission does not recognize settlement orders as constituting ratemaking precedent, and if the cost classification and allocation methods are on the basis of a settlement order, then the statement of imputed rate of return on jurisdictional rate base on the basis of said cost classification and allocation methods is without prejudice to any rights the pipeline company may have.

The Commission is aware the reporting burden to prepare this report schedule will be increased. However, the Commission believes there is an overriding need, in this case, for the information.

The proposed amendment to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o).

(A) Effective for the reporting year 1972, it is proposed to amend FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new schedule page 116B, entitled "Imputed Rate of Return on Jurisdictional Rate Base," as set out in Attachment A.[1]

(B) Amend paragraph (c) of § 260.1 in Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations as follows:

1. Add a new schedule titled "Imputed Rate of Return on Jurisdictional Rate Base" immediately following schedule "Notes to Statement of Income—Statement C (Continued)." so that it will read:

§ 260.1 Form No. 2 Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Imputed Rate of Return on Jurisdictional Rate Base.

* * * * *

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 6, 1972, data, views, comments, or suggestions in writing concerning the amendments to the annual report forms proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission.

In addition, interested persons wishing to have their comments considered in the clearance of the proposed revision in the report form pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, DC 20503. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The Staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-16478 Filed 9-27-72;8:45 am]

[1] Attachment A filed as part of the original document.

[2] In the event that the certified rates of a company have not been changed as a result of a rate change filing, the company may use cost classification and allocation methods used in support of its rates accepted in the certificate.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-9775]

CUSTOMERS' SECURITIES AND FUNDS

Obligations of Broker-Dealers To Maintain Physical Possession or Control and Certain Reserves

In Securities Exchange Act Release No. 9622 published on May 31, 1972, and in the FEDERAL REGISTER for June 10, 1972 at 37 F.R. 11690, the Commission announced the publication of proposed Rule 15c3-3 [17 CFR 240.15c3-3] under the Securities Exchange Act of 1934 ("Exchange Act") to provide an all inclusive formula for the maintenance by broker-dealers of basic reserves with respect to customers cash and cash realized through the utilization of customers' securities as well as to enunciate standards for broker-dealers concerning the physical possession or control of the fully paid

and excess margin securities of customers. The proposal was made under the authority of sections 15(c)(3), 15(c)(2), 17(a) and 23(a) of the Exchange Act as well as under section 6(c)(2)(C)(iii) of the Securities Investor Protection Act of 1970 ("SIPC Act").

The Commission received a great number of constructive comments and suggestions on its May 31, 1972 proposal, and, accordingly, while retaining the basic principles and format of the May 31 proposal, has decided to republish it in a form revised to render it more workable and to perfect the objective of the elimination of the use by broker-dealers of customer funds and securities to finance firm overhead and such firm activities as trading and underwriting through the separation of customer related activities from other broker-dealer operations. The principal revisions are to the formula for determination of the reserves in order that there will be a sharper separation between customer related funds and broker-dealer funds and to the designation of control locations for securities required to be in the possession or control of a broker-dealer. The list of control locations has been expanded but at the same time such designations are to be exclusive in determining a broker-dealer's requirements regarding possession or control of his customers' securities. A number of important technical changes and clarifications have also been made, and they are discussed below.

Congressional Directive for Rules Regarding the Custody and Use of Customers' Funds and Securities

It is the Commission's view that, in the context of the other customer protective provisions it has recently adopted,[1] proposed Rule 15c3–3 in the form published herein is well fashioned to furnish the protection for the integrity of customer funds and securities as envisioned by Congress when it amended section 15(c)(3) of the Exchange Act by adopting section 7(d) of the SIPC Act.[2] In meeting the congressional directive for rules regarding the acceptance, custody and use of customers' securities and the maintenance of reserves with respect to customer deposits and credit balances the Commission seeks to accomplish the following in the proposed rule:

(i) To insure that customers' funds held by a broker-dealer (both free credit balances and deposits which may be restricted as to withdrawal) and the cash which is realized through the lending, hypothecation, and other permissible uses of customers' securities are deployed in safe areas of the broker-dealer's business related to servicing his customers, or to the extent that the funds are not deployed in these limited areas, that they be deposited in a reserve bank account. In this regard, the Commission has taken a broad view of the congressional mandate by requiring that the reserve account include all funds which have as their source customer assets.

(ii) To require a broker-dealer promptly to obtain possession or control of all fully paid securities and excess margin securities carried by that broker-dealer for the account of customers and to require him to act within designated time frames where possession or control has not been established.

(iii) To accomplish a separation of the brokerage operation of the firm's business from that of its firm activities such as underwriting and trading.

(iv) To require a broker-dealer to maintain more current records. Thus, the proposed rule requires a daily determination of security locations and periodic computations of the reserve.

(v) To motivate the securities industry to process its securities transactions in a more expeditious manner. This is particularly important in the area of the rule which penalizes a broker-dealer if a security is in a location which the Commission has determined to be unacceptable or has been out of the broker-dealer's control for too long a period, as for example in transfer.

(vi) To inhibit the unwarranted expansion of a broker-dealer's business through the use of customers' funds by prohibiting the use of those funds except for designated purposes.

(vii) To augment the broad program of broker-dealer financial responsibility which the Commission has been developing as a result of the financial crisis experienced by the securities industry during the 1968–70 period.

(viii) To facilitate the liquidations of insolvent broker-dealers and to protect customer assets in the event of a SIPC liquidation through a clear delineation in the rule of specifically identifiable property of customers.

In seeking these objectives the Commission has made every effort to make the rule flexible enough to be compatible with the accounting, clearance, settlement, and depository systems presently operating or being developed in the securities industry. It is hoped that the rule will encourage the further development of these systems which will increase the protection of customers' funds and securities with the concomitant reduction in the need for this rule particularly in regard to those sections dealing with obtaining possession of securities which have not been brought under the broker-dealer's control within the normal settlement period. Where the provisions of the rule are at odds with present operational methods or where they require the development of new recordkeeping information it is because in the judgment of the Commission such systems or information are necessary to a comprehensive program of investor protection consistent not only with express congressional intent but with the high standards of financial responsibility which must prevail in the brokerage community. At the same time, however, the rule permits the smaller broker-dealer who does not hold customer funds or securities to effectuate his customer transactions through a special bank account and thereby avoid the computations and determinations of this rule which because of his size and capacity may be onerous to him.

Revisions to Proposed Rule 15c3–3

From the comments, it became evident that adherence to the paragraph (e)(3) requirement for daily computation of the reserve formula would preclude the kind of separation of customer and firm items needed to afford maximum customer protection. It was represented that, although cash and cash related items could be computed on a daily basis, the nature fo broker-dealer accounting, clearance, and settlement procedures is such that customer transactions could not be individually traced and separated, so that the daily figures would necessarily reflect combined figures for the firm and the customer. Moreover, numerous smaller broker-dealers felt that the cost of computing such figures daily, including the manual reviewing of customer accounts, would be out of proportion with the additional protection intended for customers, and that the costs in some cases might even be prohibitive. It was pointed out that, as to those firms which use outside computer service facilities, they would find it virtually impossible to comply with the daily requirement, because such service facilities could not reasonably generate the required figures on a daily basis for the multitude of brokers which they serve. Accordingly, paragraph (e)(3) of the proposed rule has been revised to provide for a weekly computation by all broker-dealers, with the option of a monthly computation granted to those broker-dealers whose aggregate indebtedness does not exceed 800 per centum of their net capital and who do not carry more than $1 million of aggregate customer funds. Those broker-dealers who are eligible to and elect to make the computation on a monthly basis will be required to add 5 percent of the amount otherwise required to be placed in the reserve bank account as

[1] Among these are rules: 17a–13 [17 CFR 240.17a–13] (the box count rule); 17a–5(j) [17 CFR 240.17a–5(j)] and 17a–11 [17 CFR 240.17a–11] (establishing an effective early warning system); 17a–5 [17 CFR 240.17a–5] as amended (requiring the furnishing of financial information to customers); 15c3–1 [17 CFR 240.15c3–1] as amended (increasing minimum net capital requirements); 15b1–2 [17 CFR 240.15b1–2] and 15c3–1 as amended (imposing high minimum threshold net capital requirements and requiring detailed threshold information designed to effect conservative operation). All of these provisions have been described in some detail in Exchange Act Release 9622 at pp. 8–9 and in 37 F.R. 11689.

[2] In its Aug. 23, 1972, report on the "Study of the Securities Industry" at pp. VI–VII and pp. 43–44, the House Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce recognized that in the present state of flux of the securities industry and of broker-dealer capitalization and operating facilities, the Commission's May 31, 1972, rule 15c3–3 proposal, coupled with and as part of the protective mosaic, appears adequately designed to give effect to the congressional intent of affording customer protection respecting the custody and use of customers' securities and the carrying and use of their cash deposits and credit balances, as envisioned by section 7(d) of the SIPC Act which amended section 15(c)(3) of the Exchange Act.

an extra cushion. This is over and above the cushion provided by the net capital ratio necessary in order for a broker-dealer to avail himself of the alternative monthly computation. The requirement that the reserve account be composed only of cash and "qualified securities" (issued or guaranteed as to principal and interest by the United States) remains unchanged.

Apart from that proposed revision, a number of minor clarifications and corrections have been added. Among these are some definitional revisions. Thus, paragraph (a)(5) of the proposed rule, which defines "excess margin securities" of customers as those with a market value in excess of 140 percent of a customer's total debit balance, clarifies the right of the broker-dealer to identify the particular securities which are included in such excess. In paragraph (a)(7), the term "bank" has been expanded so as to permit a Canadian bank supervised by Canadian governmental authority to act as the bank of deposit for the reserve bank account for Canadian broker-dealers only. The term, "free credit balances" as defined in paragraph (a)(8), has been clarified to exclude funds segregated for regulated commodities as well as funds carried for customers in commodities accounts maintained by the broker-dealer separately from their securities accounts and similarly segregated. A similar exception has been included in the paragraph (a)(9) definition of "other credit balances."

On the subject of physical possession or control by a broker-dealer of customer securities, paragraph (d) has been redrafted with little change in substance. The requirement for daily determinations by the broker-dealer of the fully paid and excess margin securities in his physical possession or control is retained as an important element of the rule. The proposed rule as revised now articulates that the determinations provided for by that provision shall also encompass the ascertainment of those securities which should be and are not in the broker-dealer's possession or control. The various subparagraphs of paragraph (d) prescribe the time periods within which a broker-dealer must act to bring securities under his possession or control if his daily determinations show a deficit with respect to his customers' fully paid and excess margin securities. If the determination as of the close of a given business day reveals physical possession or control of all securities of a particular issue required to be in such broker-dealer's possession or control, paragraph (b)(2) as revised makes clear that, during the following business day, a broker-dealer may effect delivery of shares of such issue received that day to fulfill any of that day's delivery obligations. This provision for "same day turn around" is believed essential in response to comments pointing out that it is impossible to maintain a minute-by-minute count in the course of a business day as to whether a security of a given class which has been received is either in excess of or less than the quantity required to be retained by the broker-dealer in physical possession or control; and to meet the concern that the only feasible method of accountability which would not paralyze operations is one which is based on daily determinations as of the close of each business day. While the "same day turn around" is permitted, it should be noted that this provision in no way relieves the broker-dealer from the obligation to promptly obtain and maintain possession or control of customer securities.

With respect to the provisions of the proposed rule relating to control locations, some clarifying language has been added to paragraphs (c)(1) and (2) without a change of substance. The 30-day period on items in transfer during which they are deemed to be in good location has been strenuously criticized by the broker-dealer community on the ground that such a limitation is not appropriate since broker-dealers have no control over transfer agents and cannot force them to confirm a transfer. The Commission is aware of this difficulty and has proposed legislation to Congress which would give the Commission power to prescribe such rules. Nevertheless, an item in transfer for as long as 30 days raises questions as to whether a broker-dealer has the security under his control. Accordingly, to meet the conflicting concerns paragraph (c)(3) has been revised to require receipt of a confirmation or a revalidation of a window ticket from the transfer agent within a 40-day period. The Commission has allowed this additional time but intends, if Congress grants it authority over transfer agents, to substantially reduce this time frame. Additional points of control of securities have been provided. These include: Securities held by a bank custodian, not subject to a lien or claim, which must be delivered to the broker-dealer upon demand without payment of money or other value (paragraph (c)(5)); securities held by a branch office or in transit between offices of the broker-dealer, or held by a guaranteed corporate subsidiary under the control of and operated as a branch office of the broker-dealer (paragraph (c)(6)); securities held in a foreign depository, foreign clearing agency, or foreign custodian bank determined by the Commission to constitute a satisfactory control location (paragraph (c)(4)); and, finally, to provide flexibility to deal with future developments in the securities industry, securities in such other locations as the Commission, upon application or on its own motion, finds adequate for the protection of customers.

Paragraph (d)(1) of the proposed rule provided for 2- and 5-day periods, respectively, for the release of securities from a lien and for the return of the loaned securities in order to reduce them to possession or control for compliance with the rule. This has been clarified to mean 2 and 5 business days, respectively. In addition, under paragraph (d)(2), the time after which a fail to receive must be reduced to possession through a buy-in or other procedure has been extended from 25 to 30 days which conforms this time frame with the existing practices of stock exchanges on buy-ins and again recognizes the problems which may arise with transfer agents.

An exemption has been added (paragraph (k)(2)(ii)) which relates to a broker-dealer whose transactions with customers consist exclusively of acting as an introducing broker-dealer to a clearing broker-dealer on a fully disclosed basis, and who transmits all customer funds and securities to the clearing broker-dealer who, in turn, carries all of the accounts of such customers. An additional exemption has been provided (paragraph (k)(2)(i)) with respect to broker-dealers who carry no margin accounts, promptly transmit all customer funds and deliver all customer securities, do not otherwise hold funds or securities of customers and who effectuate all financial transactions with customers through one or more bank accounts designated as "Special Account for the Exclusive Benefit of [his] Customers." As with the reserve bank accounts, a broker-dealer maintaining such a special account must receive and preserve a notification from the bank that the deposits are for the exclusive benefit of the broker-dealer's customers and are not subject to any lien or charge in favor of the bank or any person claiming through the bank. These exemptions are designed to provide an approach which alleviates difficulties many small- and medium-size broker-dealers may have in complying with the rule. At the same time the exemptions result in the complete separation of customer funds and property and afford protection over customer assets comparable with that to be attained under the provisions of the proposed rule. The procedures outlined in these exemptions are consistent with one of the principal objectives of the SIPC Act that customer funds and securities not be exposed to risk of loss through broker-dealer insolvency.

The provisions of paragraph (l) have been expanded on the subject of the rights of customers to delivery of their fully paid and excess margin securities, particularly with respect to excess margin securities. The revision articulates the existing rights of broker-dealers to impose maintenance and other margin requirements as permitted by § 220.7(b) of regulation T (12 CFR 220.7(b)), *Provided*, That such requirements are imposed equitably and reasonably.

Paragraph (m) which requires a broker-dealer who sells a security for a customer to obtain possession no later than 10 days after the settlement date has been revised to specify the period as 10 business days. Additionally, this paragraph has been revised to clarify that a broker-dealer who maintains a separate omnibus account conforming to § 220.4 (b) of regulation T (12 CFR 220.4(b)), with another broker-dealer is not to be deemed a customer of such other broker-dealer for the purposes of the 10-business-day limitation.

The Securities Investor Protection Corp. ("SIPC"), has raised questions

concerning the extent to which the Commission has proposed in rule 15c3–3 to exercise its authority under section 6(c)(2)(C)(iii) of the SIPC Act to determine what constitutes "specifically identifiable property" held for the account of customers. The Commission has accordingly revised the proposed rule on that subject in some, but not all, of the respects suggested by SIPC. As revised, the proposed rule now provides that all fully paid and excess margin securities in the broker-dealer's physical possession or control or in transfer or stock dividend receivable shall constitute the specifically identifiable property of those customers entitled thereto as evidenced from the broker-dealer's records or as is established otherwise by the preponderance of the evidence or other demonstration, as the respective customers' interests may appear. The cash and qualified securities in the reserve bank account are determined to be the specifically identifiable property of customers with free credit balances. To the extent that the specifically identifiable property of any group of customers is not sufficient to satisfy all their claims, the property is to be prorated among them. In the event, however, that such property should exceed the aggregate claims of such customers, the excess is to be placed in the single and separate fund which is provided for in section 6(c)(2)(B) of the SIPC Act for customers generally.

Former paragraph (n) of the May, 1972 proposed rule which provided for a form of notice to customers concerning the status of their funds and securities has been deleted. While this provision appeared desirable, the diversity of business methods and operations procedures utilized by members of the securities industry in handling securities, including the use of street names for certificate registration, depositories and clearing corporations, bulk segregation, individual segregation, and pledging of margin securities at banks, render it virtually impossible to devise a meaningful form describing the manner in which a customer's funds and securities are maintained. If implementation of this rule and other developments towards uniformity in the industry should present a situation which can concisely be described without confusing or misleading the public investor, the Commission will reconsider such a provision.

A completely new paragraph (n) has been added which provides for extensions of the time in which a broker-dealer is required to buy-in securities as specified in the rule upon good faith application to an appropriate committee of a self-regulatory body which would grant such extensions in only exceptional circumstances. Any extensions granted must be recorded together with the justification therefor and preserved for a period of not less than 3 years.

The formula has been modified principally to limit it solely to customers' debits and credits except for certain aged differences and receivables on the credit side of the formula wherein the Commission has taken the conservative approach of calling for the inclusion of all such items whether customer or firm. A limitation on the size of cash account debits includable in the formula under the May 1972 proposal has been eliminated since it was not demonstrated that such limitation improved in any way the quality of cash debits, and, further, the limitation worked a severe hardship on the small firm particularly in its ability to handle institutional orders on a c.o.d. basis. The formula also requires a broker-dealer to reserve against drafts payble to customers until collected and against bank overdrafts. Until a draft is paid the broker-dealer continues to hold the customer's funds, and, accordingly, unpaid drafts should be treated in the same way as credit balances.

Impact and Monitoring

As observed in the House Subcommittee report proposed Rule 15c3–3 may substantially affect certain broker-dealer's financing requirements and will necessitate activity on the part of these members of the industry to raise additional capital, either by tapping new capital sources or by liquidating securities currently used in the industry's capital base.[3] Nevertheless, despite the necessity on the part of the industry to make adjustments to meet the impact of the proposed Rule, the program for public investor protection is paramount, not only to give effect to the intent of Congress as expressed in section 15(c)(3) of the Exchange Act, but, as well, to maintain public confidence in the high standards of financial responsibility of the broker-dealer community.

When proposed Rule 15c3–3 is adopted, its operation will be carefully monitored by the Commission to determine whether there will be need in the public interest and for the protection of investors to tighten or relax any of the restraints and time frames embodied in the rule. The Commission recognizes that this is by no means a final solution and that work must continue to develop a total systems approach which will reduce the time required to clear and settle securities transactions, reduce the paperwork, and increase the safety of customers' funds and securities.

Proposed Rule

The Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting §§ 240.15c3–3 and 240.15c3–3a to read as follows:

§ 240.15c3–3 Custom reprotection—reserves and custody of securities.

(a) *Definitions.* For the purpose of this section:

(1) The term "customer" shall mean any person from whom or on whose behalf a broker or dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker or dealer, or a general, special or limited partner or director or officer of a broker or dealer, or any participant in any joint, group or any syndicate account with a broker or dealer or any general, special or limited partner, or officer, or director of such broker or dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer: *Provided, however,* That the term "customer" shall also include a broker or dealer but only insofar as such broker or dealer maintains a special omnibus account carried with another broker or dealer in compliance with section 4(b) of Regulation T under the Securities Exchange Act of 1934.

(2) The term "securities carried for the account of a customer" (hereinafter also "customer securities") shall mean:

(i) Securities received by or on behalf of a broker or dealer for the account of any customer and securities carried long by a broker or dealer for the account of any customer; and

(ii) Securities sold to, or bought for, a customer by a broker or dealer.

(3) The term "fully paid securities" shall include all securities carried for the account of a customer in a special cash account as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System, as well as margin equity securities within the meaning of Regulation T which are carried for the account of a customer in a general account or any special account under Regulation T during any period when section 8 of Regulation T specifies that margin equity securities shall have no loan value in a general account or special convertible debt security account, and all such margin equity securities in such account if they are fully paid: *Provided, however,* That the term "fully paid securities" shall not apply to any securities which are purchased in transactions for which the customer has not made full payment.

(4) The term "margin securities" shall mean those securities carried for the account of a customer in a general account as defined in Regulation T, as well as securities carried in any special account (such general or special accounts hereinafter referred to as "margin accounts") other than the securities referred to in subparagraph (3) of this paragraph.

(5) The term "excess margin securities" shall mean those securities referred to in subparagraph (4) of this paragraph carried for the account of a customer having a market value in excess of 140 percent of the total of the debit balances in the customer's account or accounts encompassed by subparagraph (4) of this paragraph which the broker or dealer identifies as not constituting margin securities.

(6) The term "qualified security" shall mean a security issued by the United States or a security in respect of which the principal and interest are guaranteed by the United States.

[3] See p. 41 of the House Subcommittee report, op. cit. supra n. 2.

(7) The term "bank" shall mean a bank as defined in section 3(a)(6) of the Act and shall also mean any building and loan, savings and loan or similar banking institution subject to supervision by a Federal banking authority. With respect to a broker or dealer who maintains his principal place of business in the Dominion of Canada, the term "bank" shall also mean a Canadian bank subject to supervision by an authority of the Dominion of Canada.

(8) The term "free credit balances" shall mean liabilities of a broker or dealer to customers which are subject to immediate cash payment to customers on demand, whether resulting from sales of securities, dividends, interest, deposits or otherwise, excluding, however, funds in commodity accounts which are segregated in accordance with the Commodity Exchange Act or in a similar manner.

(9) The term "other credit balances" shall mean cash liabilities of a broker or dealer to customers other than free credit balances and funds in commodities accounts segregated as aforesaid.

(10) The term "funds carried for the account of any customer" (hereinafter also "customer funds") shall mean all free credit and other credit balances carried for the account of the customer.

(b) *Physical possession or control of securities.* (1) A broker or dealer shall promptly obtain and shall thereafter maintain the physical possession or control of all fully paid securities and excess margin securities carried by a broker or dealer for the account of customers.

(2) A broker or dealer shall not be deemed to be in violation of the provisions of subparagraph (1) of this paragraph regarding physical possession or control of customers' securities if, solely as the result of normal business operations, temporary lags occur between the time when a security is required to be in the possession or control of the broker or dealer and the time that it is placed in his physical possession or under his control, provided that the broker or dealer takes timely steps in good faith to establish prompt physical possession or control. The burden of proof shall be on the broker or dealer to establish that the failure to obtain physical possession or control of securities carried for the account of customers as required by subparagraph (1) of this paragraph is merely temporary and solely the result of normal business operations including same day receipt and redelivery (turnaround), and to establish that he has taken timely steps in good faith to place them in his physical possession or control.

(c) *Control of securites.* Securities under the control of a broker or dealer shall be deemed to be securities which:

(1) Are represented by one or more certificates in the custody or control of a clearing corporation or other subsidiary organization of either national securities exchanges or of a registered national securities association, or of a custodian bank in accordance with a system for the central handling of securities complying with the provisions of §§ 240.8c–1(g) and 240.15c2–1(g), the delivery of which certificates to the broker or dealer does not require the payment of money or value, and if the books or records of the broker or dealer identify the customers entitled to receive specified numbers or units of the securities so held for such customers collectively; or

(2) Are carried for the account of any customer by a broker or dealer and are carried in a special omnibus account in the name of such broker or dealer with another broker or dealer in compliance with the requirements of section 4(b) of Regulation T under the Act, such securities being deemed to be under the control of such broker or dealer to the extent that he has instructed such carrying broker or dealer to maintain physical possession or control of them free of any charge, lien, or claim of any kind in favor of such carrying broker or dealer or any persons claiming through such carrying broker or dealer; or

(3) Are the subject of bona fide items of transfer; provided that securities shall be deemed not to be the subject of bona fide items of transfer if, within 40 calendar days after they have been transmitted for transfer by the broker or dealer to the issuer or its transfer agent, new certificates conforming to the instructions of the broker or dealer have not been received by him, he has not received a written statement by the issuer or its transfer agent acknowledging the transfer instructions and the possession of the securities or he has not obtained a revalidation of a window ticket from a transfer agent with respect to the certificate delivered for transfer; or

(4) Are in the custody of a foreign depository, foreign clearing agency or foreign custodian bank which the Commission upon application from a broker or dealer or upon its own motion shall designate as a satisfactory control location for securities; or

(5) Are in the custody or control of a bank as defined in section 3(a)(6) of the Act, the delivery of which securities to the broker or dealer does not require the payment of money or value and the bank having acknowledged in writing that the securities in its custody or control are not subject to any right, charge, security interest, lien or claim of any kind in favor of a bank or any person claiming through the bank; or

(6)(i) Are held in or are in transit between offices of the broker or dealer; or (ii) are held by a corporate subsidiary if the broker or dealer owns and exercises a majority of the voting rights of all of the voting securities of such subsidiary, assumes or guarantees all of the subsidiary's obligations and liabilities, operates the subsidiary as a branch office of the broker or dealer, and assumes fully responsibility for compliance by the subsidiary and all of its associated persons with the provisions of the federal securities laws as well as for all of the other acts of the subsidiary and such associated persons; or

(7) Are held in such other locations as the Commission shall upon application from a broker or dealer find and designate to be adequate for the protection of customer securities.

(d) *Requirement to reduce securities to possession or control.* Not later than the next business day, a broker or dealer, as of the close of the preceding business day, shall determine from his books or records the quantity of fully paid securities and excess margin securities in his possession or control and the quantity of fully paid securities and excess margin securities not in his possession or control. In making this daily determination inactive margin accounts (accounts having no activity by reason of purchase or sale of securities, receipt or delivery of cash or securities or similar type events) may be computed not less than once weekly. If such books or records indicate, as of such close of the business day, that such broker or dealer has not obtained physical possession or control of all fully paid and excess margin securities as required by this section and there are securities of the same issue and class in any of the following noncontrol locations:

(1) Securities subject to a lien securing moneys borrowed by the broker or dealer or securities loaned to another broker or dealer, then the broker or dealer shall, not later than the business day following the day on which such determination is made, issue instructions for the release of such securities from the lien or return of such loaned securities and shall obtain physical possession or control of such securities within 2 business days following the date of issuance of the instructions in the case of securities subject to lien securing borrowed moneys and within 5 business days following the date of issuance of instructions in the case of securities loaned; or

(2) Securities included on his books or records as failed to receive more than 30 calendar days, then the broker or dealer shall, not later than the business day following the day on which such determination is made, take prompt steps to obtain physical possession or control of securities so failed to receive through a buy-in procedure or otherwise; or

(3) Securities receivable by the broker or dealer as a security dividend receivable, stock split or similar distribution for more than 45 calendar days, then the broker or dealer shall, not later than the business day following the day on which such determination is made, take prompt steps to obtain physical possession or control of securities so receivable through a buy-in procedure or otherwise.

(e) *Special reserve bank account for the exclusive benefit of customers.* (1) Every broker or dealer shall maintain with a bank or banks at all times when deposits are required or hereinafter specified a "Special Reserve Bank Account for the Exclusive Benefit of Customers" (hereinafter referred to as the "Reserve Bank Account"), and it shall be separate from any other bank account of the broker or dealer. Such broker or dealer shall at all times maintain in such Reserve Bank Account, through deposits

made therein, cash and/or qualified securities in amounts computed in accordance with the formula set forth in § 240.15c3–3a.

(2) It shall be unlawful for any broker or dealer to accept or use any of the amounts under items comprising Total Credits under the formula referred to in subparagraph (1) of this paragraph except for the specified purposes indicated under items comprising Total Debits under the formula, and, to the extent Total Credits exceed Total Debits, the net amount thereof shall be maintained in the Reserve Bank Account pursuant to subparagraph (1) of this paragraph.

(3) Computations necessary to determine the amount required to be deposited as specified in subparagraph (1) of this paragraph shall be made weekly, as of the close of the last business day of the week, and the deposit so computed shall be made no later than 1 hour after the opening of banking business on the second following business day; provided, however, a broker or dealer which has aggregate indebtedness not exceeding 800 percent of net capital (as defined in § 240.15c3–1 or in the capital rules of a national securities exchange of which it is a member and exempt from § 240.15c3–1 by paragraph (b) (2) of this section and which carries aggregate customer funds (as defined in paragraph (a) (10) of this section), as computed at the last required computation pursuant to this section, not exceeding $1 million, may in the alternative make the computation monthly, as of the close of the last business day of the month, and, in such event, shall deposit not less than 105 percent of the amount so computed no later than 1 hour after the opening of banking business on the second following business day.

(i) If a broker or dealer, computing on a monthly basis, has, at the time of any required computation, aggregate indebtedness in excess of 800 percent of net capital, such broker or dealer shall thereafter compute weekly as aforesaid until four successive weekly computations are made, none of which were made at a time when his aggregate indebtedness exceeded 800 percent of his net capital.

(ii) Computations in addition to the computations required in this subparagraph (3), may be made as of the close of any other business day, and the deposits so computed shall be made no later than 1 hour after the opening of banking business on the second following business day.

(iii) The broker or dealer shall make and maintain a record of each such computation made pursuant to this subparagraph (3) or otherwise and preserve each such record in accordance with § 240.17a–4.

(f) *Notification of banks.* A broker or dealer required to maintain the Reserve Bank Account prescribed by this section or who maintains a Special Account referred to in paragraph (k) of this section shall obtain and preserve in accordance with § 240.17a–4 a written notification from each bank in which he has his Reserve Bank Account or Special Account that the bank was informed that all cash and/or qualified securities deposited therein are being held by the bank for the exclusive benefit of customers of the broker or dealer in accordance with the regulations of the Commission, and are being kept separate from any other accounts maintained by the broker or dealer with the bank, and the broker or dealer shall have a written contract with the bank which provides that the cash and/or qualified securities shall at no time be used directly or indirectly as security for a loan to the broker or dealer by the bank and, shall be subject to no right, charge, security interest, lien or claim of any kind in favor of the bank or any person claiming through the bank.

(g) *Withdrawals from the reserve bank account.* A broker or dealer may make withdrawals from his Reserve Bank Account if and to the extent that at the time of the withdrawal the amount remaining in the Reserve Bank Account is not less than the amount then required by paragraph (e) of this section. A bank may presume that any request for withdrawal from a Reserve Bank Account is in conformity and compliance with this paragraph (g). On any business day on which a withdrawal is made, the broker or dealer shall make a record of the computation on the basis of which he makes such withdrawal, and he shall preserve such computation in accordance with § 240.17a–4.

(h) *Buy-in of short security differences.* A broker or dealer shall within 45 calendar days after the date of the examination, count, verification and comparison of securities pursuant to § 240.17a–13 or otherwise or to the annual report of financial condition in accordance with § 240.17a–5, buy-in all short security differences which are not resolved during the 45-day period.

(i) *Notification in the event of failure to make a required deposit.* If a broker or dealer shall fail to make in his Reserve Bank Account or Special Account, a deposit as required by this section the broker or dealer shall by telegram immediately notify the Commission, the Securities Investor Protection Corporation, and the examining authority for the broker or dealer designated by the Securities Investor Protection Corporation and shall promptly thereafter confirm such notification in writing.

(j) *Specifically identifiable property.* For the purpose of section 6(c) (2) (C) (iii) of the Securities Investor Protection Act of 1970 the following are hereby determined to be allocated to and shall constitute the specifically identifiable property of customers:

(1) All fully paid and excess margin securities in the physical possession or control (including any such securities under the control of the broker or dealer in which a customer can demonstrate ownership rights where the condition of the books or records of the broker or dealer may otherwise fail to accurately reflect such rights) of the broker or dealer or in transfer or stock dividend receivable shall constitute the specifically identifiable property of customers having claims for fully paid and excess margin securities as their interests may appear from the books or records of the broker or dealer or as is otherwise established by a preponderance of the evidence or to the satisfaction of a trustee appointed pursuant to section 5(b) of that act.

(2) The cash and qualified securities on deposit in the reserve bank account of a broker or dealer shall be deemed to be the specifically identifiable property of those customers of the broker or dealer who have free credit balances.

(3) If specifically identifiable property allocable to customers pursuant to subparagraph (1) or (2) of this paragraph is insufficient to satisfy the respective claims of such customers, such specifically identifiable property shall be prorated among such customers in accordance with their respective interests.

(4) If the specifically identifiable property allocable to either of the specified classes of customers referred to in subparagraph (1) or (2) of this paragraph exceeds their aggregate claims against such property, such excess shall thereafter constitute part of the "Single and Separate Fund" provided for in section 6(c) (2) (B) of that act.

(k) *Exemptions.* (1) The provisions of this section shall not be applicable to a broker or dealer meeting all of the following conditions:

(i) His dealer transactions (as principal for his own account) are limited to the purchase, sale, and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account, whether or not registered as an investment company; except that a broker or dealer transacting business as a sole proprietor may also effect occasional transactions in other securities for his own account with or through another registered broker or dealer;

(ii) His transactions as broker (agent) are limited to: (*a*) The sale and redemption of redeemable securities of registered investment companies or of interests or participations in an insurance company separate account, whether or not registered as an investment company; (*b*) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and (*c*) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers.

Notwithstanding the foregoing, this section shall not apply to any insurance company which is a registered broker-dealer, and which otherwise meets all of the conditions in subdivisions (i), (ii), and (iii) of this subparagraph, solely by reason of its participation in transactions

that are a part of the business of insurance, including the purchasing, selling, or holding of securities for or on behalf of such company's general and separate accounts.

(2) The provisions of this section shall not be applicable to a broker or dealer:

(i) Who carries no margin accounts, promptly transmits all customer funds and delivers all securities received in connection with his activities as a broker or dealer, does not otherwise hold funds or securities for, or owe money or securities to, customers and effectuates all financial transactions between the broker or dealer and his customers through one or more bank accounts, each to be designated as "Special Account for the Exclusive Benefit of Customers of (name or the broker or dealer)"; or

(ii) Who, as an introducing broker or dealer, clears all transactions with and for customers on a fully disclosed basis with a clearing broker or dealer, and who promptly transmits all customer funds and securities to the clearing broker or dealer which carries all of the accounts of such customers and maintains and preserves such books and records pertaining thereto pursuant to the requirements of §§ 240.17a–3 and 240.17a–4, as are customarily made and kept by a clearing broker or dealer.

(3) Upon written application by a broker or dealer, the Commission may exempt such broker or dealer from the provisions of this section, either unconditionally or on specified terms and conditions, if the Commission finds that the broker or dealer has established safeguards for the protection of funds and securities of customers comparable with those provided for by this section and that it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of this section.

(l) *Delivery of securities.* Nothing stated in this section shall be construed as affecting the absolute right of a customer of a broker or dealer to receive in the course of normal business operations following demand made on the broker or dealer, the physical delivery of certificates for:

(1) Fully paid securities to which he is entitled and,

(2) Margin securities upon full payment by such customer to the broker or dealer of his indebtedness to the broker or dealer; and, subject to the right of the broker or dealer under section 7(b) of regulation T to retain collateral for his own protection beyond the requirements of regulation T, excess margin securities not reasonably required to collateralize such customer's indebtedness to the broker or dealer.

(m) *Completion of sell orders on behalf of customers.* If a broker or dealer executes a sell order of a customer (other than an order to execute a sale of securities which the seller does not own) and if for any reason whatever the broker or dealer has not obtained possession of the securities from the customer within 10 business days after the settlement date, the broker or dealer shall immediately thereafter close the transaction with the customer by purchasing securities of like kind and quantity: *Provided, however,* The term "customer" for the purpose of this paragraph (m) shall not include a broker or dealer who maintains a special omnibus account with another broker or dealer in compliance with section 4(b) of regulation T.

(n) *Extensions of time.* If an appropriate committee of a registered national securities exchange or a registered national securities association is satisfied that a broker or dealer is acting in good faith in making the application and that exceptional circumstances warrant such action, such committee, on application of the broker or dealer, may extend any period specified in paragraphs (d) (2) and (3), paragraph (h) and paragraph (m) of this section, relating to the requirement that such broker or dealer take action within a designated period of time to buy-in in a security, for one or more limited periods commensurate with the circumstances. Each such committee shall make and preserve for a period of not less than 3 years a record of each extension granted pursuant to this paragraph (n) which shall contain a summary of the justification for the granting of the extension.

§ 240.15c3–3a Exhibit A—Formula for determination of reserve requirement for brokers and dealers under § 240.15c3–3.

	Credits	Debits
1. Free credit balances and other credit balances in customers' security accounts. (See Note A)	$XXX	
2. Moneys borrowed collateralized by securities carried for the accounts of customers	XXX	
3. Moneys payable against customers' securities loaned	XXX	
4. Customers' securities failed to receive	XXX	
5. Credit balances in firm accounts except for items which clearly can be demonstrated to be attributable to firm transactions	XXX	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	XXX	
7. Market value of short security count differences over 30 calendar days old	XXX	
8. Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	XXX	
9. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the issuer during the 40 days	XXX	
10. Debit balances in customers' cash and margin accounts excluding unsecured accounts and accounts doubtful of collection. (See Note B)		$XXX
11. Securities borrowed to effectuate short sales by customers and securities borrowed to make delivery on customers' securities failed to deliver		XXX
12. Failed to deliver of customers' securities not older than 30 calendar days		$XXX
Total		
13. Excess of total credits (sum of items 1–9) over total debits (sum of items 10–12) required to be on deposit in the "Reserve Bank Account" (§ 240.15c3–3(e) of this chapter). If the computation is made monthly as permitted by § 240.15c3–3(e), the deposit shall be 105% of the excess of total credits over total debits	$	

NOTE A: Item 1 shall include all outstanding drafts payable to customers which have been applied against free credit balances or other credit balances and shall also include checks drawn in excess of bank balances per the records of the broker or dealer.

NOTE B: (1) Debit balances in margin accounts shall be reduced by the amount by which a specific security (other than an exempted security) which is collateral for margin accounts exceeds in aggregate value ten percent of the aggregate value of all securities which collateralize all margin accounts receivable. A specified security is deemed to be collateral for a margin account only to the extent it represents in value not more than one hundred and forty percent of the customer debit balance in a margin account.

(2) Debit balances in customers' cash and margin accounts included in the formula under item 10 shall be reduced by an amount equal to one percent of their aggregate value.

IMPLEMENTATION AND COMMENTS

While the Commission believes it is necessary in the public interest that interested persons again be given an opportunity to express their views, it is essential, especially in view of the length of the previous exposures, that the proposed rule be adopted and implemented as rapidly as possible. Therefore, the comment period will expire on October 14, 1972, and the Commission intends to adopt the rule in definitive form shortly thereafter to become effective January 1, 1973.

All interested persons are invited to submit their views in writing on revised proposed rule 15c3–3 on or before October 14, 1972, to Lee A. Pickard, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. All such communications will be available for public inspection.

(Secs. 15(c)(2), 15(c)(3), 17(a), 23(a), 6(c)(2)(C)(iii); 48 Stat. 895, 897, 901; secs. 4, 8, 49 Stat. 1379; sec. 5, 52 Stat. 1075, 1076; 84 Stat. 1636, 1653; 15 U.S.C. 78o(c)(2), 78o(c)(3), 78q, 78w, 78aaa)

By the Commission.

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

SEPTEMBER 14, 1972.

[FR Doc.72–16503 Filed 9–27–72;8:48 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 97]

ASSISTANT ADMINISTRATOR FOR SUPPORTING ASSISTANCE

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, it is hereby ordered as follows:

SECTION 1. Each of the following delegations of authority is amended, (1) by deleting the titles "Coordinator for Supporting Assistance" and "Assistant Administrator for Vietnam", and (2) by inserting among the titles of the officers named in those delegations the title "Assistant Administrator for Supporting Assistance".

A. Delegation of Authority No. 5, dated December 29, 1961 (27 F.R. 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 17, dated April 12, 1963 (27 F.R. 5914), as amended, with respect to Authority to Sign Contracts;

C. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements;

D. Delegation of Authority No. 23, dated December 28, 1962 (28 F.R. 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

E. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

F. Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

G. Delegation of Authority No. 40, dated April 17, 1964 (29 F.R. 5695), relating to Waivers of Procurement Source Requirements;

H. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to section 607 of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 43, dated June 12, 1964 (29 F.R. 8122), relating to the Acceptance of Donated Nonmilitary Property and Services pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended; and

J. Delegation of Authority No. 75, dated January 11, 1968 (33 F.R. 919), relating to Certifications under section 611(e) of the Foreign Assistance Act of 1961, as amended.

SEC. 2. In addition there is hereby delegated to the Assistant Administrator for Supporting Assistance, with respect to the countries and areas within the responsibility of that officer, all those authorities or functions which are conferred on A.I.D. Assistant Administrators or Regional Assistant Administrators or delegated to the Coordinator for Supporting Assistance or to the Assistant Administrator for Vietnam in any regulations (published or unpublished), manual orders, policy directives or determinations, manual circulars or circular airgrams or instructions or communications of any nature.

SEC. 3. The authorities made available hereunder may be exercised by an officer serving in an acting capacity and may be delegated successively according to the terms of the delegations set forth in sections 1 and 2 of this Delegation of Authority.

SEC. 4. Currently effective redelegations of authority issued by the Coordinator for Supporting Assistance or by the Assistant Administrators for Vietnam and for East Asia are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 5. Delegations of Authority No. 71, dated May 25, 1967 (32 F.R. 8041), and No. 92, dated July 29, 1971 (36 F.R. 14483), are hereby revoked.

SEC. 6. This Delegation of Authority shall be effective immediately.

Dated: September 18, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-16501 Filed 9-27-72;8:48 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 72-259]

CEYLON RUPEE

Foreign Currencies; Rates of Exchange

SEPTEMBER 11, 1972.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 72-194 for the Ceylon rupee. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Ceylon rupee:	
July 10, 1972	$0.15655
July 11, 1972	.15655
July 12, 1972	.15655
July 13, 1972	.15655
July 14, 1972	.15655
July 17, 1972	.1555
July 18, 1972	.1560
July 19, 1972	.1560
July 20, 1972	.1560
July 21, 1972	.1560
July 24, 1972	.1560
July 25, 1972	.1560
July 26, 1972	.1575
July 27, 1972	.1575
July 28, 1972	.1565
July 31, 1972	.1575
August 1, 1972	.1570
August 2, 1972	.1560
August 3, 1972	.1560
August 4, 1972	.1560
August 7, 1972	.1560
August 8, 1972	.1555
August 9, 1972	.1560
August 10, 1972	.1560
August 11, 1972	.1560
August 14, 1972	.1560
August 15, 1972	.1560
August 16, 1972	.1560
August 17, 1972	.1560
August 18, 1972	.1560
August 21, 1972	.1560
August 22, 1972	.1560
August 23, 1972	.1560
August 24, 1972	.1560
August 25, 1972	.1565
August 28, 1972	.1565
August 29, 1972	.1565
August 30, 1972	.1560
August 31, 1972	.1565
September 1, 1972	.1560
September 4, 1972	Holiday
September 5, 1972	$0.1565
September 6, 1972	.1565
September 7, 1972	.1565
September 8, 1972	.1565

Rates of exchange certified for the Ceylon rupee which vary by 5 per centum or more from the rate $0.1680 during the balance of the calendar quarter ending September 30, 1972, will be published in a Treasury Decision for dates subsequent to September 8, 1972, and before October 1, 1972.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-16561 Filed 9-27-72;8:53 am]

[T.D. 72-260]

PRECLEARANCE OPERATIONS

Reimbursable Excess Costs

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning September 17, 1972.

Installation	Biweekly excess cost
Montreal, Canada	$7,397.00
Toronto, Canada	7,349.00
Kindley Field, Berumda	1,268.00
Nassau, Bahama Islands	3,528.00
Vancouver, Canada	1,058.00
Winnipeg, Canada	534.00

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-16562 Filed 9-27-72;8:53 am]

PERCHLORETHYLENE FROM ITALY

Withholding of Appraisement Notice

Information was received on May 17, 1971, that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 22, 1971, on page 13623. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of perchlorethylene from Italy is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of perchlorethylene from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs Regulations (19 CFR 153.34(a)), shall become effective upon publication in the FEDERAL REGISTER (9-28-72). It shall cease to be effective at the expiration of 3 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: September 26, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16637 Filed 9-27-72;9:23 am]

Internal Revenue Service

[Order 126]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Delegation of Exception Authority and Authority to Challenge Review and Decide Certain Category III Pay Adjustment Cases

The authority delegated to the Commissioner of Internal Revenue by Treasury Department Order No. 150-79 in connection with the administration of the Economic Stabilization Act of 1970, as amended, is hereby redelegated to the following officials:

Assistant Commissioner (Stabilization).
Regional Commissioners.
Assistant Regional Commissioners (Appellate).
Assistant Regional Commissioners (Stabilization).
Regional Inspectors.
District Directors.
Director of International Operations.

The authority delegated herein may be redelegated only by the officials specified in this order and may not be redelegated by those officials to whom the specified officials redelegate.

The authority delegated in this order shall be effective as of July 12, 1972.

Date of issue: September 22, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.72-16525 Filed 9-27-72;8:50 am]

Office of the Secretary

PERCHLORETHYLENE FROM FRANCE

Determination of Sales at Less Than Fair Value

SEPTEMBER 26, 1972.

Information was received on May 17, 1971, that perchlorethylene from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of June 28, 1972.

I hereby determine that for the reasons stated below, perchlorethylene from France is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the c.i.f. U.S. port price the included transportation, insurance, depot and storage charges.

Home market price was calculated on the basis of an f.o.b. monthly weighted-average delivered price to purchasers in the home market. Deductions were made for transportation charges. Appropriate adjustments were made for advertising, warranty, and laboratory expenses.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16638 Filed 9-27-72;9:23 am]

PERCHLORETHYLENE FROM ITALY

Determination of Sales at Less Than Fair Value

SEPTEMBER 26, 1972.

Information was received on May 17, 1971 that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that for the reasons stated below, perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the proper basis for comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. port price for exportation to the United States the included inland freight charges and by adding internal taxes rebated or not collected by reason of exportation to the United States.

Home market price was based on a delivered price to purchasers in the home market. Deductions were made for freight charges, insurance, commissions and quantity discounts.

Comparisons between purchase price and the adjusted home market price revealed that the purchase price was lower than the adjusted home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16639 Filed 9-27-72;9:24 am]

PERCHLORETHYLENE FROM JAPAN

Determination of Sales at Less Than Fair Value

SEPTEMBER 26, 1972.

Information was received on May 17, 1971, that perchlorethylene from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of June 28, 1972.

I hereby determine that for the reasons stated below, perchlorethylene from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of an f.o.b. Japanese port price, with deductions for the applicable inland freight charges.

Exporter's sales price was calculated by deducting from the resale price of the related firm to purchasers in the United States, selling commissions, ocean freight, and marine insurance. Deductions were also made for transportation costs and inspection fees in the United States and Japan, where appropriate. An addition was made for internal taxes rebated or not collected by reason of exportation to the United States.

Home market price was calculated on the basis of an f.o.b. delivered price, with deductions for inland freight charges. Adjustments were made for differences in packing, cost of production, credit costs, and advertising, where appropriate.

Using the above criteria, purchase price, or exporter's sales price, as appropriate, was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-16640 Filed 9-27-72;9:24 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NATIONAL INDIAN TRAINING CENTER

Notice of Name Change

Correction

In F.R. Doc. 72-15952, appearing on page 19389, in the issue of Wednesday, September 20, 1972, the seventh line reading "dian Affairs by 230 DM 2 (32 F.R. 13938).", should read "dian Training Center. The address re-".

Bureau of Land Management

[ES 8670]

LOUISIANA

Notice of Proposed Restoration and Further Withdrawal of Land

The U.S. Coast Guard, Department of Transportation, has relinquished for return to the public domain a 117-acre tract of land at the Calcasieu Pass Radio Beacon Station Reservation, Cameron Parish, La., more particularly described as Parcels "D" and "F" sec. 32, T. 15 S., R. 10 W., Louisiana Meridian, Louisiana, as depicted on U.S. Coast Guard Calcasieu Radio Beacon Station Plot Plan, Drawing No. 1751 dated June 19, 1968.

The Corps of Engineers, Department of the Army, has requested that the land be withdrawn for use in connection with the Calcasieu River and Pass Channel Improvement Project.

For a period 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

The Department's regulations, 43 CFR 2311.1-3(c), 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 land and its resources. The officer 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 land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further 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.

DORIS A. KOIVULA,
Manager.

[FR Doc.72-16492 Filed 9-27-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PUERTO RICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), as amended by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606) and section 5 of Public Law 92-385, it has been determined that in the following counties in the State of Puerto Rico natural disasters have caused a general need for agricultural credit:

COUNTIES

Adjuntas.	Juana Diaz.
Arroyo.	Morovis.
Barranquitas.	Orocovis.
Cayey.	San German.
Ciales.	Yauco.
Corozal.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of September 1972.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.72-16517 Filed 9-27-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Announcement of Meetings

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 October 1972, in accordance with provisions set forth in section 13(a) (1) and (2) of that Executive order:

Committee name, date, time, place, and type of meeting and/or contact person

Immunization Practices, Advisory committee, 10/2–3, 9 a.m., Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333, Open. Contact Dr. H. Bruce Dull, Room 224, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333. Code 404–633–3296.

Purpose. The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda. The Committee will review the status of selected immunizable diseases, data on passive immunization for rabies exposure, and the concurrent use of selected antigens in routine immunization programs.

Committee name, date, time, place, and type of meeting and/or contact person

U.S. National Committee on Vital and Health Statistics, International Classification of Diseases Subcommittee, Working Party on Mental Disorders, 10/11, 10:30 a.m., Room 5146, HEW—North Building, 330 Independence Avenue, SW., Washington, DC, Open. Contact Carl A. Taube, Room 18C–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD. Code 301–443–3343.

Purpose. The Committee is charged with studying and recommending necessary changes on mental disorders to be incorporated in the Ninth Revision of the International Classification of Diseases.

Agenda. Agenda items will cover consideration of a proposal for revision of rubrics ICD 970–972 and comments on the proposal, discussion of recommendations relating to classification of alcohol and drug disorders referred to the Working Party by the International Classification of Diseases Subcommittee, U.S. National Committee on Vital and Health Statistics; and final review and approval of revisions to be recommended to the World Health Organization.

U.S. National Committee on Vital and Health Statistics, International Classification of Diseases Subcommittee, 10/11–12, 9:30 a.m., Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, MD, Open. Contact Mrs. Alice Dolman, Room 9A–54, Parklawn Building, 5600 Fishers Lane, Rockville, MD. Code 301–443–1069.

Purpose. The Committee is charged with advising on 9th Revision proposals prepared and submitted by the Federal Government on the International Classification of Diseases initiated by the World Health Organization.

Agenda. Agenda items will include draft proposals to be submitted to the World Health Organization on chapters of the classification relating to diseases of the blood and blood-forming organs, diseases of the circulatory system, diseases of the respiratory system, complications of pregnancy, childbirth and the puerperium and certain causes of perinatal mortality. A draft proposal of a problem list covering signs, symptoms and health related problems not classifiable in other chapters of the classification and the feasibility of expanding the classification to cover environmental and social factors related to diseases and injuries will also be discussed.

Committee name, Date, time, place, and Type of meeting and/or contact person

National Advisory Council on Regional Medical Programs, 10/16–17, 8:30 a.m., Conference Room G–H, Parklawn Building, 5600 Fishers Lane, Rockville, MD. Partially open to the public. Closed for grant review. Contact Kenneth Baum, Room 11–19, Parklawn Building, 5600 Fishers Lane, Rockville, MD. Code 301—443–1514.

Purpose. The Council is charged with advising and assisting the Secretary, in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this program. Reviews applications for grants under Title IX, and recommends to the Secretary with respect to approval of applications for and the amounts of grants under this title.

Agenda. The Council will discuss policy matters regarding the administration of this program, and this portion of the meeting shall be open to the public. The remaining portion of the meeting will be for the review of grant applications, and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare pursuant to the provisions of Executive Order 11671, section 13(d).

Coal Mine Health Research Advisory Council, 10/25, 8 a.m., Albany Hotel, Emerald Room, 17th and Stout Streets, Denver, Colo. Partially open to the public. Closed for grant review. Contact Dr. Raymond Moore, Room 10A–13, 5600 Fishers Lane, Rockville, MD. Code 301—443–2100.

Purpose. The Council is charged with consulting and making recommendations to the Secretary on matters involving or relating to coal mine health research, including grants and contracts for such research.

Committee name, Date, time, place, Type of meeting and/or contact person

Agenda. Agenda items will cover prevalence study of incidence of coal workers' pneumoconiosis in surface coal miners; second round medical examinations of coal miners including pertinent regulations, plans and reports; aspects of other Health, Education, and Welfare programs relevant to the activities of the National Institute for Occupational Safety and Health in the area of coal mine health; follow up of exercise study of exminers; report of U.S.-Germany dust panel; and legislation of interest to the coal mine health program.

The remaining portion of the meeting will be closed to the public for the review of grant aplications, and will not be open to the public, in accordance with the determination by the Secretary of Health, Education, and Welfare pursuant to the provisions of Executive Order 11671, section 13(d).

Regional Health Advisory Committee, Region VII, 10–26–27, 9 a.m., Glenwood Manor, Overland Park, Kans., Open. Contact Mrs. Jean Glenn, Room 536B, New Federal Building, 601 East 12th Street, Kansas City, MO. Code 816–374–3491.

Purpose. The Committee is charged with assisting the Regional Office in issue identification and provides a new viewpoint for the Interface of Federal, State, and local efforts in the Health Service field in the States of Iowa, Kansas, Missouri, and Nebraska.

Agenda. Agenda items will cover the committee's report on Emergency Medical Services; State Plans, Education of Health Professionals, and other appropriate programmatic issues.

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: September 25, 1972.

JOHN H. KELSO,
Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.72–16539 Filed 9–27–72;8:53 am]

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Animal Resources Advisory Committee commencing at 1:30 p.m. on October 5, 1972, and at 9 a.m. on October 6, 1972, at the State Office Building, Portland, Oreg. This meeting will be open to the public on October 5 from 1:30 p.m. to 5 p.m. and closed to the public on October 6 from 9 a.m. to 5 p.m. to review, discuss, and evaluate grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of committee members and summary of the meeting may be obtained: Dr. John E. Holman, Executive Secretary.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.72–16482 Filed 9–27–72; 8:46 am]

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, September 25 and 26, 1972, at 9 a.m., Corsican Room No. 7, Biltmore Hotel, Los Angeles, Calif. This meeting will be open to the public from 1:30 p.m. to 2 p.m., September 25, and 2 p.m. to 2:30 p.m. September 26. The meeting will be closed to the public at all other times to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Bladder-Prostate Cancer Advisory Committee members and/or summary of the meeting may be obtained:

Dr. Samuel Price, Westwood Building, Room 853, Bethesda, MD 20014.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-16485 Filed 9-27-72;8:46 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the General Clinical Research Centers Committee commencing at 9 a.m. on October 12 and 13, 1972, at Conference Room No. 9, Building 31, National Institutes of Health, Bethesda, Md. This meeting will be open to the public on October 12 from 9 a.m. to 10:30 a.m. and closed to the public from 10:30 a.m. to 5 p.m. also closed to the public on October 13 from 9 a.m. to 5 p.m. to review, discuss, and evaluate grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of committee members and summary of the meeting may be obtained: Dr. William DeCesare, Executive Secretary.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-16483 Filed 9-27-72;8:46 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the General Research Support Program Advisory Committee commencing at 8:30 a.m. on October 16 and 17, 1972, at Conference Room No. 6, Building 31, National Institutes of Health, Bethesda, Md. This meeting will be open to the public from 8:30 a.m. to 10 a.m. on October 16, and closed to the public from 10 a.m. until 5 p.m. and also closed to the public on October 17, 1972 from 8:30 a.m. until 5 p.m. to review, discuss, and evaluate grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of committee members and summary of the meeting may be obtained: Dr. George M. Willis, Executive Secretary.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-16484 Filed 9-27-72;8:46 am]

NURSE SCIENTIST GRADUATE TRAINING COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Nurse Scientist Graduate Training Committee, October 5 and 6, 1972, at 8:30 a.m. to 5 p.m., October 5, 1972, and 8:30 a.m. to 4 p.m., October 6, 1972, National Institutes of Health, Building 31, Conference Room 7. This meeting will be closed to the public to review, discuss and evaluate and/or rank applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of Nurse Scientist Graduate Training Committee members and/or summary of the meeting may be obtained: Marie J. Bourgeois, R.N., Ph.D., Executive Secretary, Nurse Scientist Graduate Training Committee.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.72-16486 Filed 9-27-72;8:46 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee commencing at 8:30 p.m. on October 3, 1972, and at 9 a.m. on October 4, 1972, and at 9 a.m. on October 5, 1972, at the Sea-Tac Holiday Inn, in Seattle, Wash. This meeting will be open to the public on October 3 from 8:30 p.m. to 9:30 p.m.; it will be closed to the public on October 4 for the purpose of site-visiting an applicant; and it will be closed to the public on October 5 from 9 a.m. until adjournment to review, discuss, and evaluate grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of committee members and summary of the meeting may be obtained: Dr. William J. Goodwin, Executive Secretary.

Dated: September 21, 1972.

JOHN F. SHERMAN,
Deputy Director, NIH.
National Institutes of Health.

[FR Doc.72-16481 Filed 9-27-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-203]

DIRECTOR, CONTRACTS AND AGREEMENTS DIVISION

Redelegation of Authority

The Director, Contracts and Agreements Division, is hereby empowered to authorize the publication in newspapers of advertisements, notices, or proposals.

(44 U.S.C. 324; 5 U.S.C. 302; 42 U.S.C. 3535; 7 GAO 5200)

Effective date. This redelegation of authority shall be effective upon publication in the FEDERAL REGISTER (9-28-72).

OSBORNE S. KOERNER,
Director,
Office of General Services.

[FR Doc.72-16502 Filed 9-27-72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Hearing on Application for Construction Permit

In the matter of The Washington Public Power Supply System (Hanford No. 2 Nuclear Power Plant).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Washington Public Power Supply System (the Applicant), for a construction permit for a boiling water nuclear reactor designated as the Hanford No. 2 Nuclear Power Plant (the Facility), which is designed for initial operation at approximately 3,323 thermal megawatts with a net electrical output of approximately 1,110 megawatts. The proposed facility is to be located on a site leased from the U.S. Atomic Energy Commission and located within the Commission's Hanford reservation in Benton County, Wash. The proposed site, which is 3 miles from the Columbia River, is about 12 miles north of the city of Richland, Wash., and is approximately 21 miles northwest of Kennewick and 18 miles northwest of Pasco. The hearing will be scheduled to begin in the vicinity of the site of the proposed Facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on items 1-3, a negative finding on item 4, and an affirmative finding on item 5 specified below as a basis for the issuance of a construction permit to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended:

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the Facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the Applicant and the Applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that: (i) Such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed Facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed Facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the Applicant is technically qualified to design and construct the proposed Facility;

3. Whether the Applicant is financially qualified to design and construct the proposed Facility; and

4. Whether the issuance of a permit for construction of the Facility will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA):

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such other time as may be appropriate, at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, items 1–5 above as a basis for determining whether the construction permit should be issued to the Applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for a construction permit dated 8–10–71, and amendments thereto, and the applicant's environmental report dated 8–19–71, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Richland Public Library, Swift and Northgate Streets, Richland, WA 99352, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Wednesday and 10 a.m. and 5:30 p.m. on Thursday and Friday. As they become available, a copy of the report of the advisory committee on reactor safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the proposed construction permit, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the proposed construction permit, the ACRS report, the Directorate of Licensing's safety evaluation and the Commission's draft and final detailed statements on environmental considerations may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance but who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to paragraph (a)(1) of that section. The Appeal Board will be composed of a Chairman, and two other members to be designated by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 21st day of September 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-16402 Filed 9-27-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24679]

EAST AFRICAN AIRWAYS CORP.

Notice of Postponement of Prehearing Conference Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given that the prehearing conference in the above-entitled proceeding, which was assigned to be held on September 26, 1972 (37 F.R. 17578, August 30, 1972), will be held on October 12, 1972, at 10 a.m., local time, in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., September 22, 1972.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.72-16540 Filed 9-27-72; 8:51 am]

[Docket No. 24057]

INTERNATIONAL JET AIR LTD. AND GREAT NORTHERN AIRWAYS LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Transfer and Renewal (Canada-United States Charter Transportation)

Notice is hereby given that the prehearing conference in the above-entitled matter, which was previously postponed indefinitely (37 F.R. 11384, June 7, 1972), is assigned to be held on November 16, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 9, 1972.

Dated at Washington, D.C., September 22, 1972.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.72-16541 Filed 9-27-72;8:51 am]

[Docket No. 24779; Order 72-9-90]

INTERSTATE AND INTRASTATE FARES IN CALIFORNIA AND TEXAS MARKETS

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on 25th day of September 1972.

By complaint filed September 28, 1971, Ralph Nader and Aviation Consumer Action Project (ACAP) ask the Board to suspend and investigate the jet coach and jet commuter fares of United Air Lines, Inc. (United), applying between Los Angeles and San Francisco, Calif. The complainants allege that the difference between United's jet coach and jet commuter fares which are available to interstate and intrastate passengers and the difference between the interstate and intrastate fares in the Los Angeles-San Francisco market are unjustly discriminatory. Complainant Nader alleges specifically that he, while on an interstate journey, was required to pay a higher charge for air transportation than was required of intrastate passengers on the same flight between San Francisco and Los Angeles. Complainant ACAP joints Mr. Nader on behalf of those interstate passengers who were or are discriminated against by the higher interstate fares. The complainants also request that other appropriate action be taken by the Board to initiate civil and criminal proceedings for the purpose of penalizing United for practices which violate the Federal Aviation Act of 1958 (Act).

By answer filed October 13, 1971, United contends that (a) the jet coach and jet commuter fares filed with the Board are not subject to suspension, (b) the intrastate fares of United are beyond the Board's jurisdiction, (c) even if the Board had jurisdiction over the intrastate fares of United, competition from wholly intrastate air carriers and characteristics of the Los Angeles-San Francisco market justify different fares for intrastate and interstate passengers, (d) ACAP has no standing to file an enforcement complaint because it has not shown that it is a "person" as defined in section 101(27) of the Act, and (e) the complaint requesting enforcement action was procedurally defective.

United's fares in the Los Angeles-San Francisco market are as follows:

	Interstate [1]	Intrastate [2]
Jet coach (Y Class)	$32.41	$30.56
Jet commuter (K Class)	20.37	15.28

[1] Airline Tariff Publishers, Inc., Tariff CAB No. 136 (August 1972).
[2] Per complaint—Tariff not filed with Civil Aeronautics Board.

There are three preliminary matters which we shall dispose of first. With regard to the request for suspension of the interstate fares, the complaint was not timely filed. The fares complained against had been in effect since May 16, 1971, and the Board does not have the authority to suspend effective fares in interstate air transportation. Further, the complainant's allegation that United is violating the Act because United's tariffs covering intrastate fares are not filed at the Board is untenable. United is not required to file its intrastate tariffs with the Board because transportation thereunder is not "air transportation" as defined in the Act. (See sections 403(a),

101(10), and 101(21).) The complainants' request that the Board initiate proceedings against United for violations of sections 404(b) and 411 of the Act will also be denied. The facts alleged do not warrant the initiation of an enforcement proceeding for purposes of imposing civil or criminal penalties upon United. Our disposition of the request for enforcement action makes further consideration of United's contention regarding ACAP's standing unnecessary.

As to United's contention that the Board lacks jurisdiction over its intrastate fares, we would only remark that the complaint raises significant legal and factual questions with respect to the relationship between interstate and intrastate fares that need to be resolved. The principal issue before us is whether the difference between those fares results in unjust discrimination against interstate passengers and, if so, what order should be made to correct the situation.

Fares applicable between Los Angeles and San Francisco, on the one hand, and points outside the State of California, on the other, apply in many instances not only to direct service between the points involved but also to services operated via the other California point, provided no stopover [1] is made at the other point.[2] Thus, the "interstate" fares applicable between Los Angeles and San Francisco are used to construct a through fare when a stopover is made at either point enroute to the other.

It may be true that, with respect to cost of service to the carrier, a stopover passenger is little different from two local passengers [3] and that a higher fare may be justified for stopover than for through passengers. On the other hand, there would seem to be no difference, from either the passengers' or the carriers' viewpoint, between a local Los Angeles-San Francisco passenger (intrastate) and a stopover passenger (interstate) who receive the same service between the same points. At this stage, we are not inclined to accept, without further exploration in an evidentiary hearing, United's argument that the fare differential is justified by competition from intrastate carriers.

Since the time the complaint was filed, we have found that the same type of differentials between interstate and intrastate fares exist in numerous intra-California markets, and the differentials apply to first-class and standard-class as well as to coach and commuter- (or economy) class fares. For example, the following fares are listed for various interstate carriers in the Official Airline Guide for August 1972:

Market	Fare class	Interstate	Intrastate
Burbank-San Francisco	F	$41.67	$38.89
	Y	32.41	30.56
	K	20.37	15.74
Burbank-San Jose	F	41.67	32.41
	Y	32.41	26.00
	K	20.37	15.74
Fresno-San Francisco	F	26.85	18.00
	Y	20.37	15.00
	S	20.37	19.44
Los Angeles-Oakland	K	20.37	15.28
Los Angeles-Ontario	K	9.26	8.36
Los Angeles-Sacramento	F	44.44	33.00
	K	23.15	16.67
Los Angeles-San Diego	F	20.37	15.00
	F	20.37	11.75
	Y	16.67	9.00
	Y	16.67	8.00
	K	14.81	7.41
Los Angeles-San Francisco	F	41.67	32.00
	F	41.67	24.07
	Y	32.41	30.56
	K	20.37	15.00
	K	20.37	15.28
	S	37.96	30.56
Los Angeles-San Jose	F	41.67	32.41
	Y	32.41	30.56
	K	20.37	15.74
Oakland-San Francisco	F	14.81	9.00
	Y	11.11	9.00
Oakland-San Jose	F	14.81	13.89
	Y	11.11	10.19
Ontario-Sacramento	K	23.15	19.00
Ontario-San Francisco	F	41.67	35.00
	Y	32.41	30.56
	K	21.30	16.67
Ontario-San Jose	Y	32.41	30.56
Sacramento-San Francisco	F	19.44	13.00
	Y	15.74	11.00
	S	17.59	15.74

The questions raised by the California fare situation are not easy ones, and we believe they can best be resolved on the basis of facts adduced in the hearing which we are ordering herein. We are naming as parties to the proceeding all the interstate carriers providing interstate and intrastate service in these markets.[4] Since a situation similar to the intra-California one also exists in the following intra-Texas markets, and the same principles are involved, we will include in the investigation fares in these markets: [5]

Market	Fare class	Interstate	Intrastate
Dallas-Houston	F	$32.41	$25.93
	Y	25.00	24.07
	K	-------	24.07
Dallas-San Antonio	F	34.26	25.93
	Y	25.93	25.00
	K	-------	25.00
Houston-San Antonio	F	28.70	25.93
	Y	22.22	18.52
	K	19.44	22.22

We will expect the parties to address not only the specific issues adverted to herein but also the broader issue of the effect of such intrastate transportation generally on the interstate fare structure.

In addition, the differences between the interstate coach (or standard) and commuter (or economy) fares offered by the carriers in the intra-California markets also raise questions of discrimination, and we have decided to investigate the relation between these fares. Following are examples in addition to those previously listed:

Market	Y-Class fare	K-Class fare
Los Angeles-Oakland	$32.41	$20.37
Los Angeles-Sacramento	34.26	23.15
Los Angeles-San Francisco	37.96(S)	20.37
Ontario-San Jose	32.41	20.37

United has cited few, if any, real differences between coach and commuter services between Los Angeles and San Francisco.[6] According to the applicable tariffs on seating configurations, coach and commuter passengers may be seated in like accomodations; and the availability of family-fare discounts to coach passengers but not to commuter passengers would seem to make little difference because the commuter fare provides a greater discount from the coach fare than the 25 percent family fare discount available on coach service. On the other hand, it may be that the cost of operating commuter service is less than the cost of operating coach service. Any differences in the costs of commuter service should therefore be fully explored in this investigation. We do not, however, intend to relitigate here the industry average costs of coach service nor the fare structure formula which are now under investigation in Docket 21866.

Upon consideration of all relevant matters; the Board has determined that the relationships between intrastate and interstate fares in intra-California and intra-Texas markets, and between interstate coach and commuter fares in intra-California markets may be unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the differences between intrastate fares and interstate fares charged by the carriers listed in paragraph 4 hereof between intra-California markets and between Dallas and Houston, Dallas and San Antonio, and Houston and San Antonio, and the differences between interstate coach (or standard) class and commuter (or economy) class fares in intra-California markets, including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices, affecting such fares, or the value of service thereunder, are or will be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and classifications, rules, regulations, and practices;

2. Except to the extent granted herein, the complaint in Docket 23859 is hereby dismissed;

3. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

[1] Carrier tariffs define "stopover" as a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination.

[2] Los Angeles, San Francisco, and other California points are commonfared by the intrastate carriers with respect to many points in the Eastern United States.

[3] See Order 72-4-42, dated April 10, 1972.

[4] American, Continental, Delta, Hughes Air West, National, Trans World, United, and Western.

[5] Additional parties will be Braniff and Texas International.

[6] United points out in its answer that coach service is currently provided only on multi-stop flights, whereas commuter service is nonstop.

4. Copies of this order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Hughes Air Corp., National Airlines, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Ralph Nader, and Aviation Consumer Action Project, which are hereby made parties to this proceeding, and upon the California Public Utilities Commission and the Texas Aeronautics Commission.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-16543 Filed 9-27-72;8:51 am]

[Docket No. 24778]

SOUTHERN AIRWAYS, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

SEPTEMBER 22, 1972.

Notice is hereby given that the Civil Aeronautics Board on September 22, 1972, received an application, Docket 24778, from Southern Airways, Inc., for amendment of its certificate of public convenience and necessity for Route 98 to provide nonstop or direct single-plane service between its presently certificated points Greenville/Spartanburg, S.C. (an intermediate point on Segment 1), on the one hand, and Washington, D.C., and New York, N.Y./Newark, N.J. (intermediate points on Segment 7), on the other. Southern requests that Greenville/Spartanburg be designated on its Segment 7 as an intermediate point between Columbus, Ga., and Washington. Southern also requests one-stop authority in lieu of its present restriction which precludes single-plane service between Atlanta, Ga., on the one hand, and Washington and New York/Newark on the other.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-16542 Filed 9-27-72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION ADVISORY GROUP

Notice of Four Open Meetings

SEPTEMBER 15, 1972.

The Steering Committee of the Cable Television Federal-State/local Advisory Committee will have four open meetings in October at 10 a.m. On October 16 and 17, 1972, the Steering Committee will meet in Room A110 of the FCC Annex, 1229 20th Street NW., Washington, DC; on October 4, it will meet in Room A205 of the FCC Annex and on October 5, 1972, it will meet in Room 847S of the main FCC building, 1919 M Street NW., Washington, DC.

The agendas for these meetings will include discussion of subcommittee progress and consideration of a series of urgent issues concerned with Federal-State/local relationships.

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

[FR Doc.72-16559 Filed 9-27-72;8:53 am]

CABLE TV GOVERNMENTAL RELATIONSHIP GROUP

Announcement of Additional Appointments to Subcommittees

AUGUST 17, 1972.

Additional permanent subcommittee appointments for the Cable Television Federal-State/local Advisory Committee have been approved by FCC Chairman Dean Burch. This committee was created on February 3, 1972, following the adoption of new cable TV rules, to deal with matters involving governmental relationships such as franchising procedures, service, interconnection, and rates to subscribers. Chairman Burch is chairman of the advisory committee and Cable TV Bureau Chief Sol Schildhause is vice chairman. Committee membership consists of representatives of government, industry, and public interest groups.

The following is a list of the new appointments:

SUBCOMMITTEE A—INITIAL ORGANIZATIONAL PHASE

Richard Flynn, Goldwater and Flynn.
Sydney Arak, National Association of Theater Owners, Inc.
Walter Kaitz, General Counsel, California Community Television Assoc.
Wilmot Horton, Theta Cable of California.
Susan Greene, Black Communicator.
George Vukasin, City Councilman, Oakland, Calif.

SUBCOMMITTEE B—STUDY PHASE

Don Shuler, Vice President, Cypress Communications.
Morton Berfield, Cohen and Berfield.
Walter Baer, The Rand Corporation.
Joseph Benes, President, California Community Television Assoc.
Michael Neben, Educational Technology, HEW

SUBCOMMITTEE C—FRANCHISING PHASE

Lewis Cohen, Cohen and Berfield.
Donald Williams, Vice President, Cox Cable Co.
Richard Galkin, President, Sterling Manhattan Cable Television, Inc.
Barry Le Mieux, Bedford Stuyvesant Restoration Corp.
John Reading, Mayor, Oakland, Calif.
Alfred Alquist, State Senator, San Jose, Calif.

SUBCOMMITTEE D—POST AWARD REGULATORY PHASE

Frank Drendel, Vice President, Cypress Communications.
William Schiller, Vice President, Storer Cable TV, Inc.
Thomas Wilson, Amvideo Corp.
Gerry Slater, General Manager, Public Broadcast Service.
Ralph Dills, State Senator, Gordenia, Calif.

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

[FR Doc.72-16556 Filed 9-27-72;8:52 am]

CHILDREN'S TV PANEL DISCUSSIONS

Announcement of Speakers

SEPTEMBER 14, 1972.

Participants in public panel discussions on children's television, scheduled for October 2 through October 4, 1972, have been announced by the FCC. The discussions will be held in Room 856 of the Commission offices, 1919 M Street NW., Washington, DC.

A list of panel subjects, times and speakers follows:

PANEL I—CONTENT DIVERSIFICATION—MONDAY, OCTOBER 2, 1972, 9:30 A.M. TO 12 M.

Dr. Rene Cardenas, Bilingual Children's Television.
Dr. Frederick Greene, Office of Child Development.
David Connell, Children's Television Workshop.
Fred Silverman, Columbia Broadcasting System, Inc.
Harry Francis, Meredith Broadcasting.
Christopher Sarson, Station WGBH, Boston Mass.
Robert Thurston, Quaker Oats.

PANEL II—AGE SPECIFICITY—MONDAY, OCTOBER 2, 1972, 2 P.M. TO 4:30 P.M.

Eliot Daley, Family Communications.
Fred Calvert, Fred Calvert Productions.
Eugene Accas, Leo Burnett Co., Inc.
George Koelher, Triangle Broadcasting.
Michael Eisner, ABC Television.
Dr. Joseph G. Colmen, Education and Public Affairs.
Mr. Neil Morse, Children's Committee on Television.

PANEL III—RESPONSIVE SCHEDULING—TUESDAY, OCTOBER 3, 1972, 9 A.M. TO 11:30 A.M.

Dr. John Condry, Department of Human Development, New York State College.
Martha Van Renselaer, Cornell University.
Larry Fraiberg, WNEW-TV, New York, N.Y.
E. Weaks McKinney-Smith, WDRX-TV, Paducah, Ky.
Arch O. Knowlton, General Foods Corp.
Les Towne, Helfgott and Partners.
Evelyn Sarson, Action for Children's Television.

PANEL IV—CHILDREN'S TELEVISION AND ADVERTISING PRACTICES—TUESDAY, OCTOBER 3, 1972.

A. 1 P.M. TO 2:30 P.M.

Peggy Charren, Action for Children's Television.
Dr. Scott Ward, Harvard University, Graduate School of Business Administration.
Ray Hubbard, WTOP-TV, Washington, D.C.
Jeanette Neff, Children's Television Workshop.
F. Kent Mitchel, General Foods Corp.

B. 2:45 P.M. TO 3:45 P.M.

Robert Keeshan, Columbia Broadcasting System, Inc.

Lorraine F. Lee-Benner, WCSC–TV, Charleston, S.C.
Wanda Lesser, Charleston, S.C.
Larry Harmon, Larry Harmon Pictures Corp.
Katherine Lustman, Yale Child Study Center.
Sherman K. Headley, WCCO–TV, Minneapolis, Minn.

PANEL V—ALTERNATIVE METHODS OF FINANCING—WEDNESDAY, OCTOBER 4, 1972, 9 A.M. TO 11:30 A.M.

Joan Ganz Cooney, Children's Television Workshop.
Fred Pierce, American Broadcasting Co.
Bill Melody, Annenberg School of Communications, University of Pennsylvania.
Al Fields, Health Tex, Inc.
Edmund Smarden, Carson-Roberts, Inc., Advertising.
Ward L. Quaal, WGN–TV, Chicago, Ill.

PANEL VI—SELF-REGULATION—WEDNESDAY, OCTOBER 4, 1972, 1 P.M. TO 3 P.M.

Donald McGannon, Westinghouse Broadcasting, Inc.
Stockton Helffrich, NAB Code Authority.
Ruth Handler, Mattel Toys.
Dr. Ithiel de Sola Pool, Center for International Studies, Massachusetts Institute of Technology.
Everett Parker, United Church of Christ.
Herminio Traviesis, National Broadcasting Co.
Steve Bluestone, Washington, D.C.

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

[FR Doc.72–16557 Filed 9–27–72;8:52 am]

[Dockets Nos. 19588, 19589; FCC 72–836]

COLORADO WEST BROADCASTING, INC., AND GLENWOOD BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Colorado West Broadcasting, Inc., Glenwood Springs, Colo., Requests: 92.7 MHz, No. 224; 3 kw. (H & V); −301 feet, Docket No. 19588, File No. BPH–7646; Glenwood Broadcasting, Inc., Glenwood Springs, Colo., Requests: 92.7 MHz, No. 224; 3 kw. (H & V); −1,920 feet, Docket No. 19589, File No. BPH–7707; for construction permits.

1. The Commission has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. Data submitted by the applicants indicates that there would be a significant disparity in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to either of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permits should be granted.

5. *It is further ordered,* That each of the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

6. *It is further ordered,* That the applicants shall give notice of the hearing, within the time and in the manner specified in § 1.594 of our rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: September 20, 1972.

Released: September 22, 1972.

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

[FR Doc.72–16555 Filed 9–27–72;8:52 am]

FCC ANSWERING DEVICES ADVISORY SUBCOMMITTEE

Notice of Public Meeting

SEPTEMBER 21, 1972.

In accordance with Executive Order No. 11671, dated June 7, 1972, announcement is made of a public meeting of the Answering Devices Subcommittee, to be held Monday, October 2, 1972, and continuing to Tuesday, October 3, 1972. The subcommittee will meet at 1229 20th Street NW., Room A–110, Washington, DC, at 10 a.m.

1. *Purpose.* To prepare and submit recommended standards and procedures to the FCC, in order to permit the interconnection of customer provided and maintained answering equipment to the public switched network;

2. *Membership.* The subcommittee is chaired by Fred Warden and is composed of the following: Lyle D. Abbott, M. E. Hacker, Samuel R. Buxbaum, James B. Eppes, Charles Hernandez, Anthony Giacoio, Thomas J. Dunleavy, Peter J. Grant, Jim Owen, F. A. Foresta, Richard W. Horton, Jerry A. Klein, Leslie N. Wilder, K. R. Parker, R. B. Brunson, Clyde W. Sautters, F. G. Splitt, Peter F. Theis, Robert E. Morgan, Lloyd Smith, Shaun Delaney, Boyd King, Ron Matteson, Gustone Perrin, Preston R. Brown, James F. Holmes, Brendan McShane, Allan MacLeod, Denis E. Lowry, Robert W. Shirley, George A. Smith, B. Edelman, Rudy C. Stiefel, John R. Mineo, Earl C. Mansfield, Louis Feldner;

3. *Activities.* As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of answering devices to the public telephone network;

4. *Agenda.* The agenda for the meeting is consideration of interface criteria and equipment standards for answering devices.

It is suggested that those desiring more specific information about the meeting call the Domestic Rates Division (202) 632–6457.

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

[FR Doc.72–16558 Filed 9–27–72;8:52 am]

[1] Commissioner Robert E. Lee absent; Commissioner Johnson not participating.

FEDERAL HOME LOAN BANK BOARD

[H. C. 136]

AMERICAN FINANCIAL CORP.

Receipt of Application for Approval of Acquisition of Control of Oak Savings and Loan Co.

SEPTEMBER 25, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the American Financial Corp., Cincinnati, Ohio, a savings and loan and bank holding company, for approval of its acquisition of control of The Oak Savings and Loan Co., Cincinnati, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of cash and stock of American Financial Corp. for the stock of The Oak Savings and Loan Co. Following the acquisition it is proposed that said association be merged into the Hunter Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72–16547 Filed 9–27–72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-204]

JAKE L. HAMON

Notice of Application

SEPTEMBER 26, 1972.

Take notice that on September 18, 1972, Jake L. Hamon (Applicant), Post Office Box 663, Dallas, TX 75221, filed in Docket No. CI73-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Chandler Lease, West Puerto Bay Field, San Patricio County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 3,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 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.72-16589 Filed 9-21-72;8:54 am]

[Docket No. RI73-53]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 18, 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[1]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-53...	Marathon Oil Co.....	12	19	Transcontinental Gas Pipe Line Corp. (La Gloria Field, Jim Wells and Brooks Counties, Tex., RR. District No. 4).	$210,650	5-30-72	.....	6-30-72	19.0	24.0	

[1] The pressure base is 14.65 p.s.i.a.

The situation presented here relates to a notice of change in rate filed by Marathon proposing a unilateral increase in rate to 24.0 cents per Mc.f. for gas sold to Transco pursuant to the terms of an expired contract. Marathon claims that such gas is surplus gas which was available for sale to a third party and therefore never committed to Transco's contract.

In both earlier and later filings of this type, the Commission has suspended the proposed increases to 24.0 cents per Mc.f. for 1 day and producers with respect to later filings concurrently were issued temporary certificates conditioned to a rate of 19.0 cents per Mc.f. to assure maintenance of service pursuant to section 7(c) of the Natural Gas Act.

Marathon by letter dated July 6, 1972, declined to accept the provisional temporary authorization issued to it with respect to sales presently being made to Transcontinental Gas Pipe Line Corp. in the LaGloria Field, Tex. R.R. Dist. No. 4.

Marathon's proposed increase is therefore suspended for 1 day from the date of expiration of the statutory notice period.

In order to resolve the aforementioned questions, as expeditiously as possible, and to expedite the hearing provided for in ordering paragraph A supra, a prehearing conference shall be held in accordance with § 1.18(c) of the rules of practice and procedure, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on October 10, 1972, at 10 a.m., (e.d.s.t.,) concerning the issues hereinbefore discussed.

After convening the prehearing conference provided for herein, the Administrative Law Judge may recess the same to provide the parties hereto an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment for settlement of the issues in these proceedings.

The Administrative Law Judge may in his discretion grant recesses from time to time if he deems settlement or submission of the issues upon stipulated facts to be possible. If no settlement or stipulation can be reached by the parties hereto after reasonable time and provision has been made for the same, the procedural dates for service of

prepared testimony and exhibits, and for hearings on the issues herein shall be fixed by the Administrative Law Judge.

CERTIFICATION OF ABBREVIATED SUSPENSION

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 Opinions 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.72-16335 Filed 9-27-72;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Order Accepting Rate Schedules for Filing, Waiving Notice Requirements, Accepting Amendment, Granting Petitions To Intervene, Denying Motion, and Setting Matter for Hearing

SEPTEMBER 21, 1972.

The NEPOOL Agreement (NEPOOL), dated September 1, 1971, was filed on November 12, 1971, by the Secretary of the NEPEX Management Committee.[1] The agreement has 39 signatories of which 28 parties are jurisdictional (see Appendix A[1a] for designations and Exhibit B[1a] for list of signatories). Participation in NEPOOL is open to any party engaged in the electric utility business in New England contingent upon its execution of the agreement prior to November 1, 1971. After November 1, 1971, eligible parties may participate in NEPOOL upon execution of the agreement and compliance with any conditions imposed by the Management Committee. Parties outside of New England may participate in NEPOOL upon application after November 1, 1971, and after fulfillment of any conditions imposed by the Management Committee. The agreement is to become effective when the annual peak of the parties who are signatories as of August 1, 1971, exceeds a total of 10,000 MW (Exhibit B indicates that this had occurred even prior to the time of filing). Companies which are controlled by a holding company owning 75 percent or more voting shares may constitute a single party to NEPOOL if it so chooses. The agreement also provides that any Vermont electric utility may be grouped with Vermont Electric Power Co. as a single party for NEPOOL purposes. The Vermont utilities have elected to be so treated.

The proposed agreement establishes a Management Committee, an Executive Committee and an Operations and Planning Committee. These committees have the same functions, obligations, memberships requirement, etc., as are contained in the NEPEX Agreement (see Exhibit A[1a]).

The proposed agreement provides for capacity obligations of the parties whereas the NEPEX Agreement contains no such provisions. Each party is to maintain sufficient system capability as defined in the agreement[2] during 6-month periods which begin November 1 or May 1 of each year (known as capability periods). The Operations Committee, at the end of each capability period, determines the difference between a party's system capability and his requirements for that period. If a party's capability responsibility during the period exceeds his capability, he is to pay a capability responsibility adjustment charge of $22/kw./year. All revenue so derived is to be divided among the parties whose capability exceeded their responsibility in proportion to the amount of excess over their requirements. Also for each kw. by which a party's system capability is less than his peak load by more than 1 percent, he is to pay into the Miscellaneous Expense Fund a capability responsibility deficiency charge of 20 percent of the above adjustment charge graduated to 100 percent of the above charge for deficiency kw. in excess of 5 percent of a party's system requirements.

The agreement provides that the Management Committee may review and change the above charges prior to November 1 of any year of the agreement.

In order to maintain an equitable distribution of capacity from new units, the agreement provides for a charge if a party receives more than 30 percent of its requirements from a specific unit after December 31, 1975. A party must pay into the Miscellaneous Expense Fund a charge of $5/kw. for each 10 percent of his requirements over 30 percent that he receives from a specific unit up to a maximum of $20/kw. for capacity equal to or in excess of 60 percent of his requirements. The additional charge is not payable under various conditions which are defined in the agreement such as when the commitment to purchase was made prior to the NEPOOL Agreement and in instances where no other units were available to meet load growth.

The Management Committee is to review annually the generation and transmission facilities of the parties and make recommendations for changes or additions to such facilities to meet the NEPOOL reliability standards. Each of the parties has the right to determine to what extent changes or additions to its facilities will be made with appropriate consideration given to the Management Committee's recommendations. Where additions or changes to pool transmission facilities (PTF) are determined as necessary by the Management Committee, the Committee may designate a party to implement such changes. The cost of such changes is to be allocated among the parties benefiting from them in proportion to their benefits.

The Management Committee is to review any significant proposed changes in generation or transmission facilities by NEPOOL parties. If the Committee determines that a party's plans may adversely affect system reliability or operating characteristics, no actions are to be taken with respect to such changes until the party takes the necessary action to avoid the adverse effects.

The agreement provides that if a party is planning capacity in excess of its requirements, for any future capability period, he must first offer the excess capacity on a unit contract basis, to any NEPOOL member who may have a capacity deficiency during that period before offering such excess capacity to a non-NEPOOL party. Any offerings of excess capacity must be made on a nondiscriminatory basis at charges which are associated with the costs of production plus a fair return on investment.

Each party which has generating facilities is to become a member of the appropriate satellite dispatching center and is to subject all transmission facilities, rated 69 kv. and above, and all its generation to central dispatch through

[1] The Secretary of the Management Committee was designated as filing agent for all jurisdictional NEPOOL parties. The interim agreement was necessary to allow NEPEX to begin functioning while final development of NEPOOL continued. The NEPEX Agreement provides for the coordinated operation and maintenance of the generating and transmission facilities of its participants and for coordination with other power pools in the United States and Canada. The NEPEX Agreement recognized that the final NEPOOL Agreement would consist of provisions contained in the interim NEPEX Agreement plus provisions covering (1) transmission facilities, (2) capacity obligations, and (3) participation in new generating units.

[1a] Appendix A and all exhibits filed as part of the original document.

[2] The capacity obligation is determined as follows: The sum of 70 percent of the ratio of his maximum peak load during the most recent 16-month period to the total load of all NEPOOL parties during the same period plus 30 percent of the ratio of his 12-month projected peak load to the 12-month projected peak load of all NEPOOL parties.

its appropriate satellite dispatch center and NEPEX.[3] The objectives of central dispatch through NEPEX are (1) reliability of the bulk power supply system of the parties and (2) adequate energy to meet all parties' requirements, all at the lowest practicable cost.

The agreement provides that each party is to maintain an hourly spinning and ready reserve requirement equal to its proportion of the total peak load of all parties. Parties may receive such reserve from other parties when their generating capacity is not fully utilized because of emergency situations, or NEPEX scheduling, or in the event their capacity is not adequate to cover their own hourly load requirements plus reserves.

The Economy Energy, Scheduled Outage, Unscheduled Outage, and Deficiency Energy Services contained within the interim NEPEX Agreement are to be continued in the NEPOOL Agreement. Settlement for these services is accomplished by payments to or from the Savings Fund. Parties supplying the services are paid their incremental cost of providing services, the same procedure utilized under the NEPEX Agreement. Payments by parties receiving services are also the same as under the NEPEX Agreement except that deficiency service does not have the additional charge of 9 cents/kw./day since the NEPOOL Agreement provides for different charges.

Fifty percent of the net revenues remaining in the Savings Fund, after settlement of monthly transactions, is paid out for NEPEX expenses and the remainder is distributed among the parties who furnished the services on a kw.-hr. basis. The remainder of the NEPEX expenses to be financed in part by a $3,000 annual fee payable by each NEPOOL party which has generation or entitlements in generation. Any additional NEPEX expenses are to be paid by the parties in proportion to their peak loads. All parties are to pay a $500 per year fee to the Miscellaneous Expense Fund which is to be used to pay NEPOOL expenses. Any additional expenses will be prorated among all parties in proportion to their peak loads.

Transmission facilities which are required to allow energy to flow freely on the New England transmission network are designated as pool transmission facilities (PTF) and include those facilities owned by parties to the agreement which are 69 kv. or higher or which are necessary to interconnect the lines which constitute PTF.

A schedule listing all PTF facilities as of April 1, 1971, has been prepared and submitted to the Management Committee for approval. The Management Committee is to review this schedule at least once a year and classify the facilities as EHV PTF (230 kv. and above) or lower voltage PTF.

[3] There are 4 satellite centers: CONVEX—Connecticut Valley Exchange; REMVEC—Rhode Island, eastern Massachusetts, Vermonth Energy Control; New Hampshire and Maine. See diagram attached as Exhibit C.[3a]

Use of PTF by parties to the agreement is limited to the transfer of the various types of energy previously listed or the transmission of unit purchases from pool-planned units. Additionally, PTF may be utilized to wheel a NEPOOL party's purchases of capacity from a nonparty under certain conditions [4] and for the transfer of capacity from a pool-planned unit to a nonparty pursuant to an arrangement approved by the Management Committee. NEPOOL transmission rates are not applicable for the wheeling of capacity and energy furnished from Yankee Atomic Electric Co., Connecticut Yankee Atomic Power Co., Vermont Yankee Nuclear Power Corp., and Maine Yankee Atomic Power Co. or the New Brunswick Power Commission. The agreement recognizes that Central Maine Power Co. has proposed an arrangement for support by some participants of certain lines owned by it. If such arrangements are acceptable to Central Main, NEPOOL states it may be appropriate to include transfers of New Brunswick power after appropriate notice to the Management Committee. Parties furnishing wheeling services from any of the above mentioned sources will continue to charge for their services in accordance with their respective agreements.

Payments for the use of PTF are distinguished between the use of EHV PTF or lower voltage PTF. Payments for the use of EHV PTF include: (1) A daily reliability charge based upon the scheduled and unscheduled outage service provided by NEPEX determined as follows: the daily participant wheeling rate [5] for EHV PTF multiplied by the ratio of the unit entitlements located on the party's own system divided by its total capability and further multiplied by the maximum, if any, by which the kw.-hr.'s provided by NEPEX for Scheduled Outage and unscheduled Outage Service in any hour exceed the parties' kw. capability available to NEPEX but not used in that hour; (2) the use of EHV PTF for transmission of unit purchases from a pool-planned unit or from a non-NEPOOL party for which each party receiving such capacity is to pay the NEPOOL participation wheeling rate except that 50 percent of such capacity wheeled is excluded when such transactions are accomplished pursuant to a NEPOOL Exchange Arrangement; [6] and (3) charges fixed by the Management Committee for the transfer of capacity over EHV PTF for a non-NEPOOL party.

All charges collected under (1) above and 50 percent of all charges collected under (2) and (3) above are to be put into a Pool Transmission Fund and distributed among the parties in proportion to their costs for EHV PTF. The remaining 50 percent of the charges collected under (2) and (3) above is to be distributed to the parties on whose systems the transfers of capacity originated.

A party may utilize lower voltage PTF to transfer unit purchases to a NEPOOL party from a pool-planned unit or from a non-NEPOOL party. A party may also utilize lower voltage PTF to transfer power from a pool-planned unit to a non-NEPOOL party. Payment is made by the party utilizing the lower voltage PTF to the party owning the facilities. Payment is based upon the owner's cost for providing the facilities adjusted to reflect the ratio of the peaks of all NEPOOL participants to the total capability of NEPOOL times the rate per kw.

A party that is not directly interconnected with PTF may use the non-PTF facilities of another party in order to establish an interconnection with PTF. The rates for such transmission are to be the charges established by the owner of such facilities.

The determination of all costs associated with either EHV or lower voltage PTF is to be based upon an appropriate carrying charge assessed against a party's net investment in facilities except that depreciation expense is assessed against gross investment. Expenses for the PTF are to include only those transmission items included in the Commission's Uniform System of Accounts. Carrying charges are to be based upon uniform rules for calculating such charges and are to be determined by the Management Committee.

The agreement provides for the support of legislation by prospective parties to NEPOOL to facilitate their participation in NEPOOL. A preliminary draft of such legislation is attached to the proposed agreement.

Any party to the agreement may elect to terminate its participation by giving 6 months written notice to the Management Committee. A party's status as a participant may be terminated by the Management Committee for (1) bankruptcy or insolvency of the party or (2) failure to perform.

The agreement recognizes that there are other agreements between parties that may have to be modified or terminated so as not to conflict with NEPOOL. The agreement provides that the parties

[4] When a participant's purchase from a nonparticipant is negotiated by NEPOOL for the benefit of the pool or when a nonparticipant is located outside New England and the participant for whose benefit the purchase is made supports the lines over which the transfer is made in New England under a support arrangement in which all participants had an opportunity to participate.

[5] The NEPOOL participant wheeling rate per kw. is the total of all costs incurred by parties during a calendar year for EHV PTF divided by the lesser of (1) total capability of all NEPOOL parties or (2) minimum NEPOOL capability established by the Management Committee to meet its reliability standards. The daily participant wheeling rate is equal to the NEPOOL participant wheeling rate divided by 365.

[6] A NEPOOL Exchange Arrangement is defined as an arrangement whereby two NEPOOL parties having pool-planned units located on their respective systems sell to each other a portion of their interests for a specific period of time. The period that both sales are in effect will constitute a NEPOOL Exchange Arrangement even though the beginning and ending dates of the sales may be different.

take whatever steps are necessary to modify those agreements which fall into this category.

The agreement may be terminated upon an 85 percent affirmative vote of the Management Committee.

The instant submittal was noticed on January 26, 1972 (37 F.R. 3008). Petitions to intervene were filed by the Rhode Island Consumers Council (Rhode Island), the city of Holyoke, Mass. (Holyoke), and the Northeast Public Power Association, Inc., et al. (NPPA).

Holyoke requested that the proposed submittal be rejected or in the alternative suspended for 5 months and that an investigation and hearing be held on the matter. Holyoke contends that (1) in order to make its position viable under NEPOOL the city must have access to participation in large generating units, and that in order to achieve this end legislation must be enacted authorizing municipals to issue revenue bonds, (2) its efforts to obtain revenue bond financing or to participate in large unit entitlements have met with strong opposition from the public utility companies, and (3) the proposed agreement should make available sufficient amounts of capacity from pool-planned units to all members on a nondiscriminatory basis. Holyoke also incorporates the motion of NPPA as its own.

NPPA[7] also moved to reject the submittal or in the alternate to suspend its operation for 5 months and order a hearing on the matter. The petition alleges that:

(1) Certain parts of the NEPOOL Agreement provide for rates and charges which were not fully supported by the submittal,

(2) the submittal is deficient in that it does not provide any estimate of transactions for the 12 month period succeeding November 1, 1971, in accordance with § 35.13(b)(1) of our regulations,

(3) NEPOOL's statement regarding the dissimilarity between the transmission service provided herein and other transmission services rendered by the parties is not correct,

(4) The NEPOOL transmittal letter which states that the agreement does not provide for increased rates or charges does, in fact, provide for increased rates,

(5) The agreement is deficient in that smaller utilities are dependent upon the larger utilities to develop generation and transmission resources; and further, that inadequate procedures exist for the timely construction of generation and transmission facilities to meet the future needs of New England,

(6) NEPOOL does not provide a sound basis upon which parties to the agreement may rely for the coordination and fulfillment of their generation requirements,

(7) The agreement fails to provide for adequate standards with respect to the amount of pool transmission facilities (PTF) to be associated with the installation of units required by the pool; and the pool parties, whose facilities are not connected to PTF, are not assured that they will have access to it,

(8) The NEPOOL agreement provides for no material change in the present inadequate mode of planning and use of power facilities in New England, and

(9) The agreement, in general, is contrary to the provisions of the Federal Power Act and antitrust law and policy in violation of the Sherman Act.

Responses to the above were received from ten parties. They are Central Maine Power Co.; Northeast Utilities Group; Fitchburg Gas and Electric Light Co.; Eastern Utilities Associates; New England Electric System Cos.; Vermont Electric Power Co.; Public Service Company of New Hampshire; Boston Edison Co., NEGEA and the New England Power Pool Executive Committee (EC).

With respect to NPPA's claim that certain rates and charges were not supported by the instant submittal, Central Maine states that the allegation is without foundation and that the NEPOOL agreement is one of the most significant advances in the history of New England utility operation. Taking exception to NPPA's statement regarding the short period of time it had to consider the offer of New Brunswick power, Central Maine states that NPPA parties had every consideration given to them by way of time to respond to the New Brunswick offer including two extensions of time, and that NPPA parties were fully aware of the offer a considerable time before the formal offer was made by Central Maine.

Fitchburg and EUA point out the advantages of NEPOOL to a small system. They state that NEPOOL provides a sound foundation which allows smaller utility systems to proceed with planning and operation for electric power supply. Fitchburg states that NEPOOL does not espouse all the points Fitchburg favored and as such Fitchburg is not completely satisfied with the agreement, but that the advantages exceed any disadvantages and therefore urges acceptance of the agreement by the Commission.

EUA points out that participation in NEPOOL provides for additional advantages such as facilitating EUA's participation in nuclear units and large fossil units; providing for increased reliability; allowing the construction of additional transmission lines to tie into other pools and thus obtain backup power; providing a wider market for buying and selling capacity and other various benefits that would not be forthcoming without NEPOOL.

EUA also responds to NPPA allegations regarding violations of antitrust policy. They state that such allegations have been prolific in the New England area when certain electric systems have not been able to get their own way. EUA submitted material showing that they themselves were the target of such accusations when they would not acquiesce to the demands of a municipal utility. Both responses state that to suspend or reject the NEPOOL agreement will significantly impair their ability to provide for the future needs of their systems.

NEES, which is composed of New England Power Co., Granite State Electric Co., Massachusetts Electric Co., and the Narragansett Electric Co., states that the protests are intended to delay and to create uncertainty regarding NEPOOL until the special demands are met. NEES contends that NEPOOL will not be able to realize its full potential if it is forced to operate subject to suspension stating that such suspension will thwart the economic incentives which are necessary for successful NEPOOL operation in that the threat of retroactive rate adjustments would seriously complicate the hourly billings of NEPEX; would affect the financial posture of companies involved in NEPOOL; would manifest itself in revenue expectations of companies which would hamper retail jurisdictional authority regarding any proposed rate increases of a company and would affect a company's financial ability to meet its system demands. NEES requests that NEPOOL be accepted for filing and states that they have no objection to a formal investigation of NEPOOL but recommend that it be accomplished pursuant to section 206 of the Federal Power Act.

Northeast Utilities' (NU) response concerned the statements made by the protestants regarding the short period of time they had to review and answer an offer to participate in a proposed nuclear unit to be installed in Connecticut and concerned the protested requirement that accepting offerees must become NEPOOL participants. NU contends that NPPA allegations are misleading in that they imply that offerees had no prior knowledge of such an offering. NU states that the offer, which is the subject of the complaint, was made on December 10, 1971, with February 1, 1972, set as the time for preliminary agreement. NU states, however, that prospective offerees were involved in preliminary negotiations regarding the offer since the early part of 1971. Also the February 1 deadline was extended to May 1, 1972, with the option of allowing a municipal system to terminate its commitment any time up to the end of 1973. Commitment of a municipal system to accept the offer required the system to become a NEPOOL member by the time the unit was scheduled to go on line in 1978. NU contends that participation in NEPOOL was made a requirement of accepting capacity from the unit due to the fact that the size of the unit, its impact on the New England bulk power supply and the many inherent requirements of such a large unit (such as dispatching, maintenance, transmission, reliability, etc.) can only be accomplished pursuant to a vehicle such as the NEPOOL Agreement.

[7] NPPA is comprised of 4 electric cooperatives and 36 municipal electric systems and its petition comprises some 73 pages of narrative plus 98 pages of exhibits. Other parties joining NPPA in its petition include 24 municipal electrical systems in Connecticut, Massachusetts, and New Hampshire and five electric associations and/or cooperatives. The petition states that each of the parties that NPPA represents is electrically interconnected with or purchases its electrical requirements from one or more of the signatories to NEPOOL.

NU concludes that it believes it has made a considerable effort to accommodate the requirements of the municipal systems and urges that the NPPA and HG&E protests be denied.

Vermont Electronic Power Co. (VELCO) states that it supplies substantially all of the bulk power to all utilities operating within Vermont, that 70 percent of this capacity is provided from sources outside of Vermont, and the rejection or suspension of the NEPOOL Agreement would seriously jeopardize the assured availability of this capacity which is provided for under reserve responsibility provisions of NEPOOL. Rejection or suspension of NEPOOL and the resulting uncertainty regarding payments additionally would pose a particular strain on already financially strained Vermont utilities according to VELCO. VELCO further states that NEPOOL contains more complete pooling provisions than any other pooling agreement in the country and that as NEPOOL gains operating experience, the pool will improve.

Boston Edison and NEGEA contend that the protestants' position is merely one of attempting to obtain a pool agreement designed to meet their own specific needs and to achieve advantages unobtainable elsewhere. The parties contend that such private party privileges are contrary to the proper functioning of a power pool. They state that the relief the protestants desire is inconsistent with the bulk power supply requirements of New England.

Public Service Co. of New Hampshire (PSNH) stated that NEPOOL allows a medium-size company such as PSNH to achieve economies of scale, which are otherwise unavailable to it, through participation with other companies in large units.

Respondent also addressed itself to specific complaints made by NPPA regarding PSNH. In its complaint NPPA and/or Holyoke made specific reference to certain arrangements PSNH had regarding financial support of certain 345 kv. transmission facilities, which arrangements, according to NPPA, must be filed to complete the NEPOOL Agreement. PSNH states that they have entered into agreements with 10 other New England parties providing for their financial support for a disproportionate amount of 345 kv. facilities (170 miles of line) to be constructed by PSNH. PSNH states that due to delays in NEPOOL and the resulting delay in the support of these facilities, it prepared its own support agreement. As time progressed PSNH began billing under the terms of the agreement although all parties had not agreed to sign it. At the present time United Illuminating Co. (UI) is the only company which has not signed the agreement and PSNH is continuing negotiations with them. PSNH advises that regardless of the outcome of the meeting with UI they anticipate filing the support agreement with the Commission within the next few months. With respect to other allegations by NPPA, PSNH generally states that NPPA has not informed the Commission regarding all the facts in each of the above instances and wants the NPPA and Holyoke protests denied in all respects.

The Executive Committee (EC)[8] contends that the protestants represent a small portion of the generation and/or delivered energy available in the six-State area which NEPOOL encompasses. They state that protestants accounted for 1.4 percent of the generation and 3.4 percent of the delivered energy whereas the NEPOOL parties represent 97.8 percent of the generation and 91.8 percent of delivered energy, and the remaining systems in New England which did not protest and are not parties to NEPOOL represent 0.8 percent of the generation and 4.8 percent of delivered kw.-hr.

They go on to state that the NEPOOL Agreement represents some 5 years of effort in its preparation, and that the product finally submitted for filing was the result of many revisions and attempts to reconcile the divergent views of many parties. They state that negotiations to obtain approval of the consumer-owned systems continued up to the time of submittal but that NPPA responded by submitting a new expanded list of revisions to NEPOOL.

EC states that NEPOOL provides an appropriate basis to meet the regional needs of New England. They state that these needs are reliability and economy and that they must be measured on two bases, short run and long run. The short-run aspects have been satisfied via the NEPEX Agreement and the NEPEX dispatch arrangements.

EC states that the NEPEX dispatch arrangements are continued unchanged under the NEPOOL Agreement. The long run objectives have two elements as follows: (1) A review procedure for any changes in or addition to bulk power supply to determine if reliability will be affected and (2) an adequate foundation for implementation of a regional generation and transmission plan. EC states that the review procedure for reliability is established in the NEPOOL Agreement, and that NEPOOL has a pool planning committee to implement the regional generation and transmission expansion plans.

EC states that the planning committee has recommended that generation expansion in New England over the next 10-year period be in nuclear base load units. The capability responsibility obligations of the parties and the transmission of unit entitlements established under the NEPOOL Agreement insure that such recommendations will be implemented. EC contends that although NEPOOL has not established specific provisions relating to generation expansion for New England, the present arrangements indicate a suitable approach has been realized.

EC believes that the NEPOOL Agreement has been structured to facilitate participation by the smaller municipal systems. It states that in 1967 NPPA made five demands for modification to the then proposed NEPOOL Agreement. They included expansion of pool transmission, consumer owned system representation, small systems pool participation, assured access to pool transmission for small systems and elimination of additional charges for a parties' entitlement in a unit exceeding 30% of the party's annual peak. EC claims these demands have been satisfied in NEPOOL along with additional items of concern to NPPA.[9] The additional items include reserve obligations determined as a function of load and not size of company; membership in NEPEX dispatch being postponed until 1975; designation of small system's units as pool-planned units and ability of a small company to change from a total requirements customer to a self-sufficient system.

EC categorizes NPPA's objections to NEPOOL provisions under three headings:

(a) NEPOOL is not capable of meeting regional power needs;

(b) NEPOOL does not provide for special objectives of NPPA;

(c) Antitrust objections.

EC alleges that in order to put the above objections in proper perspective it is to be noted that neither NPPA nor HG&E object to the NEPOOL provisions except for minor exceptions. They contend that protestants' complaints are directed to matters which are presently not included in the agreement but which, according to NPPA, should be included within the agreement. EC also states that, in light of protestants' request for a rate suspension,[10] it is to be noted that they did not object to any charges under NEPOOL that could become effective prior to 1976.[11] To place protestants' complaints in proper perspective, EC states that NPPA and HG&E's public statements regarding the pool favor the

[8] All of the above responses except NEGEA stated that they either concur and/or adopt the response of Executive Committee which was filed on Apr. 5, 1972. This response, encompassing some 70 pages of narrative and 76 pages of exhibits, states that the agreement has been properly filed and does not violate the Act and that it will not be administered to discriminate against any party. EC states that protestants' request for suspension is without merit since they did not object to any of the various charges in the agreement which would be affected by a suspension except one which does not become effective until 1976. They request that the Commission deny the request to reject or suspend the agreement.

[9] EC concludes that it has made a large effort to accommodate NPPA's requests under NEPOOL. They concede that not all of NPPA's requests were accepted, but they go on to state that each party to NEPOOL made concessions on the basis that the benefits accruing to New England power supply would outweigh any additional advantages gained from postponement.

[10] Protestants have requested suspension as an alternative source of relief and did not limit the basis of the suspension to the charges involved in NEPOOL.

[11] (Section 205(e) of the Act does not limit suspension to charges, but refers to "rate, charge, classification or service * * *")

establishing of a regional generation and transmission agency consistent with the recommendations of the Zinder Report. Moreover, EC contends that NPPA's argument, i.e. that NEPOOL will not be able to provide for the bulk power requirements of New England because the Management Committee does not have the authority to require parties to construct transmission or generation facilities, is consistent with its preference for a regional agency which has the authority to order investor-owned utilities to construct facilities. EC believes that the capability responsibility obligations of NEPOOL will be sufficient incentive to provide for the construction of sufficient generation to meet New England's power requirements.

EC states that the revenue bond legislation problem is one involving mainly the Massachusetts utilities and is the prerogative of the Massachusetts Legislature and not this Commission's. Any attempt to condition the effectiveness of NEPOOL on the obtaining of revenue bond authority in Massachusetts could cause indefinite delay of NEPOOL for the five remaining States which do not have this problem.

With respect to protestants' allegation as to guaranteed access to units, EC states that all parties are guaranteed access to generation to meet a deficiency only, and that no party under NEPOOL has any greater assurance.

With respect to protestants' complaint regarding the uniform cost assumptions utilized by NEPOOL in alternative generation expansion plans, EC states that such complaint arises because of the lower cost a municipal system enjoys due to tax and financing advantages. Uniform assumptions regarding generation costs are not mandatory, and a particular system, through its representation in the Management Committee, may demand that the special cost of its system be included in such expansion plan.

NPPA's claim that NEPOOL Agreement is severely restrictive in that the municipal system's use of transmission facilities is limited to pool-planned entitlements is answered by stating that after 1974 substantially all capacity committed for New England will be pool-planned.

Other special considerations which EC claims the protestants are seeking are the right to interconnect their systems below 69 kv. with PTF at specific points for some future use; additional form of executive committee representation; changes in the 30 percent maximum entitlement in a unit; and single participant treatment. Generally, respondent states that these claims are without merit.

With respect to the antitrust objections, respondent states that the Federal Power Act imposes upon the Commission the duty to promote and encourage power pooling (section 202(a)). In the process of carrying out this duty respondent contends that the Commission is not strictly bound by antitrust law and can approve actions which violate antitrust policy but which policy is overriden by more important considerations. In support of this position they offer a myriad of cases.

EC concludes by stating that NEPOOL was obtained by more than 4 years of effort which resulted in a pooling agreement that was still not satisfactory to all parties. They state (1) that those systems which did not obtain all the provisions they wanted within NEPOOL subordinated their desires in order to obtain a regional power pool whereas the protestants' small size allows them to ignore regional needs and to pursue their own parochial needs, and (2) that NE POOL is a significant achievement in power pooling which equates all member systems regardless of their size.

NEPOOL's transmittal letter of November 12, 1971, requested, among other things, that the proposed agreement be allowed to become effective on November 1, 1971. In support of this request they stated that agreement between the parties was not obtained sufficiently in advance to submit the material on a timely basis, and the parties request waiver of the notice requirements to permit the uninterrupted operation of the agreement and to obtain the benefits of the pooling arrangement.

By letter dated April 27, 1972, the Secretary of the NEPOOL Management Committee requested a change in the effective date for certain sections of the NEPOOL Agreement. They request that (1) section 9.4 of the agreement which concerns payments for capability responsibility deficiencies for the first capability period (November 1, 1971 through April 30, 1972) and (2) section 13.4(a) regarding transmission support payments be allowed to become effective on May 1, 1972, and (3) section 12 dealing with payment for energy exchanges be allowed to become effective on the 1st day of the month following Commission approval of the agreement. They further request that the remainder of the NEPOOL Agreement be allowed to become effective on November 1, 1971, the previously requested date.

The stated purpose of the delay in effectiveness of (1) and (2) above is that the information required to determine the level of payments has been delayed and is resulting in uncertainty regarding the amount of such payments. It is anticipated by NEPOOL that the required information will be available as of May of 1972. The stated necessity of the requested effective date of (3) above is to avoid recomputing energy charges to party who is participating in NEPEX but is not a member of NEPOOL.

On May 25, 1972, Bangor Hydro, a signatory to NEPOOL, filed a motion to reject the April 27, 1972, submittal insofar as it pertains to a delay in the effectiveness of payments for capability responsibility deficiencies. Bangor Hydro stated that such action would deprive them of approximately $200,000 of revenues. Subsequently, Bangor Hydro and the Management Committee resolved their differences and the Management Committee, by letter dated July 21, 1972, submitted a proposed amendment to the NEPOOL Agreement which incorporated its agreement with Bangor Hydro. On July 25, 1972, Bangor Hydro filed a notice of withdrawal of its motion to reject.

The amendment which resolved the above disagreement is dated July 1, 1972, and provides that capability responsibility credits and charges for parties for the first capability period (November 1, 1971 through April 30, 1972) be those charges and credits agreed to in an attachment to the agreement (Bangor Hydro is to receive $121,440 for the first capability period).

On August 18, 1972, Holyoke filed a protest and motion to reject amendment to NEPOOL Power Pool Agreement dated as of July 1, 1972. The protest is based on grounds that delay in the effectiveness of payments for capability responsibility deficiencies deprives them of payments in excess of $10,000 which would not have occurred under the original unamended agreement.

On September 5, 1972, two responses (EC and Bangor Hydro) to Holyoke's motion were filed. Both respondents contend that a compromise on calculating capability responsibility was reached pursuant to contractual procedures set out in the NEPOOL Agreement to which Holyoke was a signatory. Holyoke elected not to participate in any discussions or meetings of NEPOOL participants leading to the compromise even though contractually entitled and represented on both the NEPOOL Executive and Management Committees. As a signatory to the NEPOOL Agreement, Holyoke has contractual remedies which it may exercise including termination of its participant status in NEPOOL. Arbitration provisions are set forth in section 16.1 of the agreement.

Respondents further assert that the reduction in capability responsibility deficiency payments treat both large and small signatories on a nondiscriminatory basis. Bangor states that Holyoke's "burden, which is measured by the reduction in the amount it was entitled to receive under section 9.4(c) of the original agreement, is no more (in relation to the capability responsibility involved) than the weighted average for all participants that have agreed to such reductions, and materially less than that of two others."

Holyoke has not established the legal basis for its requested rejection of the capability responsibility amendment, dated as of July 1, 1972. Nor is Holyoke's objection to the amendment a sufficient basis for rejection of the entire proposal. We will provide Holyoke with an opportunity in the hearing hereafter ordered to present further factual and legal showings relating to their allegation of discrimination and the lawfulness of the amendment and the basic agreement.

The satisfactory performance of a power supply network requires close cooperation among component systems for accurate control of frequency, sharing of load regulating responsibility, and maintenance of power system stability. Financial benefits are often realized from staggered construction of large generating units, short-term capacity transactions, and interchanges of economy

energy. Reduction of installed reserve capacity is made possible by mutual emergency assistance arrangements and associated coordinated transmission planning. Bulk power supply reliability is enhanced by interconnection agreements covering spinning reserves, reactive kilovolt-ampere requirements, emergency service, coordination of day-to-day operations, and coordination of maintenance schedules. Also, operating costs may be reduced through coordinated operation of interconnected systems.

Electric utilities, which are unable individually to construct and take full advantage of large bulk power supply facilities, are able to obtain economic and operational benefits from such facilities, inter alia, by joining with neighboring systems in coordination arrangements. A high degree of coordination is achievable when a group of utilities operate their bulk power supply facilities under a single system planning concept. It is desirable for coordinating groups to be large enough to take full advantage of efficient generating units and EHV transmissions made available by modern technology, yet be of manageable size with all participants capable of sharing the responsibilities of the coordinated effort.

The stated goals of NEPOOL are to attain for New England the maximum practical economy consistent with proper standards of reliability, in the generation and transmission of bulk power through joint planning, central dispatching, coordinated operation, and maintenance of generation and transmission facilities. These goals also include equitable sharing of resulting benefits and costs as well as a more effective coordination with other power pools.

We view intervenors' contentions mainly as areas to be considered for additional coordination between the parties to NEPOOL, and as such we encourage all parties to coordinate their transmission and generation to the greatest extent possible for the benefit of the parties and the consumers they serve.

It is our responsibility, inter alia, to determine whether the areas of coordination included in an agreement meet the standards of section 206(a) of the Federal Power Act.[18] See also Pennsylvania Water & Power Co., et al. v. FPC, 343 U.S. 414, 420–22. These standards must, however, be determined within the context of the duties placed upon us by section 202(a) which provides:

SEC. 202. [As amended Aug. 7, 1953.] (a) For the purpose of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, the Commission is empowered and directed to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy, and it may at any time thereafter, upon its own motion or upon application, make such modifications thereof as in its judgment will promote the public interest. Each such district shall embrace an area which, in the judgment of the Commission, can economically be served by such interconnected and coordinated electric facilities. It shall be the duty of the Commission to promote and encourage such interconnection and coordination within each such district and between such districts. Before establishing any such district and fixing or modifying the boundaries thereof the Commission shall give notice to the State commission of each State situated wholly or in part within such district, and shall afford each such State commission reasonable opportunity to present its views and recommendations, and shall receive and consider such views and recommendations. [49 Stat. 848; 16 U.S.C. 824a(a)]

With respect to the request of NPPA and Holyoke to reject the NEPOOL Agreement, the Commission believes that such a course would not serve the public interest. The arguments advanced by intervenors with respect to the rejection of NEPOOL are unconvincing. Intervenor's arguments are mainly concerned with alleged omissions of NEPOOL rather than deficiencies in the filing which would support a rejection.

The NEPOOL Agreement represents the consensus of opinion of systems providing approximately 95 percent of all the capacity and energy furnished and consumed in a six-State area. The participants to the agreement have subordinated some of their own self-interest objectives in order to achieve a workable pooling arrangement for their own benefit and for the benefit of the whole geographical area involved.

We believe that the complex nature of the NEPOOL Agreement and the importance of its impact on the electric operations in New England, as well as various of the issues raised by the intervenors, warrant an investigation pursuant to section 206(a) of the Act. Such a course of action will insure that all issues raised by the petitioners will receive adequate hearing and yet will allow continued operation and planning on a rational basis.

Under sections 202, 205, 206, and 306 of the Act, this Commission has jurisdiction to ensure that the intervenors receive the benefits of the interconnected facilities, and assume the correlative burdens, on a nondiscriminatory basis pursuant to our interconnection, rate, and service, authority. Thus, if the intervenors' allegations are true—or if the public interest otherwise requires it—this Commission under sections 202, 205, 206, and 306 has jurisdiction to afford a complete and plenary remedy to any such allegation. Thus, the remedy is not to block the transaction which otherwise may be in the public interest as to all parties but rather to provide the intervenors with a forum wherein they may address themselves to the alleged discriminatory or unlawful effects of the agreement.

The interests of the intervenors will be fully protected. The rates, charges, bulk power service and interconnections embodied in the NEPOOL Agreement will be regulated by the Commission. Our regulatory rate and service jurisdiction is a continuing matter under the Act, and we deem it appropriate to note that the action taken does not foreclose legitimate options or interest of intervenors, or any party for that matter, in coordinating their electric utility operations with NEPOOL.

In conducting proceedings with regard to intervenors' allegations the Commission will do so within its own rules and regulations under the Federal Power Act. The Commission finds that the tendered NEPOOL Agreement is an initial rate filing under the Commission's rules and regulations and is complete and in conformity therewith and therefore not subject to the Commission's rejection or suspension.

While the Commission's procedure does not contemplate rejection or suspension of complete initial rate filings under these rules and regulations, we shall consider the petitions of intervenors as complaints pursuant to section 306 of the Federal Power Act, to be set for hearing.

The intervenors should be afforded the opportunity to present evidence in support of their allegations and to show under Part II of the Federal Power Act what, if any, relief the Commission can grant. The issues to be explored, on the basis of an evidentiary hearing, shall include the following:

(a) Whether there are any existing agreements which affect or relate to any services proposed under the NEPOOL Agreement which have not been submitted for filing,

(b) Whether the agreement is contrary to antitrust law and policy,

(c) Whether the agreement violates the National Environmental Policy Act because it may encourage duplication of facilities and the installation of small generating plants,

(d) Whether the proposed design and operation of NEPOOL constitutes violations of Part II of the Federal Power Act.

The Commission further finds:

(1) Good cause has been shown for accepting the filing of the tendered NEPOOL Agreement as amended.

(2) It is necessary and appropriate in the proper exercise of the Commission's responsibilities under the Federal Power Act that the above described issues raised by intervenors in their Protest and Petitions filed in Docket No. E–7690 be investigated in the context of a complaint proceeding and set for hearing under sections 202, 205, 206, and 306 of the Act to determine what relief, if any, may be granted by the Commission under Part II of the Federal Power Act.

[18] SEC. 206. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order. [49 Stat. 852; 16 U.S.C. 824e(a)] See also section 205(a) and 205(b).

(3) Intervention by any party having filed a petition may be in the public interest for purposes of Commission consideration of their petition.

(4) Good cause exists to waive the notice requirements so as to establish an effective date of November 1, 1971, for all of the agreement as amended except for section 12 which is to become effective on the first day of the month following acceptance by the Commission of the NEPOOL Agreement.

(5) The period of public notice given in this matter is reasonable.

(6) Sufficient cause has not been shown to grant Holyoke's motion to reject the NEPOOL amendment of July 1, 1972.

The Commission orders:

(A) The rate schedules designated and set forth in Appendix A [18] and constituting the NEPOOL Agreement, as amended, are hereby accepted for filing.

(B) All parties filing petitions to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission. *Provided, however,* That the admission of these petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Federal Power Act, particularly sections 202, 205, 206, 306, 307, 308, and 309 thereof and the Commission's rules of practice and procedure, an investigation and hearing is hereby instituted and ordered to determine, inter alia, whether any rate, charge, or classification, demanded, observed, charged, or collected, for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract, affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory, or preferential, in order to determine what relief if any, is appropriate and necessary under the Federal Power Act.

(D) The notice requirements of section 205(d) of the Federal Power Act and § 35.1 of the Commission's regulations thereunder are hereby waived to permit the NEPOOL Agreement as amended to become effective as of November 1, 1971, except for section 12 which is to become effective on the 1st day of the month following acceptance by the Commission of the NEPOOL Agreement.

(E) NEPOOL shall file the carrying charges for the PTF determined by the Management Committee as a change in rate in accordance with § 35.13 of the Commission's regulations.

(F) Holyoke's motion to reject filed August 18, 1972, is hereby denied and the issues alleged therein will be included in the hearing hereinafter ordered.

(G) The expeditious disposition of this proceeding will be furthered by the submission of prepared testimony and exhibits by the intervenors (Rhode Island Consumers Counsel, Holyoke and NPPA, et al., in support of their allegations on or before October 30, 1972. Applicants shall file prepared testimony and exhibits in support of their positions on or before November 30, 1972. Staff shall file testimony on or before December 22, 1972. Rebuttal evidence shall be served no later than January 15, 1973. Cross-examination of all evidence shall commence February 5, 1973.

(H) The Administrative Trial Judge to be designated for that purpose shall preside at the prehearing conference on January 29, 1973, in this proceeding and prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 1.27 of the Commission's rules of practice and procedure.

(I) This order is without prejudice to any findings or orders which have been made or may hereafter be made by this Commission in this proceeding.

(J) All other requests or motions not specifically granted in this order are hereby denied.

(K) A notice of cancellation of the NEPEX Agreement shall be filed by each of the public utilities which have that agreement on file with this Commission within 30 days of the issuance date of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-16477 Filed 9-27-72;8:45 am]

[18] Appendix A and all exhibits filed as part of the original document.

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Acquisition of Bank

Atlantic Bancorporation, Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Westside Atlantic Bank, Palm Beach County, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 20, 1972.

Board of Governors of the Federal Reserve System, September 22, 1972.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary of the Board.*

[FR Doc. 72-16479 Filed 9-27-72;8:45 am]

BANC OF MAINE CORP.

Formation of One-Bank Holding Company

Banc of Maine Corporation, Augusta, Maine, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of the successor by merger to Bank of Maine, N.A., Augusta, Maine. 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 Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 20, 1972.

Board of Governors of the Federal Reserve System, September 22, 1972.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary of the Board.*

[FR Doc.72-16480 Filed 9-27-72;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-18]

RESEARCH AND TECHNOLOGY ADVISORY COMMITTEE ON RESEARCH

Notice of Meeting

The NASA Research and Technology Advisory Committee on Research will meet on October 5 and 6, 1972, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 625 of Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. 20546. Members of the public will be admitted to the open portion of the meeting beginning at 8:30 a.m., October 5, on the agenda below on a first come first served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Committee on Research serves in an advisory capacity only. In this capacity, the Committee is concerned with program goals, trends, content, scope and technical balance for OAST basic research in the physical, mathematical and life sciences as related to OAST aeronautics, space and nuclear missions. The current Chairman is Professor Abraham Hertzberg. There are 13 members. The following list sets forth the approved agenda and schedule for the October 5 and 6, 1972, meeting of the Research Committee. For further information, please contact Dr. H. H. Kurzweg: area code 202, 755-2306.

OCTOBER 5, 1972

Time	*Topic*
8:30 a.m.	Chairman and Executive Secretary's Reports (Purpose: To review results of RTAC meeting, developments of intercommittee activities, and NASA policies, programs, and organizational changes).

Time	Topic
9 a.m.–5 p.m.	Technical Presentation and Discussion "Review of OAST's Research Program in Transonic Aerodynamics." (Purpose: To assess the quality and adequacy of our transonic aerodynamic basic research program.) The following presentations will be made by speakers from NASA's Ames and Langley Research Centers: 1. Transonic Theory and Experimental Verification. 2. Transonic Airfoil and Configuration Development. 3. New Transonic Facilities. 4. Transonic Scale Effects and Test Techniques. 5. Oblique-Winged Aircraft.
OCTOBER 6, 1972	
8:30 a.m.–4 p.m.	Executive Session (Purpose: To consider final Committee action and recommendations on the following topics: 1. Transonic Aerodynamics. 2. Report of Ad Hoc Panel on Basic Materials Research. 3. OAST Management of Basic Research. 4. Basic Research at Ames Research Center. (Closed session to discuss classified data and NASA budgetary plans.)

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-16531 Filed 9-27-72;8:51 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to section 13(a)(2) of Executive Order No. 11671 of June 5, 1972, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place (entrance on 17th Street between Pennsylvania Avenue and H Street NW., Washington, DC, on Thursday, October 5, 1972, at 9:30 a.m.

The Advisory Council assists the Office of Management and Budget in the performance of certain duties imposed by the Federal Reports Act of 1942 (40 U.S.C. 3501-3511).

The names and affiliations of members of the council are as follows:

Charles W. Stewart, Machinery & Allied Products Institute (Chairman).
Carl A. Beck, Charles Beck Machine Corp.
William F. Betts, Association of American Railroads.
Thomas M. Brennan, Brennan & Vallone.
A. Arthur Charous, Sears, Roebuck and Co.
Walter Couper, Federated Department Stores, Inc.
William E. Dunn, Associated General Contractors of America.
James G. Ellis, Automobile Manufacturers Association.
Edwin W. Gaynor, Chrysler Corp.
James M. Goldberg, American Retail Federation.
Eugene J. Hardy, National Association of Manufacturers.
Eugene H. Hasenberg, Natural Gas Pipeline Co. of America.
Benjamin F. Holcomb, United States Steel Corp.
Charles C. Hornbostel, Financial Executives Institute.
Wayne E. Kuhn, Omark Industries, Inc.
John E. Lewis, National Small Business Association.
Herbert Liebenson, National Small Business Association.
Carl H. Madden, Chamber of Commerce of the United States.
David J. Mahrer, Aluminum Co. of America.
G. H. McDaniel, member-at-large.
Joseph F. Miller, Executives Consultants, Inc.
Robert H. North, International Association of Ice Cream Manufacturers.
Edwin M. Patterson, Pan American Sulphur Co.
Joseph A. Sciarrino, Financial Executives Institute.
William H. Shaw, E. I. du Pont de Nemours and Co., Inc.
Robert H. Stewart, Jr., Gulf Oil Corp.
Vincent T. Wasilewski, National Association of Broadcasters.
Robert O. Welk, Eastman Kodak Co.

The purpose of the meeting is to obtain advice on reporting problems involved in a public use report of the Federal Trade Commission entitled "Quarterly Financial Report" (of Corporations), now under review in the Office of Management and Budget. The meeting will be open to public observation and participation.

HARRY H. FLICKINGER,
Acting Assistant to the Director for Administration.

[FR Doc.72-16493 Filed 9-27-72;8:47 am]

PRICE COMMISSION

DEPUTY DIRECTOR OF EXCEPTIONS REVIEW

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4 (37 F.R. 7552):

(a) I hereby delegate authority to the Deputy Director of Exceptions Review to—

(1) Make decisions and issue orders with respect to individual requests for exceptions in cases in which the requesting party has annual gross revenue of $50 million or less and in rent cases involving less than 100 units; and

(2) Conduct investigations, conferences or hearings with respect to the foregoing and take such further action as may appear necessary in connection therewith.

(b) The delegated authority to perform any function heretofore performed by the Deputy Director to whom authority is delegated hereunder is hereby ratified and confirmed.

Issued in Washington, D.C., on September 26, 1972.

JAY I. LEANSE,
Director, Exceptions Review.

[FR Doc.72-16570 Filed 9-26-72;10:29 am]

1973 MODEL AUTOMOBILES AND OTHER VEHICLES

Extension of Time To Submit Comments

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. On August 25, 1972, the Commission issued a supplemental notice (37 F.R. 17111), broadening the scope of the hearing to prices for 1973 model automobiles, light trucks, and other highway-use vehicles, sold to individual consumers, foreign or domestically built and offered for sale in the United States.

In connection with the public hearing, the Commission announced that it would consider and make part of the hearing record, in addition to oral testimony, written information, views, and data on the subject of the hearing, received before October 1, 1972.

In light of certain information presented in oral testimony at the public hearing, the Commission prepared a series of questions and requests for additional information which were forwarded to automobile manufacturers and other firms and organizations in mid-September for completion and return before the October 1, 1972, deadline for all relevant information on prices for 1973 model automobiles. In consideration of the fact that preparation of responses to the Commission's requests and questions may be a detailed and lengthy process, and in order to insure that the responses to these questions and requests are made part of the hearing record and are available for review by the Commission, it has been determined that the automobile manufacturers and other firms and organizations should be permitted an additional 7 days to complete their responses.

Accordingly, the Commission hereby extends until October 7, 1972, the date by which automobile manufacturers and other firms and organizations must complete and return responses to the Commission's requests for additional information and questions. For this reason,

other interested persons may also submit information, views, and data, up to, and including October 7, 1972.

Issued in Washington, D.C., on September 27, 1972.

JAMES B. MINOR,
General Counsel,
Price Commission.

[FR Doc.72-16667 Filed 9-27-72;11:20 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 22, 1972 through October 1, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16505 Filed 9-27-72;8:48 am]

[File No. 500-1]

LEISURE CONCEPTS, INC.

Order Suspending Trading

SEPTEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Leisure Concepts, 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 September 24, 1972 through October 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16506 Filed 9-27-72;8:48 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

SEPTEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1972 through October 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16507 Filed 9-27-72;8:48 am]

[812-3228]

MICHIGAN FUND, TAX-EXEMPT MUNICIPAL INVESTMENT TRUST

Notice of Filing of Application for Order Granting Confidential Treatment and Exemption

SEPTEMBER 21, 1972.

Notice is hereby given that Michigan Fund, Tax-Exempt Municipal Investment Trust (First and Subsequent Series) (Applicant), c/o E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the statements of earnings of Manley, Bennett, McDonald & Co., one of the sponsors (the New Sponsor) of Applicant, which Applicant has filed or which it from time to time may be required to file with the Commission and, pursuant to section 6(c) of the Act, for exemption from the provisions of section 14(a) of the Act and Rule 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are set forth below.

Applicant states that the order requested herein is identical to others issued by the Commission, on December 4, 1970, December 17, 1970, and April 24, 1972, granting applications for identical relief on behalf of E. F. Hutton & Co., Inc. (Hutton), the New Sponsor's cosponsor, in connection with series of the E. F. Hutton Tax-Exempt Fund for which Hutton is the sole sponsor (Investment Company Act Release Nos. 6274, 6298 and 7144.

Applicant is a unit investment trust which will be organized under the laws of the State of New York and which will be substantially identical to the E. F. Hutton Tax-Exempt Fund. It is intended that the United States Trust Co. of New York will act as Trustee of Applicant (Trustee) under separate but similar Trust Indentures and Agreements to be entered into between the New Sponsor and E. F. Hutton & Co., Inc. (Hutton) (herein together called "Sponsors") and the Trustee with respect to each series of Applicant.

Section 45(a). On July 26, 1972, Applicant filed a registration statement on Form S-6 under the Securities Act of 1933 for a maximum of 5,000 units of undivided interest in the First Series of Applicant to be offered to investors at a public offering price set forth in the prospectus included in said Securities Act registration statement. This registration statement has not yet become effective. Applicant also filed, on July 26, 1972, a Notification of Registration on Form N-8A for said Series and a registration statement on Form N-8B-2 under the Investment Company Act for said Series. On the same date, Applicant also filed with the Commission statements of financial condition of the New Sponsor, audited as of April 30, 1971, and unaudited as of June 30, 1972 (Exhibit 4.1 to the Securities Act registration statement and Exhibit E to the Form N-8B-2).

Applicant filed simultaneously with the application statements of income and expense of the New Sponsor for the fiscal year ended June 30, 1971, for the 10 months ended April 30, 1971, and for the 11 months ended May 26, 1972, with the Commission, and Applicant requests confidential treatment only with respect to these statements of earnings and subsequent statements of earnings of the New Sponsor which Applicant may be required to file with the Commission from time to time.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant submits that public disclosure of the above financial information is neither necessary nor appropriate in the public interest or for the protection of investors for the following reasons:

The New Sponsor is a partnership, the partners of which are the sole owners of that Sponsor. The investors in Applicant are not being offered an opportunity to acquire any interest whatsoever in either sponsor. Aside from their obligations under the Trust Indenture and Agreement periodically to evaluate the portfolio and to direct the disposition of obligations which are, or are likely to be, defaulted upon by the issuer thereof, which obligations may be performed by the Trustee or a successor sponsor if

not performed by the sponsors, the sponsors will function solely as the underwriters of the Applicant. Applicant asserts that there is no legitimate interest on the part of investors in the public disclosure of the statement of earnings of an underwriter from whom securities have been purchased. It states that this is particularly evident in the present context where the New Sponsor, throughout its history of more than 39 years as an underwriter, broker and investment banker, has never publicly released such information.

The application further states that, to the extent that the New Sponsor's solvency may conceivably be thought relevant to the proposed maintenance of a market in the units of Applicant, the sponsors' statements of financial condition, which have been filed with the Commission and which are readily available to the public, contain fully adequate information in this regard. Moreover, even if the operations of both sponsors were to render each of them unable to maintain a market in the units, investors are adequately protected by the Trustee's obligation to redeem such units at any time at the redemption price.

In addition to the financial condition of the sponsors being irrelevant to the successful operation of Applicant, the value of the items comprising the portfolio itself is wholly unrelated to the financial operations of the sponsors. Investors in Applicant will receive a fractional undivided interest in the portfolio of tax-free municipal bonds comprising Applicant. The obligations evidenced by the underlying bonds are not guaranteed in any way by the sponsors. The soundness of the investors' interest in Applicant is solely a function of the fiscal condition of the issuing municipalities. In short, Applicant represents that the financial operation of the sponsors will in no way enhance or diminish the prospects for the orderly payment of the underlying bonds.

Section 14(a). Applicants represent that pursuant to the Trust Agreement for each series of Applicant, the Sponsors will deposit with the Trustee between $2 million and $10 million principal amount of bonds which the Sponsors shall have accumulated for such purpose and simultaneously with such deposit will receive from the Trustee registered certificates for between 2,000 and 10,000 units which will represent the entire ownership of a Series. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The Trust Agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed or which mature will be distributed to unit holders.

Units in each Series will remain outstanding until redeemed or until the termination of the Trust Agreement, which may be terminated by 100 percent agreement of the unit holders of the particular Series, or, in the event that the value of the bonds shall fall below $2 million, upon direction of the Sponsors. The Trust Agreement must be terminated if the value of the bonds shall fall below $1 million. In connection with the requested exemption, the Sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration of a Series under the Securities Act becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is otherwise terminated. In addition, it is the Sponsors' intention to maintain a market for the units of each Series and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsors are not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

While the initial public offering of Applicant's units will be made at a time when none of the three lettered clauses in the preceding paragraph has been met, no money will be paid by any member of the general public for any unit until Bonds aggregating $5 million have been deposited in trust as Applicant's portion. Applicant submits that there is no additional protection afforded the public through the enforcement of section 14(a) under such facts and that the grant of the exemption sought is consistent with the protection of investors.

Rule 22c–1. Applicants represent that the Sponsors intend to maintain a secondary market for the units by repurchasing them from holders at a price based on the aggregate "asked" side evaluation of the underlying bonds ("offering side evaluation"). This value, according to the application, may be expected to exceed the redemption price ("bid side evaluation") by at least $10 per unit. In addition, the Sponsors intend to resell such units with a 4 percent sales charge. The Sponsors seek to have both the repurchase and resale price based on the unit evaluation of the preceding Friday made by an independent evaluator.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant asserts that the pricing by the Sponsors in the secondary market in no way affects the assets of the Fund, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the Sponsors have undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is equal to or higher than the current bid price, the Sponsors will order a full evaluation. In case of resale, if the evaluator cannot state that the previous Friday's price is no more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Finally, the Sponsors have agreed to waive that portion of their $0.275 per $1,000 Unit fee not required a pay for evaluations under a weekly pricing system.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent 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 further given that any interested person may, not later than October 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address 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.72-16509 Filed 9-27-72;8:48 am]

[File No. 500-1]

NORTH AMERICAN PLANNING CORP.

Order Suspending Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class B nonvoting common stock, $.01 par value and all other securities of North American Planning Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 22, 1972 through October 1, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-16508 Filed 9-27-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-VI, Amdt. 1]

DEPUTY REGIONAL DIRECTOR ET AL.

Delegation of Authority To Conduct Program Activities in Region VI

Delegation of Authority No. 30-VI (37 F.R. 17612) is hereby amended as follows:

PART I—FINANCING PROGRAM

SECTION A. *Loan Approval Authority.* * * *

2. *Economic Opportunity (EO) Loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA Share):

a. Deputy Regional Director.
b. Chief and Assistant Chief Regional Financing Division.
c. Regional Supervisory Loan Officer.
d. District Director.
e. Chief District Financing Division.
f. Branch Manager.

Effective date: September 15, 1972.

FRED S. NEUMANN,
Regional Director, Region VI.

[FR Doc.72-16499 Filed 9-27-72;8:47 am]

[Delegation of Authority 30—Region IX, Amdt. 1]

CHIEF, FINANCING DIVISION ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Delegation of Authority No. 30—Region IX (37 F.R. 17624) is hereby amended to provide certain administrative authorities to the Office Services Assistant, Regional Office.

Part VIII, Section A, paragraphs 2 and 3 are revised to read as follows:

PART VIII—ADMINISTRATIVE

SECTION A. *Authority to purchase, rent, or contract for equipment, services, and supplies.* * * *

2. * * *

(2) Regional Office Services Specialist or Administrative Services Assistant.

* * * * *

3. * * *

(2) Regional Office Services Specialist or Administrative Services Assistant.

* * * * *

Effective date July 1, 1972.

GILBERT MONTANO,
Regional Director,
San Francisco Region IX.

[FR Doc.72-16500 Filed 9-27-72;8:48 am]

TARIFF COMMISSION

[AA1921-98]

BICYCLE SPEEDOMETERS FROM JAPAN

Determination of Injury

On June 23, 1972, the Tariff Commission received advice from the Treasury Department that bicycle speedometers from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-98 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held August 8, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of June 30, 1972 (37 F.R. 13011).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 4 to 1[2] that an industry in the United States is being injured by reason of the importation of bicycle speedometers from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN PARKER, AND COMMISSIONERS LEONARD AND MOORE

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established.

And second, such injury (or likelihood of injury or prevention of establishment) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value.

In our judgment both of the aforementioned conditions are satisfied in the instant case. We have determined, therefore, that an industry in the United States is being injured by reason of the importation of bicycle speedometers from Japan that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended.

The industry. In reaching our determination, we have considered the industry to consist of the facilities in the United States devoted to the manufacture of bicycle speedometers. Bicycle speedometers are produced in the United States by only one company—the Stewart-Warner Corporation—at a plant in Chicago, Ill.

Sales at less than fair value. U.S. imports of bicycle speedometers from Japan have risen greatly in volume in recent years, resulting in a dominant market position for the Japanese product. Imports of such speedometers from Japan rose from less than 25,000 in 1968 to more than 450,000 in 1971; they amounted to almost 500,000—more than in all of 1971—during the first 6 months of 1972. On the basis of quantity, the ratio of imports from Japan to apparent U.S. consumption jumped from less than 3 percent in 1968 to 59 percent in 1971. In January–June 1972, imports of Japanese bicycle speedometers supplied 66 percent of apparent consumption compared with 55 percent in the corresponding period of 1971.

The Treasury investigated sales of Japanese bicycle speedometers to the United States in 1971, and determined that the bulk of such speedometers imported in that year had been sold at less than fair value. The difference between the purchase price of the speedometer sold to the United States and the home-market price of speedometers found by the Treasury to be comparable was pronounced, and thus the amount by which such sales were below fair value—the so-called dumping margin—was substantial.

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefor, was published in the FEDERAL REGISTER of June 24, 1972 (37 F.R. 12512).

[2] Chairman Bedell, Vice Chairman Parker, and Commissioners Leonard and Moore determined in the affirmative; Commissioner Ablondi determined in the negative. Commissioner Young did not participate in the decision.

Injury. All of the pertinent information available to the Commission in the investigation indicates that the domestic industry producing bicycle speedometers is injured. The production and sales of bicycle speedometers by Stewart-Warner (the sole U.S. producer), the man-hours expended by its workers in the manufacture of such speedometers, the prices received for speedometers, and the company's earnings on the sale of speedometers have all deteriorated materially. In 1971, the year covered by Treasury's investigation in which it determined that bicycle speedometers from Japan were being sold at less than fair value, Stewart-Warner's production of bicycle speedometers, as well as the quantity and value of its sales of such articles, were only about a third as large as in 1968 (when imports of bicycle speedometers from Japan had not yet begun their phenomenal growth). The man-hours expended by the employees of Stewart-Warner in the manufacture of bicycle speedometers in 1971 were little more than a third as large as 1968. In 1970, a year when imports of bicycle speedometers from Japan attained a dominant (58 percent) position in the U.S. market, Stewart-Warner reduced its prices of speedometers—generally selling its models to its largest customers at the lowest price at which any model had previously been offered; these depressed price levels have been continued to the present. In 1971, reflecting depressed price levels and low production, Stewart-Warner sustained a substantial net operating loss on its bicycle speedometer operations; it had earned a substantial net operating profit in 1968 before sales and prices declined.

In the first half of 1972, Stewart-Warner's bicycle speedometer operations partially improved. The company's output and sales of such speedometers rose concurrently with growing consumption that resulted from the bicycle boom in the United States; the company also regained some customers who had shifted to imports. However, the imports of Japanese speedometers supplied an even larger share of the U.S. market than in earlier periods, and, despite the strong demand in the United States, the prices at which Stewart-Warner was able to sell its speedometers remained at the depressed level of 1971 and earlier years. Thus, the industry has continued to be injured.

"By reason of". As is evident from the data given above, the expansion of Japanese exports of bicycle speedometers to the United States and the deterioration of the U.S. industry occurred simultaneously. By 1971, the period on which Treasury based its determination of sales at less than fair value, Japanese suppliers had achieved a preponderant position in the U.S. market, and the share of the market held by the domestic industry had dropped greatly. Generally the Japanese speedometers have been sold in the United States at prices below those of bicycle speedometers produced by Stewart-Warner. Hence, the increasing sales of the Japanese product at prices below those of the domestic product had their inevitable effect—Stewart-Warner reduced the prices of its speedometers and since has held its prices at that depressed level.

There is extensive evidence in this investigation that the growth of imports of Japanese speedometers is attributable in part to factors other than the price discrimination determined by the Treasury Department. At least in part because of dissatisfaction arising from late and incomplete deliveries by Stewart-Warner, as well as with the quality of the drive mechanism of the company's products, a number of major customers stopped or reduced their purchases from Stewart-Warner and began purchasing imported speedometers, chiefly from Japan. Moreover, the period of growing imports coincided with a substantial reduction in the U.S. rate of duty as a result of trade-agreement concessions granted at the Kennedy Round; the U.S. import duty applicable to bicycle speedometers has been reduced, in five annual stages, from 55 percent to 27½ percent ad valorem over the period 1968–72. Finally, the suddenly rising U.S. consumption of bicycle speedometers, in a delayed response to the bicycle boom, undoubtedly stimulated imports (as well as domestic production) in 1972.

The existence of causal factors such as these, however, does not preclude an affirmative determination in an antidumping case if the statutory criteria are satisfied. The fact is that Japanese bicycle speedometers are being sold at less than fair value. All that is required, then, for an affirmative determination is that an industry is being injured (or is likely to be injured, or is prevented from being established) by reason of the importation of such merchandise. In light of the very substantial market penetration of the imports sold at less than fair value coupled with their sale at prices below those of domestic bicycle speedometers produced by Stewart-Warner, the importation of Japanese bicycle speedometers sold at less than fair value has contributed to the injury sustained by the domestic industry. Although the domestic industry has experienced some improvement in 1972, the imported speedometers from Japan are supplying a larger share of the market than in earlier years, and the prices obtainable by the domestic industry remain depressed. Consequently, in conformity with the statute, we determine that an industry in the United States is being injured by reason of imports of bicycle speedometers from Japan sold at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-16526 Filed 9-27-72;8:50 am]

ELECTRONIC PIANOS

Notice of Investigation

A complaint was filed with the Tariff Commission on March 30, 1972, on behalf of the Wurlitzer Co., Chicago, Ill., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic pianos which are embraced within the claims of U.S. Patents Nos. 3,038,363, 2,942,512, 2,949,053, 3,154,997 for such electronic pianos. The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Electrokey, Inc., Rhythm Band, Inc., and Tommy Moore, all of Fort Worth, Tex., and the Chicago Musical Instrument Co., of Cicero, Ill., have been named as importers of the subject products. Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on September 14, 1972, ordered:

That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of certain electronic pianos.

The Commission decided at this time not to recommend that the President issue a temporary exclusion order.

A public hearing will be held; the date, time, and place of such hearing will be announced by notice of the Commission at a later date.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for April 4, 1972 (37 F.R. 6797), and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary, located in the Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the Customhouse.

Issued: September 22, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-16527 Filed 9-27-72;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

SOUTH CAROLINA DEVELOPMENTAL PLAN

Modifications

1. *Submission of modifications.* Pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that modifications to the Occupational Safety and Health Plan for the

State of South Carolina, for which notice of submission and informal hearing thereon was given at 37 F.R. 10535, 10536, have been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the modifications, and hereby gives notice that the question of approval of the plan, as modified, is in issue before him.

The modifications include the following: Proposed interagency agreements; description of laboratory facilities in the Department of Health; position requirements and job descriptions; rules and regulations concerning variances; recordkeeping and reporting regulations; an amended compliance manual; a management information system.

The modifications also include proposed legislation, accompanied by a letter of support from the Governor and am affirming legal opinion by the South Carolina Attorney General, concerning the following topics: Penalty levels, advance notice, remedies against employee discrimination, employee participation in administrative and judicial review, information to employees concerning exposure to toxic materials and harmful physical agents, employer and employee compliance, and injunctive power to relieve imminent danger situations.

A copy of the plan, with modifications, may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room 305, 400 First Street NW., Washington, DC 20210; Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, GA 30309; Commissioner of Labor, 1710 Gervais Street, Columbia, SC.

2. *Public participation.* Interested persons are hereby given 30 days from the date of this publication in which to submit to the Assistant Secretary written data, views, and arguments concerning the plan as modified. The submissions are to be addressed to the Director, Office of State Programs, Room 305, 400 First Street NW., Washington, DC 20210. The written comments will be available for public inspection and copying at all of the above addresses.

Any interested person may request an informal hearing concerning the proposed plan as modified, or any part thereof, whenever particularized written objections thereto are filed within the 30 days specified above. If the Assistant Secretary finds substantial objections on the plan, as modified, a formal or informal hearing on the subjects and issues involved shall be held.

After consideration has been given to all material submitted, a final decision as to the approval or disapproval of the modified plan will be issued.

Signed at Washington, D.C., this 25th day of September 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-16560 Filed 9-27-72;8:53 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.

Anton Alkek Grocery & Market, foodstore; 714 South Bridge Street, Victoria, TX. 4-25-73.

A. J. Bayless Markets, Inc., foodstores, 5-31-73: Nos. 62 and 63, Globe, Ariz.

Bethania Hospital, hospital; 1600 11th Street, Wichita Falls, TX. 6-8-73.

Big Green Warehouse, foodstore; 3600 Southwest 29, Oklahoma City, OK. 4-30-73.

C & S Hardware, hardware stores, 5-23-73: Nos. 1 and 2, Dallas, Tex.

Carson City Hospital, hospital; Elm at Third, Carson City, MI. 6-17-73.

Dalton Grocery, foodstore; 3408 North Whitehall Road, North Muskegon, MI. 5-20-73.

Dickson's furniture store; 201 East Chambers Street, Cleburne, TX. 6-7-73.

Donenfeld's Inc., variety-department stores, 5-13-73: 35 North Main Street, Dayton, OH; 2700 Miamisburg-Centerville Road, Dayton, OH; 5200 Salem Avenue, Dayton, OH.

Eaves Restaurant Co., Inc., restaurant; U.S. 301, Allendale, SC. 6-15-73.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon, MI. 6-15-73.

Frankenmuth IGA, foodstore; 270 South Main Street, Frakenmuth, MI. 5-13-73.

Freight Salvage, Inc., variety-department store; 808 Broadway, Highland, IL. 6-6-73.

W. T. Grant Co., variety-department store; No. 126, Newark, Ohio. 5-14-73.

H. E. B. Food Store, foodstores, 6-16-73: No. 110, Georgetown, Tex; No. 109, Marble Falls, Tex.

Handy Andy, Inc., foodstore; No. 175, Austin, Tex.; 6-6-73.

Harvey's, Inc., variety-department store; 152 West Lincolnway, Valparaiso, IN. 6-17-73.

Herbst Variety, Inc., variety-department store; 112 Peoria Street, Washington, IL. 5-28-73.

Holiday Inn, motel; Allendale, S.C.; 6-15-73.

Ideal Poultry Breeding Farms, Inc,. agriculture; Cameron, Tex.; 6-16-73.

Jack's Supermarket, foodstore; Mason, Tex.; 6-1-73.

S. S. Kresge Co., variety-department stores: No. 4164, Birmingham, Ala., 6-19-73; No. 4226, Evansville, Ind., 4-14-73; No. 4328, Houston, Tex., 4-25-73; No. 4024, South Houston, Tex., 6-6-73; No. 4348, Wichita Falls, Tex., 6-7-73.

L & K Food Market, foodstore; Highway 75 at Wortham, Willis, Tex.; 5-31-73.

Larry Woodard Farms, Inc., agriculture; Osceola, Ark.; 5-18-73.

Lerner Shops, apparel stores, 5-14-73, except as otherwise indicated: No. 421, Reno, Nev. (6-19-72 to 2-28-73); No. 301, Tulsa, Okla. (4-24-73); No. 473, Abilene, Tex.; No. 466, Amarillo, Tex.; No. 131, Austin, Tex.; No. 50, Beaumont, Tex. (5-16-73); Nos. 37 and 101, Dallas, Tex.; Nos. 130 and 471, El Paso, Tex.; No. 476, El Paso, Tex. (5-21-73); No. 104, Fort Worth, Tex. (5-26-73); No. 148, Fort Worth, Tex.; No. 339, Hurst, Tex.; No. 58, Lubbock, Tex.; No. 47, Mesquite, Tex.

Maplecrest Center, Inc., nursing home; 174 Main Street, Madison, ME.

McCrory-McLellan-Green Store, variety-department stores: No. 248, Albuquerque, N. Mex., 4-23-73; No. 294, Albuquerque, N. Mex., 4-24-73.

McDonald's Hamburgers, restaurant; 1443 Madison Road, Beloit, WI, 5-31-73.

Myers Fried Chicken, Inc., restaurant; 2700 Georgia Street, Amarillo, TX, 5-7-73.

Olson's Grocery, foodstore; Bagley, Minn.; 5-13-73.

Ol' South Pancake House, restaurants, 6-6-73: No. 3, Dallas, Tex.; Nos. 1 and 2, Fort Worth, Tex.

Park 'N Shop Supermarket, foodstore; Lincolnway at Beech Road, Osceola, IN, 5-12-72 to 4-30-73.

Piggly Wiggly, foodstore; No. 26, Ennis, Tex.; 6-11-73.

Randall's Food Market, Inc., foodstore; 9448 Long Point Road, Houston, TX, 5-26-73.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, MI, 5-19-73.

Richard Clothing Co., apparel store; 326 South Washington Street, Marion, IN, 6-7-73.

S. & S. Postville Food Center, Inc., foodstore; Postville, Iowa; 4-20-73.

Santa Fe Lamplighter, Inc., restaurant; 2405 Cerrillos Road, Santa Fe, N. Mex., 6-14-73.

Sloan's Super Market, foodstore; 108 North Wallace Street, San Saba, TX, 4-30-73.

Spurgeon's, variety-department store; 218 North Tremont, Kewanee, IL, 6-4-73.

Sterling Jewelry & Distributing Co., Inc., jewelry store; 5801 East Northwest Highway, Dallas, TX, 5-23-73.

T. G. & Y. Stores Co., variety-department stores, 5-31-73, except as otherwise indicated: No. 191, Flagstaff, Ariz. (6-15-72 to 5-31-73); No. 190, Scottsdale, Ariz.; No. 517, Garden Grove, Calif.; No. 658, Simi Valley, Calif.; No. 181, Albuquerque, N. Mex. (5-13-73); Nos. 283 and 285, Albuquerque, N. Mex. (4-29-73); No. 284, Albuquerque, N. Mex. (5-6-73); No. 286, Santa Fe, N. Mex. (5-18-73); No. 86, Nicoma Park, Okla. (4-23-73); No. 39, Oklahoma City, Okla. (5-26-73); No. 56, Oklahoma City, Okla.; No. 417, Oklahoma City, Okla. (6-14-73); No. 418, Oklahoma City, Okla. (5-2-73); No. 449, Oklahoma City,

Okla. (6–11–73); No. 67, Tulsa, Okla. (4–28–73); No. 833, Beaumont, Tex.; No. 310, Bellaire, Tex. (6–14–73); No. 817, Deer Park, Tex. (4–30–73); No. 772, Galveston, Tex. (4–27–73); Nos. 343 and 382, Houston, Tex. (4–26–73); Nos. 351 and 371, Houston, Tex. (5–14–73); No. 358, Huntsville, Tex. (6–11–73); No. 842, Nacogdoches, Tex. (5–8–73); No. 232, Orange, Tex. (4–28–73).

Walt Boe's Super Market, Inc., foodstore; 57 North Broadway, Pelican Rapids, MI. 6–9–73.

Ward-Brodt Music Co., music store; 315 North Henry Street, Madison, WI. 5–14–73.

Whittaker, Inc., foodstores: No. 5, Oklahoma City, Okla., 5–25–73; No. 6, Oklahoma City, Okla., 6–2–73.

William G. Cain, foodstore; Main and High Street, St. Paris, OH. 5–11–73.

Wolke & Kotler, Inc., variety-department store; 4811 Milwaukee Avenue, Chicago, IL. 5–15–73.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Lewis Smith Shopping Center, Whiteville, NC. 6–19–72 to 5–27–73.

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 21st day of September 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-16518 Filed 9-27-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 86]

ASSIGNMENT OF HEARINGS

SEPTEMBER 25, 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.

No amendments will be entertained after the date of this publication.

MC 2202 Sub 396, Roadway Express, Inc., now assigned October 24, 1972, at Baton Rouge, La., will be held in Committee Room No. 5, Ground Floor, State Capitol Building.

MC–121303 (Sub-No. 3), O. K. Warehouse Co., Inc., extension used household goods in containers, now being assigned hearing December 11, 1972, at Austin, Tex., in a hearing room to be later designated.

FD 26950, Baltimore & Ohio Railroad Co. abandonment portion of its Midvale branch, between Monroe and Midvale, in Randolph and Barbour Counties, W. Va., assigned October 16, 1972, at Elkins, W. Va., will be held in the U.S. Magistrates Hearing Room, U.S. Post Office and Federal Court Building, Davis Avenue.

MC–C–7363, Cardinal Air Service Corp.—Revocation of certificates, now assigned October 12, 1972, at Buffalo, N.Y., in Room 226, Federal Building, 111 West Huron Street.

MC 108313 Sub 12, Calendonia Lines, Inc., now assigned October 13, 1972, at Buffalo, N.Y., in Room 226, Federal Building, 111 West Huron Street.

MC 54534 Sub 6, Grand Island Transit Corp., now assigned October 16, 1972, at Buffalo, N.Y., in Room 913, Federal Building, 111 West Huron Street.

MC 124606 Sub 2, Ford Truck Line, Inc., now assigned October 2, 1972, at Nashville, Tenn., hearing is postponed indefinitely.

MC 135407 Sub 1, Tri-State Air-Freight, Inc., assigned November 1, 1972, at Philadelphia, Pa., will be held in Conference Room B, Federal Building, 1421 Cherry Street.

AB–5–19, Philadelphia, Baltimore, & Washington Railroad Co., and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Wawa, Pa., and Colora, Md., assigned October 30, 1972, at Kennett Square, Pa., will be held in Conference Room Municipal Building, Broad and Linden Street.

MC 20356 Sub 12, Badger Freightways, Inc., now assigned October 2, 1972, at Chicago, Ill., hearing is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-16535 Filed 9-27-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 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. 42533—*Joint water-rail container rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 69), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail carriers terminals at Boston, Mass., Houston, Tex., New Orleans, La., New York, N.Y., and Norfolk, Va., on the other.

Grounds for relief—Water competition.

Tariffs—Sea-Land Service, Inc., tariffs ICC Nos. 70, 72, 75 and 78. Rates are published to become effective on October 25, 1972.

FSA No. 42534—*Fine coal to Terrell, N.C.* Filed by M. B. Hart, Jr., agent (No. A6320), for interested rail carriers. Rates on fine coal, in carloads, as described in the application, from mine origins on the I & N RR in Kentucky, to Terrell, N.C.

Grounds for relief—Rail carrier competition.

Tariff—Supplement 42 to Southern Freight Association, agent, tariff ICC S–568. Rates are published to become effective on October 26, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-15632 Filed 9-27-72;8:51 am]

[Notice 130]

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–73644. By order of September 8, 1972, the Motor Carrier Board approved the transfer to McCoy Truck Lines, Inc., Waterloo, Iowa, of the operating rights in certificate No. MC–17357 issued June 10, 1970, to Joseph E. Hall, doing business as McCoy Truck Lines, Waterloo, Iowa, authorizing the transportation of various commodities from and to Waukesha, Wis., and Charles City, Iowa. Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC–FC–73736. By order of September 12, 1972, the Motor Carrier Board approved the transfer to Ciaccia Trucking Co., Inc., Rochester, N.Y., of the operating rights in certificate No. MC–62104 issued September 7, 1954, to Fred W. Yeagle and Roscoe C. Yeagle, a partnership, doing business as Yeagle Bros., Muncy, Pa., authorizing the transportation of automobiles, new automobiles, trucks, and chassis, in initial and secondary movements, from and to specified

points in Michigan, New York, Ohio, Pennsylvania, New Jersey, and Delaware. Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604, attorney for applicants.

No. MC–FC–73861. By order of September 12, 1972, the Motor Carrier Board approved the transfer to Gabrio Livestock Transport, Inc., Moses Lake, Wash., of certificate No. MC–134678 issued to Fred Handley, Quincy, Wash., authorizing the transportation of: Cottonseed meal, from points in Kern and Fresno Counties, Calif., to points in Washington. Charles Thorfin Schillberg, attorney, Post Office Box 1055, Moses Lake, WA 98837.

No. MC–FC–73900. By order of September 14, 1972, the Motor Carrier Board approved the transfer to Joseph Bonanno, Inc., Linden, N.J., of the operating rights in certificates Nos. MC–124649 and MC–124649 (Sub-No. 1) issued July 25, 1963, and July 17, 1967, to Joseph Bonanno, Linden, N.J., authorizing the transportation of scrap metal and ferrous scrap metal from and to specified points in New York, New Jersey, and Pennsylvania. Morton E. Kiel, 140 Cedar Street, New York, NY 10006, registered practitioner for applicants.

No. MC–FC–73906. By order of September 14, 1972, the Motor Carrier Board approved the transfer to Marks Motor Express Corp., Greenville, S.C., of certificate of registration No. MC–98138 (Sub-No. 1) issued to Pool Freight Line, Inc., Greenville, S.C., evidencing a right to engage in transportation in interstate or foreign commerce of: General commodities, solely within the State of South Carolina. Charles W. Wofford, attorney, Post Office Box 10–207, Greenville, SC 29603.

No. MC–FC–73911. By order of September 14, 1972, the Motor Carrier Board approved the transfer to A. J. Flynn, Perry, Kans., of the operating rights in certificates No. MC–37755, MC–37755 (Sub-No. 2), MC–37755 (Sub-No. 3), MC–37755 (Sub-No. 6), and MC–37755 (Sub-No. 7) issued February 1, 1957, March 26, 1958, June 26, 1959, September 30, 1965, and March 9, 1967, respectively, to Lloyd Graham, Meriden, Kans., authorizing the transportation of various commodities between specified points and area in Kansas and specified points and areas in Missouri, Kansas, and Nebraska. Clyde N. Christey, 641 Harrison Street, Topeka, KS, 66603, attorney for applicants.

No. MC–FC–73912. By order of September 14, 1972, the Motor Carrier Board approved the transfer to B. & B. Trucking & Storage Co., a corporation, Paterson, N.J., of the operating rights in certificate No. MC–30816 issued March 30, 1943, to Shell Transportation Corp., Brooklyn, N.Y., authorizing the transportation of general commodities, with exceptions, from and to specified points and areas in New York and New Jersey. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–16534 Filed 9–27–72;8:51 am]

[Notice 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 21, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.–MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 201 TA), filed September 8, 1972. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Post Office Box 4048, Pocatello, ID 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite and storage facilities of Missouri Beef Packers, Inc., near Boise, Idaho, as an off-route point in connection with carrier's authorized regular-route operations, for 180 days. NOTE: Applicant states it does intend to tack authority and interline with other carriers. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, TX 79101. Send protests to: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street Box 07, Boise, ID 83702.

No. MC 30844 (Sub-No. 421 TA) (Correction), filed August 18, 1972, published in the FEDERAL REGISTER issue of September 14, 1972, corrected and republished in part as corrected this issue. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same address as above). NOTE: The purpose of this partial republication is to include the State of New York as a destination point. The rest of the application remains the same.

No. MC 65019 (Sub-No. 6 TA), filed September 8, 1972. Applicant: BEATRICE MOTOR FREIGHT, INC., 123 Court Street, Beatrice, NE 68310. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, from Beatrice, Nebr., to points in Kansas, for 180 days. Supporting shipper: Duane Daniel, Traffic Manager, Storekraft Manufacturing Co., Beatrice, Nebr. 68310. Send protest to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 65916 (Sub-No. 15 TA), filed September 11, 1972. Applicant: WARD TRUCKING CORP., Second Avenue and Seventh Street, Greenwood, Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products*, from the facilites of PPG Industries, Inc., at or near Cumberland, Md., to points in that part of Pennsylvania on and north of U.S. Highway 22 and on and east of U.S. Highway 15, for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: District Supervisor James C. Donaldson, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 110380 (Sub-No. 7 TA), filed September 8, 1972. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road, Madison, WI 53705. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit and materials, supplies and tools* used in the installation of plastic pipe and conduit, from the plantsite of Hurlbut Plastic Pipe Corp., in Madison, Wis., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, Michigan, and Missouri, for 180 days. Supporting shipper: Hurlbut Plastic Pipe Corp., 1241 Gilson Street, Post Office Box 489, Madison, WI 53701. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 111170 (Sub-No. 95 TA), filed September 7, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical NOIBN*, in bulk, from El Dorado, Ark., to St. Louis, Mich., for 180 days. Supporting shipper: Great Lakes Chemical Corp., Post Office Box 1878, El Dorado, AR 71730. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111434 (Sub-No. 85 TA), filed September 7, 1972. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216, Post Office Box 1488, Durango, CO 81301. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from South Dakota State Cement Plant at Rapid City, S. Dak., to L. G. Everist site, at or near Silverthorne, Colo., and the Denver, Colo., commercial zone, for 150 days. Supporting shipper: South Dakota State Cement Plant, Rapid City, S. Dak. 57701. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, CO 80202.

No. MC 115311 (Sub-No. 139 TA), filed August 31, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Bruce E. Mitchell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Macon, Ga., to Cowan, Tenn., for 90 days. Supporting shipper: General Refractories Co., 1520 Locust Street, Philadelphia, PA 19102. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 117686 (Sub-No. 139 TA), filed September 8, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Clark, S. Dak., and Bonner Springs, Kans., to points in Kansas, Missouri, Arkansas, Oklahoma, Mississippi, Louisiana, Texas, Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Fairfield Products, Inc., Post Office Box 70, Clark, SD. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 106 South 15th Street, 711 Federal Office Building, Omaha, NE 68102.

No. MC 117940 (Sub-No. 79 TA), filed September 8, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: David Rubenstein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Duluth, Minn., to points in Kansas, Missouri, Oklahoma, Arkansas, Louisiana, Texas, Ohio, Pennsylvania, New York, Massachusetts, New Jersey, Vermont, New Hampshire, Virginia, West Virginia, Maryland, District of Columbia, Rhode Island, Connecticut, Delaware, and Maine, for 180 days. Supporting shipper: Jeno's, Inc., Duluth, Minn. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 123885 (Sub-No. 7 TA), filed September 6, 1972. Applicant: C & R TRANSFER CO., a corporation, 1315 Blackhawk, West Street, Sioux Falls, SD 57104. Applicant's representative: Ralph E. Macy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in bags, from the facilities of the South Dakota State Cement Plant located at 210 North Marion Road, Sioux Falls, S. Dak., to Hawarden, Iowa; and Canby, Madison, Bellingham, Hendricks, Hancock, Tyler, Slayton, Ivanhoe, Ortonville, Marshall, and Luverne, Minn., for 180 days. Supporting shipper: South Dakota State Cement Plant, Rapid City, S. Dak. 57701, John E. Doane, Director of Transportation and Terminals. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 125080 (Sub-No. 4 TA) (Correction), filed August 7, 1972, published in the FEDERAL REGISTER issue of August 29, 1972, corrected and republished as corrected this issue. Applicant: TETON CRANE AND TRANSPORT, INC., 575 West 20th Street, Idaho Falls, ID 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, ID. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Penstock, tunnel liners, machinery, equipment, and commodities requiring special equipment in the loading, unloading, or hauling thereof*, from railroad siding at Newdale, Madison County, Idaho, and from St. Anthony, Fremont County, Idaho, to Teton Dam site in Madison County, Idaho, for 180 days. NOTE: Applicant does not intend to tack authority or to interline with any other carriers. Supporting shipper: Morrison-Knudsen-Kiewit, a joint venture, Post Office Box 368, St. Anthony, ID 83445. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, ID 83702. NOTE: The purpose of this republication is to change the authority sought to *common carrier* in lieu of contract carrier, and to eliminate from points in St. Anthony, Fremont County, Idaho.

No. MC 125474 (Sub-No. 35 TA), filed September 7, 1972. Applicant: BULK HAULERS, INC., Post Office Box 3601, U.S. Highway 421, North Wilmington, NC 28401. Applicant's representative: Ralph G. Simmons (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene glycol*, in bulk, in tank trucks, from Wilmington, N.C., to Greenville, S.C., for 180 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, NY 10017. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 128375 (Sub-No. 81 TA), filed September 6, 1972. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacturing and distribution of motor vehicle parts and accessories (except in bulk), from West Bend, Wis., and its commercial zone to Nashville, Tenn., and its commercial zone, under continuing contract with the Maremont Corp., for 180 days. Supporting shipper: Edward A. Coxhead, General Manager, Maremont Corp., 168 North Michigan Avenue, Chicago, IL 60601. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building, and Courthouse, Lincoln, NE 68508.

No. MC 133221 (Sub-No. 13 TA), filed September 1, 1972. Applicant: OVERLAND CO., INC., Route 1, Box 406 A, Lawrenceville, GA 30245. Applicant's representative: Bruce E. Mitchell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic foam, plastics, plastic products* (except in bulk), from the plantsite and warehouse facilities of Dow Chemical Co. at Hanging Rock, Ohio, to points in the United States (except Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia), for 90 days. Supporting shipper: Dow Chemical, U.S.A., 433 Building, Midland, Mich. 48640. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133221 (Sub-No. 14 TA), filed September 7, 1972. Applicant: OVERLAND CO., INC., Route No. 1, Box 406 A, Lawrenceville, GA 30245. Applicant's representative: Bruce E. Mitchell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Plastic foam products* (except in bulk), from the plantsite and warehouse facilities of Dow Chemical, U.S.A. at Royersford, Pa., Midland, Mich., and Gales Ferry, Conn., to points in the United States on and east of U.S. Highway 85 (except Alabama, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia), for 180 days. Supporting shipper: Dow Chemical Co., U.S.A., 433 Building, Midland, Mich. 48640. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, Atlanta, GA 30309.

No. MC 133492 (Sub-No. 4 TA), filed September 1, 1972. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to Talladega, Ala., for 180 days. Supporting shipper: Talladega Beverage Co., Post Office Box 924, 120 East Battle Street, Talladega, AL 35160. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135797 (Sub-No. 4 TA), filed September 1, 1972. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street, SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene forms and shapes*, (a) from the plantsite of Mobil Chemical Co., Division of Mobil Oil Corp. at Covington, Ga., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Missouri, Oklahoma, Illinois, Tennessee, Kentucky, and Texas; and (b) from the plantsite of Mobil Chemical Co., Division of Mobil Oil Corp. at Frankfort, Ill., to points in Arkansas, Colorado, Georgia, Kentucky, Kansas, Louisiana, New Mexico, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Mobil Oil Corps., Post Office Box 900, Dallas, TX 75221. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136628 (Sub-No. 1 TA), filed September 7, 1972. Applicant: RAYMOND L. SENN AND GEORGE MACLEOD, a partnership, doing business as MID-STATE CARTAGE, Post Office Box 764, Socorro, NM 87801. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies, and tools*, between points in Socorro County, N. Mex., on the one hand, and, on the other, points in Catron, Socorro, Torrance, and Guadalupe Counties, N. Mex., for the account of Western Electric Co., Inc., for 180 days. Supporting shipper: Frank B. Schnebly, Resident Transportation Manager, Western Electric Co., Inc., 111 Havana Street, Aurora, CO 80010. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136711 (Sub-No. 2 TA), filed September 8, 1972. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 616 South Western Avenue, Oklahoma City, OK 73109. Applicant's representative: David G. McCorkle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Western Continental of Oklahoma, Inc., at or near Quinton, Okla., to the Port of Carl Albert, located on the Arkansas River at or near Keota, Okla., and the Port of Van Buren, located on the Arkansas River at or near Van Buren, Ark., for 180 days. Supporting shipper: William A. Street, Mine Superintendent, Western Continental of Oklahoma, Inc., Denver, Colo. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

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

[FR Doc.72-16533 Filed 9-27-72;8:51 am]

[Notice 79]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 22, 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.

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 2900 (Sub-No. 230), filed August 23, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodites* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

commodities in bulk, and those requiring special equipment), (1) serving the plantsite of the United States Envelope Company at or near Williamsburg, Pa., as an off-route point in connection with applicant's regular route authority between Pittsburgh, Pa., and New York, N.Y.; and (2) serving Farmington, Pa., near Uniontown, Pa., as an off-route point in connection with applicant's regular route authority to and from Uniontown, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Harrisburg, Pa., or Washington, D.C.

No. MC 2962 (Sub-No. 47), filed September 5, 1972. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, IN 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Princeton and Mayfield, Ky., as an alternate route for operating convenience only in connection with carrier's authorized regular route operations, serving no intermediate points and serving termini for purpose of joinder only, from Princeton, Ky., over U.S. Highway 62 to the junction of U.S. Highway 641, thence over U.S. Highway 641 to the junction of Kentucky Highway 80, thence over Kentucky Highway 80 to Mayfield, Ky., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 3468 (Sub-No. 164), filed August 22, 1972. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Suite 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, new trucks, and new buses*, in truckaway service, from the plantsite of the General Motors Corp. at or near Lordstown, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, with no transportation on return except as otherwise authorized. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 263), filed August 21, 1972. Applicant: TRANSPORTATION FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., at Houston, Tex., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to traffic originating at Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., at Houston, Tex., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18738 (Sub-No. 43), filed August 21, 1972. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago, IL 60627. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum plates and extrusions, and contractor's machinery, equipment, materials, and supplies*, between Indian Oaks, Ill., and points in Indiana, Michigan, Ohio, and Kentucky. 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 29120 (Sub-No. 143), filed August 21, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue (Post Office Box 769, 57101), Sioux Falls, SD 57104. 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 regular routes, transporting: *General commodities* (except hides, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Milwaukee, Wis., and Fairmont, Minn., serving no intermediate points, and serving Fairmont, Minn., for purpose of joinder only; from Milwaukee, Wis., over Interstate Highway 94 to junction Interstate Highway 90, near Tomah, Wis., thence over Interstate Highway 90 to La Crosse, Wis., thence over U.S. Highway 16 to Fairmont, Minn., and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 30837 (Sub-No. 454), filed August 30, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric and battery powered vehicles*, from Redlands, Calif., to points in and east of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana. 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.

No. MC 30844 (Sub-No. 423), filed August 21, 1972. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the warehouses and facilities of John Morrell & Co. at Lubbock, Tex. 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 Dallas, Tex., or Washington, D.C.

No. MC 30844 (Sub-No. 424), filed August 21, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Waterloo, Iowa, and Columbus Junction, Iowa, to points in North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 35045 (Sub-No. 9), filed September 5, 1972. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Post Office Box 5358, Atlanta, GA 30307. Applicant's representative: Fred F. Bradley, Post Office Box 773, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Roadbuilding, earthmoving, construction, mining and contractors' machinery and equipment and parts thereof* when moving at the same time or separately, from Chattanooga, Tenn., to points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 41240 (Sub-No. 15), filed September 5, 1972. Applicant: NELSON TRUCKING SERVICE, INC., Post Office Box 161, Mediapolis, IA 52637. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) serving Chicago Heights, Ill., as an off-route point in connection with its presently authorized regular route between Chicago, Ill., and Sandwich, Ill., over U.S. Highway 34. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington, Iowa.

No. MC 44639 (Sub-No. 58), filed September 1, 1972. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Powhatan, Va., on the one hand, and, on the other Crewe, Va. and the New York, N.Y., commercial zone. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Crewe, Va., and New York, N.Y., with points authorized in MC 44639. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52657 (Sub-No. 693), filed September 7, 1972. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except trailers and trailer chassis designed to be drawn by passenger automobiles), in secondary movements in truckaway service; and (2) (a) *trailer converter dollies and truck and trailer bodies* (when moving in or on shipper's trailer or trailer chassis), (b) *empty cargo containers and containers* when shipped with commodities named in items 2(a) and 2(c), and (c) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly or servicing of commodities described in items (1), (2) (a), and (2) (b) above, when moving in or on customer's trailer or trailer chassis, between points in the United States (except Alaska and Hawaii), restricted to shipments from, to, or between suppliers, distributors, dealers, plants, warehouses, or other facilities of Fruehauf Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 69901 (Sub-No. 26), filed September 11, 1972. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 270, Columbus, IN 47201. 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 regular routes, transporting: *General commodities*, except those of unusual value, commodities in bulk, those requiring special equipment, and household goods as defined by the Interstate Commerce Commission, serving the plantsite of Dana Corp., at or near Edgerton, Wis., as an off-route point in connection with applicant's regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 71164 (Sub-No. 4) (Amendment), filed August 21, 1972, published in the FEDERAL REGISTER issue of September 21, 1972 and republished as amended this issue. Applicant: LAND-SEA-AIR SERVICE, INC., 166 Northern Avenue, Boston, MA 02210. Applicant's representative: Frederick T O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities* requiring refrigeration (except commodities in bulk, in tank vehicles, in hopper-type vehicles), (1) between points in Florida on the one hand, and, on the other, points in Massachusetts; and (2) from points in Iowa to points in Massachusetts and (B) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, in hopper vehicles, and commodities requiring special equipment), between points in Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Part (B), wherein applicant seeks to convert its certificate of registration under MC 71164 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 82063 (Sub-No. 39), filed September 7, 1972. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, MO 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Kansas City, Mo., and its commercial zone, to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that tacking is possible with its Sub-No. 11, wherein applicant holds authority from Overland, Mo., to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, and Ohio, although tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 95876 (Sub-No. 128), filed August 28, 1972. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicants' representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, including *tanks and towers and construction equipment, materials, and supplies*, from the plant and warehouse sites of Chicago Bridge and Iron Co., at or near Indian Oaks, Ill., to points in Minnesota, Iowa, Wisconsin, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 100666 (Sub-No. 226), filed September 5, 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, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. NOTE: Applicant states that the requested authority can be tacked with its Sub 120 at points in Henry County, Tenn., and serve points in Montana and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 101186 (Sub-No. 12), filed September 6, 1972. Applicant: ARLEDGE TRANSFER INCORPORATED, Post Office Box 157, Burlington, IA 52601. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Cedar Rapids, Iowa, and Milwaukee, Wis., over U.S. Highway 151 and (2) between Cedar Rapids, Iowa, and Dixon, Ill.; from Cedar Rapids, Iowa, over U.S. Highway 30 to its junction with Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Dixon, Ill., and return over the same route; serving as alternate routes for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington, Iowa, or Chicago, Ill.

No. MC 105045 (Sub-No. 34) (Correction), filed August 4, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished, in part, as corrected this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. The purpose of this partial republication is to show applicant's correct Docket number as MC 105045 (Sub-No. 34), in lieu of MC 10504 (Sub-No. 34), which was erroneously published. The rest of the application remains as previously published.

No. MC 105045 (Sub-No. 36), filed August 31, 1972. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment for heating, cooling, conditioning, humidifying, and moving of air, gas, or liquids; and parts, attachments and accessories for use in the installation and operation of the above-named items*, between Jackson, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite of ITT Nesbitt located at Jackson, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 106497 (Sub-No. 72), filed August 28, 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, transporting: *Rubber pneumatic tires*, which because of size or weight require special equipment or handling, between points in Shawnee County, Kans., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Michigan, Wisconsin, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Idaho, Arizona, Utah, Nevada, California, and Alaska. NOTE: Common control may be involved. 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 Kansas City, Mo., or Washington, D.C.

No. MC 106674 (Sub-No. 98), filed August 17, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 451, Delphi, IN 46923. 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, irregular routes, transporting: *Cabinets, moldings, beams, countertops and decor wood pieces*, from Elkhart, Ind., to points in Idaho, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Wisconsin, Iowa, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Michigan, Ohio, North Carolina, South Carolina, Georgia, Florida, and Pennsylvania; restricted to traffic originating at the plantsite of Woodlawn Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107002 (Sub-No. 423), filed September 11, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth, Post Office Box 8573, Battlefield Station, Jackson, MS 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from Le Moyne, Ala., to points in Texas; (2) from Hattiesburg, Miss., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, and West Virginia; and (3) from Memphis, Tenn., to points in Iowa, Kansas, North Carolina, South Carolina, West Virginia, and Wisconsin. NOTE: Applicant states that tacking possibilities exist under authorities presently held, although tacking is not contemplated at this time. Applicant further states it is presently rendering service from and to the area involved herein by combining of authorities now held. The sole purpose of this instant application is to eliminate those gateways. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107445 (Sub-No. 3), filed August 28, 1972. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Applicant's representative: K. Clay Smith, Post Office Box 33051, Indianapolis, IN 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *contractor's machinery, equipment, materials, and supplies* (except commodities in bulk), from Indian Oaks, Ill., to points in Indiana, Michigan, Ohio, Wisconsin, Kentucky, Missouri, Iowa, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107515 (Sub-No. 811), filed September 7, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic business machine parts*, in vehicles equipped with mechanical refrigeration, from St. Petersburg, Fla., to Lexington, Ky. 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 Tampa, Fla.

No. MC 107515 (Sub-No. 812), filed September 7, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* (except commodities in bulk) as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Kenosha, Wis., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that tacking is possible at Louisville, Ky., over practical routes to serve the additional States of Virginia and West Virginia, although tacking is not intended. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107818 (Sub-No. 61), filed September 5, 1972. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *such commodities* that are dealt in by R. T. French Co., from Springfield, Mo., to points in Florida, Alabama, and Tennessee. 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 Rochester, N.Y., or Washington, D.C.

No. MC 111231 (Sub-No. 178), filed August 24, 1972. Applicant: JONES

TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: James B. Blair, 111 Holcomb Streets, Springdale, AR 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Neosha, Mo., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and Utah. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Dallas, Tex.

No. MC 112520 (Sub-No. 263), filed August 28, 1972. Applicant McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Mobile County, Ala., to points in Florida and Mississippi. 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 Tallahassee, Fla.

No. MC 113265 (Sub-No. 6), filed September 11, 1972. Applicant: ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., Post Office Box 345, Conley, GA 30027. Applicants representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk, in tank vehicles), (a) between Gainesville and Murrayville, Ga., from Gainesville, Ga., over Georgia Highway 60 to Murrayville, Ga., and return over the same route; (b) between Murrayville and Clarkesville, Ga., from Murrayville, Ga., over Georgia Highway 115 to Clarkesville, Ga., and return over the same route; and (c) between Cleveland and Gainesville, Ga., from Cleveland, Ga., over U.S. Highway 129 (also Georgia Highway 11) to Gainesville, Ga., and return over the same route, serving all intermediate points on routes (a), (b), and (c) above, and serving the off-route point of Helen, Ga. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113434 (Sub-No. 52), filed September 11, 1972. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the distribution center site of Heinz U.S.A. Division, H. J. Heinz Co., at Toledo, Ohio, and the plantsite and storage facilities of Heinz U.S.A. Division at Bowling Green, and Fremont, Ohio, to points in Indiana, Kentucky, Michigan, Ohio, and West Virginia; and Bland, Giles, and Tazewell Counties, Va., restricted to traffic originating at or destined to the specified points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Pittsburgh, Pa., or Washington, D.C.

No. MC 113855 (Sub-No. 258), filed September 6, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and/or containers, and *empty cargo vans and containers*, between points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 114019 (Sub-No. 239), filed September 5, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in 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 Mankato, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the facilities of Dubuque Packing Co. at Mankato, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 240), filed September 11, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, (1) from Kansas City, Kans., to points in Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana; (2) from St. Louis, Mo., to points in Missouri, Illinois, and Iowa; (3) from Chicago, Ill., to points in Indiana, Wisconsin, Illinois, Iowa, Michigan, and Minnesota; (4) from Council Bluffs, Iowa, to points in Nebraska, North Dakota, South Dakota, Iowa, and Minnesota; (5) from Inver Grove, Minn., to points in South Dakota, North Dakota, Wisconsin, and Minnesota; (6) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming; restricted to the transportation of traffic: (a) Moving in chassis-mounted containers and (b) having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 73), filed September 8, 1972. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wet lap pulp*, from Spring Grove, Pa., to Newark, Del., and (2) *liquid fish products*, in bulk, from Wildwood, N.J., to points in New Jersey, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states that requested authority cannot be tacked with existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 261), filed August 28, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy*, and other *graphic arts material*, between Kansas City, Mo., on the one hand, and, on the other, points in Nebraska; (2) *exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Springfield, Mo., on the one hand, and, on the other, points in Oklahoma; and (3) *restorative dentistry products*, between Mission, Kans., on the one hand, and, on the other, points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128616 and subs, therefore dual authority may be involved. If

a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114885 (Sub-No. 17), filed August 21, 1972. Applicant: TANK TRUCK TRANSPORT, LIMITED, 610 Dixon Road, Rexdale 604, ON, Canada. Applicant's representative: David C. Laub, 1410 Liberty Bank Building, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin dry materials in bulk*, in tank vehicles, from points in New York and Michigan to ports of entry on the international boundary line between the United States and Canada located at or near Niagara Falls and Buffalo, N.Y., Detroit and Port Huron, Mich., and the St. Claire River. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 115669 (Sub-No. 132), filed July 26, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Salt and salt products*, from Omaha and Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 116004 (Sub-No. 27), filed September 11, 1972. Applicant: TEXAS-OKLAHOMA EXPRESS, INC., Post Office Box 743, Dallas, TX 75221. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Dallas and Amarillo, Tex., as follows: From Dallas over Texas State Highway 114 to its intersection with U.S. Highway 287, thence over U.S. Highway 287 to its intersection with U.S. Highway 283, thence over U.S. Highway 283 to its intersection with U.S. Highway 62, thence over U.S. Highway 62 to its intersection with Texas State Highway 256, thence over Texas State Highway 256 to its intersection with U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, and return over the same route, serving no intermediate points, and serving as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 116763 (Sub-No. 227), filed September 12, 1972. Applicant: CARL SUBLER TRUCKING, INC., Post Office Box 215, Route 92, Auburndale, FL 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 454380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaning, heating, and cooling systems, and accessories thereto*, from Bryan, Ohio, to points in Delaware, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Bryan, 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 Columbus, Ohio.

No. MC 119390 (Sub-No. 13), filed August 4, 1972. Applicant: MAIRS TRANSPORT LTD., 976 Adair Street, Coquitlam, BC Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lime*, in bags, between Tacoma, Wash., and the port of entry on the international boundary line between the United States-Canada located at or near Blaine, Wash.; from Tacoma over Interstate Highway 5 to Blaine, Wash., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119390 (Sub-No. 14), filed August 9, 1972. Applicant: MAIRS TRANSPORT LTD., 976 Adair Street, Coquitlam, BC Canada. Applicant's representative: J. Stewart Black, 1322 Leburnum Street, Vancouver 9, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baled wastepaper*, from Seattle, Wash., to the international boundary line between the United States and Canada at or near Blaine, Wash., over Interstate Highway 5, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119641 (Sub-No. 108), filed September 5, 1972. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and *tractor parts* thereof when moving therewith, from the Ford Tractor Operations Plant in Highland Park and Romeo, Mich., to points in Indiana, Ohio, that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50, that part of Kentucky east of U.S. Highway 127, that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., that part of Pennsylvania west of U.S. Highway 219, and that part of West Virginia west of U.S. Highway 219, restricted to shipments originating at Ford Motor Co. at Highland Park and Romeo, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119774 (Sub-No. 54), filed August 24, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, having a prior or subsequent movement by water, between the storage and dock facilities of the Port of Muskogee, at Muskogee, Okla., and points in Arkansas, Kansas, Missouri, Oklahoma, and that part of Texas on and north of U.S. Highway 80. NOTE: Applicant states it intends to tack with its Sub-Nos. 1, 2, 3, 11, and 14 wherever possible. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., Fort Smith, Ark., and Oklahoma City, Okla.

No. MC 119880 (Sub-No. 53), filed August 21, 1972. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, IL 61611. 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: *Alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill., to Schaefferstown, Lebanon County, 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 Chicago, Ill.

No. MC 128988 (Sub-No. 21), filed September 1, 1972. Applicant: JO/KEL, INC., Post Office Box 1249, 15055 East Salt Lake Avenue, City of Industry, CA 91749. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Caddy stands, clothes racks, clothes driers, hand shopping carts, laundry carts, laundry sorters, ironing tables, bedframes, wall mounted ironing tables in wood cabinets or fiberglass enclosures, and accessories* for the above-described commodities, from Seymour, Ind., to points in Arizona, California, Nevada, Washington, Oregon, Idaho, and Utah, and *returned shipments* of the commodities described

above, from points in Arizona, California, Nevada, Washington, Oregon, Idaho, and Utah to Seymour, Ind., under contract with Lear Siegler, Inc. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125687 (Sub-No. 11), filed September 8, 1972. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, PA 17405. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Halethorp (Baltimore), Md., to points in Connecticut, Rhode Island, and Massachusetts. 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 Boston, Mass., or Washington, D.C.

No. MC 128117 (Sub-No. 16), filed August 29, 1972. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 896, Hickory, NC 28601. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Montgomery, Pulaski, Carroll, and Grayson Counties, Va.; and Surry County, N.C., to points in Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and Colorado; and (2) from points in Moore, Randolph (except Liberty) and Mitchell Counties, N.C., to points in Arkansas, Louisiana, Oklahoma, Texas, and New Mexico. 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 Roanoke, Va.; Winston-Salem, N.C.; or Washington, D.C.

No. MC 128355 (Sub-No. 12), filed August 25, 1972. Applicant: HURLIMAN TRUCKING COMPANY, a corporation, 8265 North Borthwick, Portland, OR 97217. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shot* (except ammunition), from Mishawaka, Ind., to points in Arizona, Colorado, Utah, and New Mexico, under continuing contract or contracts with Wheelabrator-Frye, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128592 (Sub-No. 2), filed August 21, 1972. Applicant: K. L. M. DISTRIBUTING, INC., 2102 Old Brandon Road, Post Office Box 6066, Jackson, MS 39208. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by Davmor Industries, Inc. (except commodities in bulk), from the plantsite and/or storage facilities of Davmor Industries, Inc., at Atlanta, Ga., to Chicago, Ill., Romulus, Mich., and St. Louis, Mo., under a continuing contract with Davmor Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Atlanta, Ga.

No. MC 129588 (Sub-No. 6), filed August 28, 1972. Applicant: R. J. ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, Post Office Box 4, Corsicana, TX 75110. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, chemical coatings, cleaning compounds, electric heaters, fireplace accessories, furniture polish and furniture parts, lighting fixtures, lamps and shades, new furniture, paint, plastic articles, sealants, wall coverings, wall decors, wax, and wax remover;* and, (2) *equipment, materials, and supplies* used in or in connection with the manufacture and distribution of the commodities named in (1) above, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation of commodities in bulk, and further restricted to operations performed under a continuing contract with De Soto, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133570 (Sub-No. 1), filed August 23, 1972. Applicant: MELVIN A. ATKIN, JR., doing business as ATKINS TRUCKING, Box 27, Hamilton, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles and component parts thereof, and materials and supplies used in the manufacture of axles and their component parts*, between the plantsites and warehouse facilities of Lear Siegler, Inc./Hammerblow Co. and Warehouses, Inc., at Forsyth, Ga., Fort Worth, Tex., and Wausau, Wis.; (2) *materials and supplies used in the manufacture of mobile and industrial axles*, (a) from points in Michigan, Illinois, Iowa, Kansas, Oklahoma, and Texas, to the plantsite of Lear Siegler, Inc./Hammerblow Co. at Wausau, Wis., and (b) from points in Ohio, Wisconsin, Texas, Iowa, Michigan, and Georgia, to the plantsite of Lear Siegler, Inc./Hammerblow Co., at Forsyth, Ga., and points in Illinois and Indiana; and (3) *axles, wheels, couplers, and jacks*, (a) from the plantsite of Lear Siegler, Inc./Hammerblow Co. at Forsyth, Ga., to points in New York, Pennsylvania, Florida, Alabama, South Carolina, North Carolina, Virginia, West Virginia, Maryland, New Jersey, Indiana, Tennessee, Kentucky, and Mississippi, and (b) from the plantsite of Lear Siegler, Inc./Hammerblow Co. at Wausau, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, Michigan, and Illinois, under contract with Lear Siegler, Inc./Hammerblow Co. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Atlanta, Ga.

No. MC 133627 (Sub-No. 4), filed September 5, 1972. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 335 West Elwood, Phoenix, AZ 85030. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 312, Phoenix, AZ 85008. Authority sought to operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, ex parte, MC 45, 61 M.C.C. 209 and 766, from points in California, to points in California, Arizona, New Mexico, Texas, Colorado, Nevada, Utah, and Idaho. NOTE: Application pending on MC 136503 for motor common carrier authority suggests that dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 134323 (Sub-No. 24) (Amendment), filed July 13, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished in part as amended this issue. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, TX 79105. Applicant's representative: Richard Peterson, Post Office Box 80806, Lincoln NE 68501. NOTE: The sole purpose of this partial republication is to include points in Virginia as a destination State, which was erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 135810 (Sub-No. 1), filed September 12, 1972. Applicant: BRUCE CARTAGE CO., INC., Rural Route 15, Box 425, Acton, Ind. 46259. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods, household appliances, and phonograph records*, from the warehouse facilities of Associated Distributors, Inc., at Indianapolis, Ind., to points in Defiance, Paulding, Van Wert, Williams, Putnam, and Allen Counties, Ohio, and to transport

returned shipments of the above-described commodities from points in Defiance, Paulding, Van Wert, Williams, Putnam, and Allen Counties, Ohio, to the warehouse facilities of Associated Distributors, Inc., at Indianapolis, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135961, filed May 26, 1972. Applicant: RAINBOW GENERAL TRANSPORT INC., 1405 Page Avenue, Laval, PQ Canada. Applicant's representative: Saul Liebinger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel molds and plastic articles* in cartons used in the manufacture of plastic lamps, also empty containers for same, between the port of entry on the international boundary line between the United States and Canada located at or near Highgate Springs, Vt., and Swanton, Vt., restricted to the transportation of shipments or originating at and/or consigned to Gilbert Products Inc., at Pointe Aux Trembles, Quebec and Softlite Inc., at Swanton, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 136089 (Sub-No. 1), filed June 12, 1972. Applicant: WILLIAM W. WILLIAMS, 507 Cline Avenue, Port Orchard, WA. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and chemical compounds* (excluding commodities in bulk, in tank containers), from Barberton, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming, and ports of entry on the international boundary line between the United States and Canada located in Washington for furtherance to British Columbia, under contract with Malco Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136295 (Sub-No. 1), filed August 22, 1972. Applicant: EXPRESSWAY MESSENGER SERVICE, INC., 2524 Maryland Avenue, Baltimore, MD 21218. Applicant's representative: Lester R. Conley, 1714 Forrest Lane, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic art proofs and processed art work and commercial printing* (not including newspapers, magazines, or sales and advertising pamphlets) moving in quantities not exceeding an aggregate weight of 200 pounds per shipment from one consignor to one consignee, between Baltimore, Md., and points in its commercial zone, on the one hand, and, on the other, the District of Columbia and points in its commercial zone. 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 Baltimore, Md., or Washington, D.C.

No. MC 136343 (Sub-No. 2), filed September 11, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I, *Foodstuffs* except frozen and bulk, from the facilities of Snow Food Products, Division Borden, Inc., at or near Scarborough, Maine, to points in Pennsylvania, New York, New Jersey, Virginia, Ohio, Kentucky, Illinois, Minnesota, Texas, Colorado, Nebraska, Michigan, Indiana, and Missouri; Part II, Foodstuffs, except frozen and bulk, from the facilities of Snow Food Products, Division Borden, Inc., at Wildwood, N.J., to points in Pennsylvania, New York, Maine, Virginia, Ohio, Kentucky, Illinois, Minnesota, Texas, Colorado, Nebraska, Michigan, Indiana, and Missouri. NOTE: Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations may be involved and common control may also 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 New York, N.Y.

No. MC 136343 (Sub-No. 3), filed September 11, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except commodities in bulk), from the facilities of Amory Chemical & Plastics Co., at Clinton and Leominister, Mass., to points in Ohio, Pennsylvania, Michigan, Virginia, North Carolina, South Carolina, Maryland, Georgia, Florida, and the District of Columbia, restricted to shipments originating at the above facilities and restricted against tacking at the destination. NOTE: Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 136343 (Sub-No. 5), filed September 12, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, equipment, and supplies* used or useful in manufacturing and sales of printing paper, gummed paper, tape, and paper backed with aluminum foil, from points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Maryland, Maine, and the District of Columbia, to facilities of St. Regis Paper Co. at or near Troy, Ohio, restricted against interlining or tacking at origin or destination. NOTE: Applicant presently holds on MC 96098 and subs thereunder a permit for motor contract carrier authority, therefore, dual operations may be involved. Applicant also indicates an interest in permit No. MC 134776 for motor contract carrier authority, suggesting common control may be involved. Applicant further states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136708 (Sub-No. 1), filed September 8, 1972. Applicant: PETER J. FITZPATRICK, doing business as PETER J. FITZPATRICK EXPRESS, 90 Pleasant Street, Houlton, ME 04730. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, fencing, and materials and supplies* used in the manufacture or distribution of fencing, (a) between ports of entry on the international boundary line between the United States and Canada at or near Houlton, Calais, and Fort Fairfield, Maine, on the one hand, and, on the other, Houlton and Unity, Maine; and (b) between Unity and Houlton, Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Augusta, Maine.

No. MC 136911 (Sub-No. 1) (Amendment), filed August 7, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished as amended this issue. Applicant: PACKAGE EXPRESS, INC., 22 Tyler Street, Springfield, MA 01109. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail stores, department stores, and mail-order houses and *merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of cosmetics between points in Hampden, Hampshire, Franklin, Berkshire, and Worcester Counties, Mass.; Litchfield, Hartford, Tolland, and Windham Counties, Conn., and Columbia, Rensselaer, Washington, Saratoga, Dutchess, Ulster, Montgomery, Schenectady, and Albany Counties, N.Y. Restriction: Transportation under the above authority shall be limited to parcels and packages not exceeding 50 pounds per package or parcel and not exceeding 250 pounds per shipment from one consignor to one consignee, except for shipments between Hampden County, Mass., on the

one hand, and, on the other, Albany, Schenectady, Poughkeepsie, and Kingston, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the scope of operating authority sought. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., and Boston, Mass.

No. MC 136934 (Sub-No. 1), filed August 17, 1972. Applicant: MALCOLM L. LEGGITT, 2301 Apple Tree Lane, Lawrenceville, IL 62439. Applicant's representative: Thomas A. Graham, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing* from Lawrenceville, Ill., to points in Missouri, Kansas, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Iowa, Minnesota, Wisconsin, Michigan, Pennsylvania, and New York; and (2) on backhaul or return movements of *corrugated plastic drainage tubing* from the plants of CertainTeed/Daymond Co. located at points in Missouri, Kansas, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Iowa, Minnesota, Wisconsin, Michigan, Pennsylvania, and New York to its plant at Lawrenceville, Ill.; and (3) *plastic coupling T's, reducers, end caps, adapters, and elbows* used in the distribution of and installation of corrugated plastic drainage tubing from manufacturers thereof located and having blowmolding facilities in the destination States named in (1) above to Lawrenceville, Ill., under contract with Certain-Teed/Daymond Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or St. Louis, Mo.

No. MC 136979, filed August 8, 1972. Applicant: WILLIAM J. POTOKA, doing business as POTOKA'S ALTANTIC SERVICE, 120 East Main Street, Mount Pleasant, PA 15666. Applicant's representative: Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed motor vehicles and replacement vehicles* for such wrecked or disabled vehicles, by use of wrecker equipment only, between those points in Pennsylvania on and west of the line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 220, and thence along U.S. Highway 220 to the Pennsylvania-Maryland State line on the one hand, and, on the other, points in Maryland, North Carolina, Ohio, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138004, filed August 21, 1972. Applicant: ATLANTIC COURIER, INC., 18 Riverside Drive, Cranford, NJ 07016. Applicant's representative: Vincent T. Bisogno, 88 South Finley Avenue, Basking Ridge, NJ 07920. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of airline passengers*, from Newark, N.J., on the one hand, and, on the other, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester, Bronx, and Kings Counties, N.Y.; Bucks, Monroe, Montgomery, Northampton, and Pike Counties, Pa., and Connecticut. NOTE: Applicant states it does not seek authority to transfer commodities in bulk. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138021, filed August 28, 1972. Applicant: STAND, INC., Box 57, Port Washington, OH 43837. Applicants 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: *Sand, gravel, and stone*, in bulk, in dump vehicles, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in Pennsylvania and West Virginia, under contract with Stocker Sand & Gravel Co., Gnadenhutten, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIER OF PASSENGERS

No. MC 136732 (Sub-No. 1), filed August 2, 1972. Applicant: CHEMAL, INC., Post Office Box 44, Wallops Island, VA 23337. Applicant's representative: George B. Brothers, Rural Delivery No. 3, Box 39, Pocomoke City, Md. 21851. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express*, from Wallops Island, Va., to points in Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, North Carolina, and the District of Columbia, under contract with National Aeronautics and Space Administration, Wallops Island, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136901, filed July 17, 1972. Applicant: STANLEY E. SKAGGS, doing business as S & A LINES, Box 11, Savage, MN 55378. Applicant's representative: William E. Fox, 860 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers; (a) between Minneapolis and Mora, Minn., over Minnesota Highway 65, serving all intermediate points; (b) between Minneapolis and New Richland, Minn., over Minnesota Highway 13, serving all intermediate points; (c) between Minneapolis and Hutchinson, Minn.; from Minneapolis over Hennepin County Road 15 to Watertown, thence over Minnesota Highway 7 to Hutchinson, and return over the same route, serving all intermediate points. Irregular routes: (2) *Passengers and their baggage* in the same vehicle with passengers, in charter operations pursuant to section 208(c) of the Interstate Commerce Act, as amended, and the rules and regulations of the Commission promulgated thereunder, between Minneapolis and Mora, Minn., Minneapolis and New Richland, Minn., and Minneapolis and Hutchinson, Minn. NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130175, filed August 11, 1972. Applicant: E E & G INC., doing business as SHAKESPEARE TRAVEL CENTRE, a corporation, 18 King Street, Stratford, CT 06497. Applicant's representative: Charles L. Shearer (same address as applicant). For a license (BMC–5) to engage in operations as a *broker* at Stratford, Conn., in arranging transportation by motor vehicle, in interstate or foreign commerce, of *groups of passengers and their baggage*, beginning and ending at points in Fairfield County, Conn., and extending to points in the United States including Alaska and Hawaii.

No. MC 130177, filed August 11, 1972. Applicant: RONALD T. KING, doing business as THE KING CO., 218 Independence Avenue, Trenton, NJ 08610. For a license (BMC 5) to engage in operations as a broker at Trenton, N.J., in arranging for the transportation of *passengers and their baggage*, in round-trip tours in special and charter operations, beginning and ending at points in New Jersey, Delaware, Pennsylvania, New York, and Massachusetts and extending to points in Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, and Vermont.

No. MC 130178, filed August 14, 1972. Applicant: VALADAO TRAVEL AGENCY, INC., 14 Broadway, Taunton, MA. Applicant's representative: Frank Daniels, 15 Court Square, Boston, MA 02108. For a license (B.M.C.5) to engage in operations as a broker at Taunton, Mass., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, between points in Massachusetts, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

No. MC 130179, filed August 21, 1972. Applicant: KAY HUTCHERSON CARDWELL, doing business as CARDWELL'S TOURS, Route 1, Box 199, Mayodan, N.C. 27027. Applicant's representative: David M. Blackwell, The Bank Building, Post Office Box 346, Mayodan, NC 27027. For a license (BMC 5) to engage in operations as a *broker* at Mayodan, N.C., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage* as individuals and in groups, in special and charter operations, beginning and ending at points in Rockingham County, N.C., and extending to points in the United States including Alaska and Hawaii.

APPLICATION FOR WATER CARRIER

No. W–1265 (BIGGE DRAYAGE CO. CONTRACT CARRIER AND EXEMPTION APPLICATIONS), filed September 11, 1972. Applicant: BIGGE DRAYAGE CO., San Leandro, Calif. Applicants representative: Edward J. Hegarty, 100 Bush Street, San Francisco, CA 04104. Application of Bigge Drayage Co., filed September 11, 1972, transporting, in interstate or foreign commerce: (1) Commodities which by reason of their inherent nature, or their requirement for special equipment, are incapable of transportation between the points of origin and destination by either common carrier by rail or common carrier by motor vehicle, and (2) parts, materials, equipment, and supplies incidental to their operation or installation when moving with the commodities described in (1) above. NOTE: By the instant application, applicant seeks to obtain a contract carrier exemption so that it, under its own right, will be capable of providing shippers of over-dimensional items a complete service in the movement of their commodities subject to Part III of the Interstate Commerce Act under section 303(e).

APPLICATIONS FOR FREIGHT FORWARDERS

No. FF–421 (Amendment) (DOOR TO DOOR INTERNATIONAL, INC., FREIGHT FORWARDER APPLICATION), filed July 3, 1972, published in the FEDERAL REGISTER issue of August 24, 1972, and republished as amended this issue. 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: (a) *Used household goods and unaccompanied baggage,* between points in the United States (including Hawaii, but excluding Alaska); and (b) *used automobiles,* between points in the United States (including Hawaii, but excluding Alaska), restricted to the transportation of import-export traffic. NOTE: The purpose of this republication is to redescribe the authority sought.

No. FF–422 (Amendment) (CONTINENTAL FORWARDERS, INC. FREIGHT FORWARDER APPLICATION), filed July 20, 1972, published in the FEDERAL REGISTER issue of August 10, 1972, and republished as amended this issue. Applicant: CONTINENTAL FORWARDERS, INC., 105 Leonard Street, New York, NY. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue operations as a freight forwarder in interstate of foreign commerce, in the transportation of: (a) *Used household goods and unaccompanied baggage,* between points in the United States (including Hawaii, but excluding Alaska); and (b) *used automobiles,* between points in the United States (including Hawaii, but excluding Alaska), restricted to the transportation of import-export traffic. NOTE: The purpose of this republication is to more clearly set forth the authority sought.

No. FF–425 (AMERICAN ENSIGN VAN SERVICE, INC. FREIGHT FORWARDER APPLICATION), filed September 1, 1972. Applicant: AMERICAN ENSIGN VAN SERVICE, INC., Post Office Box 2270, Wilmington, CA 90744. 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: (a) *Used household goods and unaccompanied baggage,* between points in the United States (including Hawaii, but excluding Alaska); and (b) *used automobiles,* between points in the United States (including Hawaii, but excluding Alaska), restricted to the transportation of import-export traffic.

By the Commission.

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

[FR Doc.72–16444 Filed 9–27–72;8:45 am]

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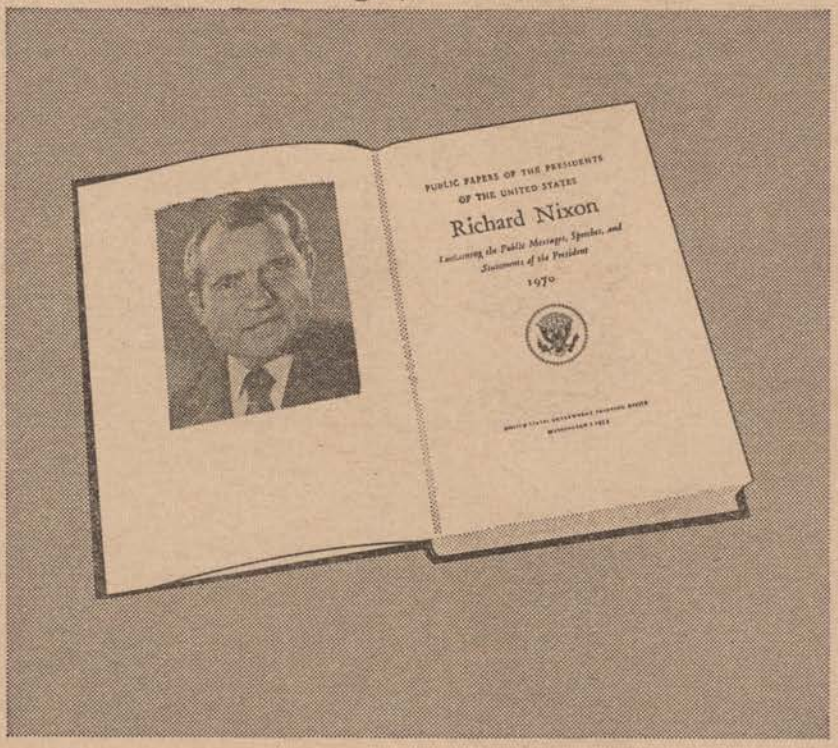

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