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List of CFR Parts Affected

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

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

Rules and Regulations

Title 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. 72-573]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined and Released

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)(1) relating to the State of Georgia, subdivision (i) relating to Dade County is deleted.

2. In § 76.2, in paragraph (e)(8) relating to the State of Tennessee, subdivision (i) relating to Bedford County is deleted.

3. In § 76.2, a new subparagraph (3) relating to the State of Texas is added to read:

(e) * * *

(3) *Texas.* That portion of Dallas County bounded by a line beginning at the junction of the Dallas-Tarrant County line and Dallas-Fort Worth Turnpike; thence, following Dallas-Fort Worth Turnpike in an easterly direction to Interstate Highway 20; thence, following Interstate Highway 20 in a generally easterly direction to the Dallas-Kaufman County line; thence, following the Dallas-Kaufman County line in a southerly, then westerly direction to the junction of the Dallas-Kaufman-Ellis County lines; thence, following the Dallas-Ellis County line in a westerly direction to the junction of the Dallas-Ellis-Tarrant County lines; thence, following the DallasTarrant County line in a northerly direction to its junction with Dallas-Fort Worth Turnpike.

(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, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 8505)

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

The amendments quarantine a portion of Dallas County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendments exclude all of Dade County in Georgia and a portion of Bedford County in Tennessee 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 27th day of October 1972.

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

[FR Doc.72-18768 Filed 11-1-72;8:54 am]

[Docket No. 72-571]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the 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) is amended and paragraphs (f) and (g) are reissued to read:

§ 76.2 Notice relating to existence of the contagion of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion, the following areas are quarantined:

(1) *Georgia.* (i) That portion of the State of Georgia comprised of all of Dade County.

(ii) The adjacent portions of Johnson, Washington, and Jefferson Counties bounded by a line beginning at the junction of State Highway 231 and State Highway 15 in Washington County; thence, following State Highway 15 in a southeasterly direction to Secondary Road 2124 in Johnson County; thence, following Secondary Road 2124 in a southeasterly direction to Secondary Road 1474; thence, following Secondary Road 1474 in a southeasterly direction to Secondary Road 2124; thence, following Secondary Road 2124 in a southeasterly direction to the Johnson-Emanuel County line; thence, following the Johnson-Emanuel County line in a generally northeasterly direction to the junction of the Johnson-Emanuel-Jefferson County lines; thence, following the Jefferson-Emanuel County line in a generally northeasterly direction to U.S. Highway 1, State Highway 4 in Jefferson County; thence, following U.S. Highway 1, State Highway 4, in a northerly direction to U.S. Highway 319, State Highway 78; thence, following U.S. Highway 319, State Highway 78, in a northwesterly direction to U.S. Highway 221, State

Highway 171; thence, following U.S. Highway 221, State Highway 171 in a southwesterly direction to State Highway 242; thence, following State Highway 242 in a northwesterly direction to State Highway 231 in Washington County; thence, following State Highway 231 in a generally southwesterly direction to its junction with State Highway 15 in Washington County.

(2) *Indiana.* That portion of Carroll County bounded by a line beginning at the junction of the Carroll-Tippecanoe County line and the east bank of the Wabash River; thence, following the east bank of the Wabash River in a generally northeasterly direction to the Carroll-Cass County line; thence, following the Carroll-Cass County line in a southerly, then easterly, then southerly direction to the junction of the Carroll-Cass-Howard County lines; thence, following the Carroll-Howard County line in a southerly direction to Division Road; thence, following Division Road in a westerly direction to State Highway 18; thence, following State Highway 18 in a westerly direction to the Monroe-Carrollton Township line; thence, following the Monroe-Carrollton Township line in a southerly direction to the junction of the Monroe-Carrollton Burlington Township lines; thence, following the Monroe-Burlington Township line in a southerly direction to the junction of the Monroe-Burlington-Democrat Township lines; thence, following the Democrat-Burlington Township line in a southerly direction to State Highway 600S; thence, following State Highway 600S in a westerly direction to the Democrat-Clay Township line; thence, following the Democrat-Clay Township line in a northerly direction to the junction of the Democrat-Clay-Madison Township lines; thence, following the Clay-Madison Township line in a westerly direction to U.S. Highway 421; thence, following U.S. Highway 421 in a northerly, then northwesterly direction to Division Road; thence, following Division Road in a westerly direction to the Carroll-Tippecanoe County line; thence, following the Carroll-Tippecanoe County line in a northerly direction to its junction with the east bank of the Wabash River.

(3) *Kansas.* That portion of Osborne County bounded by a line beginning at the junction of the Osborne-Smith County line and the dividing 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 west and Range 13 west.

(4) *Kentucky.* The adjacent portions of Breckinridge, Hardin, and Meade Counties comprised of all of the city of Garfield in Breckinridge County and the adjacent portions of Breckinridge, Hardin, and Meade Counties bounded by a line beginning at the junction of U.S. Highway 60 and State Highway 333 in Breckinridge County; thence, following U.S. Highway 60 in a generally southwesterly direction to the eastern boundary of the city of Garfield; thence, following the eastern boundary of the city of Garfield in a southerly direction to Locust Hill Road; thence, following Locust Hill Road in a southeasterly, then southwesterly direction to State Highway 1073; thence, following State Highway 1073 in a southeasterly direction to Fairfield Road; thence, following Fairfield Road in a southeasterly direction to State Highway 690; thence, following State Highway 690 in a northeasterly direction to Constantine Road; thence, following Constantine Road in a generally easterly direction to State Highway 401; thence, following State Highway 401 in a northeasterly direction to State Highway 86; thence, following State Highway 86 in a northeasterly direction to Grandview Church Road in Hardin County; thence, following Grandview Church Road in a northeasterly direction to State Highway 1073 in Breckinridge County; thence, following State Highway 1073 in a northeasterly direction to the junction of the Breckinridge-Hardin-Meade County lines; thence, following the Meade-Hardin County line in a northeasterly direction to State Highway 64 in Meade County; thence, following State Highway 64 in a northwesterly direction to State Highway 448; thence, following State Highway 448 in a northwesterly direction to State Highway 64; thence, following State Highway 64 in a generally northwesterly direction to State Highway 448; thence, following State Highway 448 in a southwesterly direction to the Meade-Breckinridge County line; thence, following the Meade-Breckinridge County line in a southeasterly direction to State Highway 1238 in Breckinridge County; thence, following State Highway 1238 in a southwesterly direction to State Highway 333; thence, following State Highway 333 in a southwesterly, then northwesterly direction to its junction with U.S. Highway 60.

(5) *Mississippi.* The adjacent portions of Kemper and Lauderdale Counties bounded by a line beginning at the junction of State Highway 16 and State Highway 39 in Kemper County; thence, following State Highway 39 in a generally southerly direction to Lizelia-Lauderdale Road in Lauderdale County; thence, following Lizelia-Lauderdale Road in a generally easterly direction to U.S. Highway 45; thence, following U.S. Highway 45 in a northeasterly, then northerly direction to State Highway 16 in Kemper County; thence, following State Highway 16 in a southwesterly direction to its junction with State Highway 39 in Kemper County.

(6) *North Carolina.* (i) That portion of Halifax County bounded by a line beginning at the junction of the Seaboard Coast Line Railroad and Interstate Highway 95; thence, following Interstate Highway 95 in a southwesterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northwesterly direction to State Highway 48; thence, following State Highway 48 in a northerly direction to Secondary Road 1415; thence, following Secondary Road 1415 in a southwesterly direction to Secondary Road 1414; thence, following Secondary Road 1414 in a generally northwesterly direction to the east bank of the Deep Creek; thence, following the east bank of the Deep Creek in a generally northeasterly direction to the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southeasterly direction to its junction with Interstate Highway 95.

(ii) The adjacent portions of Johnston, Harnett, Cumberland, and Sampson Counties bounded by a line beginning at the junction of U.S. Highway 301 and Secondary Road 1343 in Johnston County; thence following Secondary Road 1343 in a southwesterly direction to Secondary Road 1342; thence, following Secondary Road 1342 in a northwesterly direction to Secondary Road 1341; thence, following Secondary Road 1341 in a northwesterly direction to Secondary Road 1162; thence, following Secondary Road 1162 in a northwesterly direction to Secondary Road 1501; thence, following Secondary Road 1501 in a northwesterly direction to Secondary Road 1010; thence, following Secondary Road 1010 in a southwesterly direction to Secondary Road 1525; thence, following Secondary Road 1525 in a southeasterly, then southwesterly direction to Secondary Road 1524; thence, following Secondary Road 1524 in a southwesterly direction to State Highway 50; thence, following State Highway 50 in a northwesterly direction to State Highway 42; thence, following State Highway 42 in a southwesterly direction to the Johnston-Wake County line; thence, following the Johnston-Wake County line in a southeasterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a southeasterly direction to State Highway 55 in Harnett County; thence, following State Highway 55 in a southeasterly direction to Secondary Road 2006; thence, following Secondary Road 2006 in a southeasterly direction to Secondary Road 1769; thence, following Secondary Road 1769 in a northwesterly direction to the east bank of Thorntons Creek; thence, following the east bank of Thorntons Creek in a generally southeasterly direction to the north bank of Cape Fear River; thence, following the north bank of Cape Fear River in a generally southeasterly direction to dirt road extension of Secondary Road 1709;

thence, following dirt road extension of Secondary Road 1709 in a northeasterly direction to Secondary Road 1709;

Thence, following Secondary Road 1709 in a northeasterly direction to Secondary Road 1802; thence, following Secondary Road 1802 in a southeasterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a southeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Road 1818; thence, following Secondary Road 1818 in a southeasterly direction to Secondary Road 1826; thence, following Secondary Road 1826 in a generally southeasterly direction to Secondary Road 1848; thence, following Secondary Road 1848 in a northeasterly direction to Secondary Road 1851; thence, following Secondary Road 1851 in a northeasterly direction to Secondary Road 1426 in Sampson County; thence, following Secondary Road 1426 in a northeasterly direction to Secondary Road 1424; thence, following Secondary Road 1424 in a northwesterly direction to Secondary Road 1427; thence, following Secondary Road 1427 in a northeasterly direction to Secondary Road 1425; thence, following Secondary Road 1425 in a northeasterly direction to Secondary Road 1428; thence, following Secondary Road 1428 in a northeasterly direction to Secondary Road 1430; thence, following Secondary Road 1430 in a generally northeasterly direction to Secondary Road 1414; thence, following Secondary Road 1414 in a generally northeasterly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a northeasterly direction to State Highway 242; thence, following State Highway 242 in a northwesterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a northeasterly direction to Secondary Road 1332; thence, following Secondary Road 1332 in a northeasterly direction to Secondary Road 1325; thence, following Secondary Road 1325 in a generally northwesterly direction to Secondary Road 1338;

Thence, following Secondary Road 1338 in a northeasterly direction to U.S. Highway 421; thence, following U.S. Highway 421 in a southwesterly direction to Secondary Road 1809; thence, following Secondary Road 1809 in a northwesterly direction to Secondary Road 1636; thence, following Secondary Road 1636 in a northeasterly direction to Secondary Road 1703; thence, following Secondary Road 1703 in a northwesterly direction to Secondary Road 1647; thence, following Secondary Road 1647 in a northwesterly direction to State Highway 50; thence, following State Highway 50 in a northwesterly direction to Secondary Road 1122 in Johnston County; thence, following Secondary Road 1122 in a northwesterly direction to Secondary Road 1132; thence, following Secondary Road 1132 in a southwesterly direction to Secondary Road 1133; thence, following Secondary Road 1133 in a northwesterly direction to Secondary Road 1116; thence, following Secondary Road 1116 in a northerly direction to Secondary Road 1138; thence, following Secondary Road 1138 in a northwesterly direction to Secondary Road 1136; thence, following Secondary Road 1136 in a southwesterly direction to Secondary Road 1139; thence, following Secondary Road 1139 in a northwesterly direction to Secondary Road 1140; thence, following Secondary Road 1140 in a northwesterly direction to Secondary Road 1144; thence, following Secondary Road 1144 in a northeasterly direction to Secondary Road 1145; thence, following Secondary Road 1145 in a northwesterly direction to Secondary Road 1146; thence, following Secondary Road 1146 in a northeasterly, then northwesterly direction to Secondary Road 1148; thence, following Secondary Road 1148 in a generally northerly direction to U.S. Highway 701; thence, following U.S. Highway 701 in a northwesterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a northwesterly direction to its junction with Secondary Road 1343 in Johnston County.

(7) *Ohio.* (i) That portion of Clark County bounded by a line beginning at the junction of County Road 235 and New Carlisle Pike, County Road 314; thence, following New Carlisle Pike, County Road 314 in an easterly, then southeasterly direction to U.S. Highway 40; thence, following U.S. Highway 40 in a generally easterly direction to U.S. Highway 68; thence, following U.S. Highway 68 in a southwesterly direction to the Clark-Greene County line; thence, following the Clark-Greene County line in a westerly, then northerly, then westerly direction to the junction of the Clark-Greene-Montgomery County lines; thence, following the Clark-Montgomery County line in a northerly direction to County Road 235; thence, following County Road 235 in a northerly, then northeasterly direction to its junction with New Carlisle Pike, County Road 314.

(ii) The adjacent portions of Fayette, Highland, and Clinton Counties bounded by a line beginning at the junction of U.S. Highway 22, State Highway 3 and the west bank of the Sugar Creek in Fayette County; thence, following the west bank of the Sugar Creek in a generally northwesterly direction to the junction of the Union-Jasper-Jefferson Township lines; thence, following the Union-Jefferson Township line in a northeasterly direction to the junction of the Union-Jefferson-Paint Township lines; thence, following the Union-Paint Township line in a northeasterly direction to State Highway 238; thence, following State Highway 238 in a southeasterly direction to U.S. Highway 22; thence, following U.S. Highway 22 in a southwesterly direction to County Road 142; thence, following County Road 142 in a generally southwesterly direction to State Highway 753; thence, following State Highway 753 in a southeasterly, then southwesterly direction to Township Road 156; thence, following Township Road 156 in a generally westerly direction to Township Road 163; thence, following Township Road 163 in a southerly direction to Township Road 371 in Highland County; thence, following Township Road 371 in a southerly direction to State Highway 28; thence, following State Highway 28 in a westerly direction to State Highway 41; thence, following State Highway 41 in a northwesterly direction to State Highway 729 in Clinton County; thence, following State Highway 729 in a northeasterly, then northwesterly direction to U.S. Highway 22, State Highway 3; thence, following U.S. Highway 22, State Highway 3 in a northeasterly direction to its junction with the west bank of the Sugar Creek in Fayette County.

(iii) That portion of Madison County bounded by a line beginning at the junction of County Road 109 and the Madison-Clark County line; thence, following County Road 109 in a northeasterly, then southeasterly direction to Township Road 111; thence, following Township Road 111 in a northeasterly direction to County Road 110; thence, following County Road 110 in a southeasterly direction to State Highway 38; thence, following State Highway 38 in a southwesterly direction to Interstate Highway 70, U.S. Highway 40; thence, following Interstate Highway 70, U.S. Highway 40 in a northeasterly direction to County Road 70; thence, following County Road 70 in a southeasterly direction to State Highway 142; thence, following State Highway 142 in a southwesterly direction to County Road 70; thence, following County Road 70 in a southeasterly, then southwesterly direction to County Road 4; thence, following County Road 4 in a southwesterly direction to Township Road 100; thence, following Township Road 100 in a southeasterly direction to the north bank of the Oak Run Creek; thence, following the north bank of the Oak Run Creek in a northwesterly direction to the junction of the Oak Run Creek and the Walnut Run Creek; thence, crossing the Oak Run Creek to the north bank of the Walnut Run Creek; thence, following the north bank of the Walnut Run Creek in a generally westerly direction to the Union-Paint Township line; thence, following the Union-Paint Township line in a northwesterly direction to the Madison-Clark County line; thence, following the Madison-Clark County line in a northeasterly direction to its junction with County Road 109.

(8) *Tennessee.* (i) 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.

(ii) The adjacent portions of Cumberland and Fentress Counties bounded by a line beginning at the junction of the Fentress-Overton County line and State Highway 85 in Fentress County; thence, following the Fentress-Overton County line in a southeasterly, then southwesterly direction to the junction of the Fentress-Overton-Putnam County lines; thence, following the Fentress-Putnam County line in a southeasterly direction to the junction of the Fentress-Putnam-Cumberland County lines; thence, following the Cumberland-Putnam County line in a southwesterly, then westerly direction to U.S. Highway 70N, State Highway 24 in Cumberland County; thence, following U.S. Highway 70N, State Highway 24 in a generally southeasterly direction to U.S. Highway 127, State Highway 28; thence, following U.S. Highway 127, State Highway 28 in a northwesterly direction to Secondary Road 4252; thence, following Secondary Road 4252 in a northeasterly direction to the southern boundary of the Catoosa Wildlife Management Area; thence, following the southern boundary of the Catoosa Wildlife Management Area in a generally northeasterly direction to the Cumberland-Morgan County line; thence, following the Cumberland-Morgan County line in a generally northwesterly direction to the junction of the Cumberland-Morgan-Fentress County lines; thence, following the Fentress-Morgan County line in a generally northerly direction to Secondary Road 4242 in Fentress County; thence, following Secondary Road 4242 in a generally northwesterly direction to U.S. Highway 127, State Highway 28; thence, following U.S. Highway 127, State Highway 28 in a southwesterly direction to State Highway 85; thence, following State Highway 85 in a generally northwesterly direction to its junction with the Fentress-Overton County line.

(iii) That portion of Knox County bounded by a line beginning at the junction of the Knox-Anderson County line and U.S. Highway 25W, State Highway 9; thence, following U.S. Highway 25W, State Highway 9 in a generally southeasterly direction to State Highway 33; thence, following State Highway 33 in a southerly, then southeasterly direction to the north bank of the Tennessee River; thence, following the north bank of the Tennessee River in a generally southwesterly direction to the north bank of the Fort Loudoun Lake; thence, following the north bank of the Fort Loudoun Lake in a generally northwesterly direction to Secondary Road 2405; thence, following Secondary Road 2405 in a northeasterly, then northwesterly direction to Lovell Road; thence, following Lovell Road in a northwesterly direction to Secondary Road 2519; thence, following Secondary Road 2519 in a northwesterly direction to the Knox-Anderson County line; thence, following the Knox-Anderson County line in a southeasterly, then northeasterly direction to its junction with U.S. Highway 25W, State Highway 9.

(iv) That portion of Roane County bounded by a line beginning at the junction of Interstate Highway 40 and the south bank of the Clinch River; thence, following the south bank of the Clinch River in a generally northeasterly direction to the western boundary of the Oak Ridge area; thence, following the western boundary of the Oak Ridge area in a southeasterly, then northeasterly, then southeasterly direction to State Highway 58; thence, following State Highway 58 in a southwesterly direction to Interstate Highway 40; thence, following Interstate Highway 40 in a generally northwesterly direction to its junction with the south bank of the Clinch River.

(9) *Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera eradication States. Once designated as a hog cholera eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as eradication States:

New Jersey	Commonwealth of
South Carolina	Puerto Rico

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists with such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing in this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

Alabama.	Missouri
Alaska.	Montana
Arizona.	Nevada
Arkansas.	New Hampshire
California.	New Mexico
Colorado.	New York
Connecticut.	North Dakota
Delaware.	Oklahoma
Florida.	Oregon
Hawaii.	Pennsylvania
Idaho.	Rhode Island
Illinois.	South Dakota
Iowa.	Utah
Kansas.	Vermont
Louisiana.	Virginia
Maine.	Washington
Maryland	West Virginia
Massachusetts	Wisconsin
Michigan	Wyoming
Minnesota	District of Columbia
Mississippi	

(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; 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505.)

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

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

No other changes are made in §§ 76.2 (e), (f), and (g), but all presently effective provisions of §§ 76.2 (e), (f), and (g) are set forth above for convenient reference.

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 rulemaking 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 27th day of October 1972.

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

[FR Doc.72-18767 Filed 11-1-72;8:54 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Miscellaneous Amendments

Notice is hereby given of the amendment of the Atomic Energy Commission's "Standards for Protection Against Radiation," 10 CFR Part 20.

The amendments of Appendix B correct a number of the "Concentrations in Air and Water Above Natural Background" to conform with recommendations of the National Council on Radiation Protection and Measurements (NCRP). The corrections of Appendix B change the following listings: soluble manganese-54 in Table II, Column 1, from 1×10^{-6} to 1×10^{-5}; insoluble americium-241 in Table II, Column 2, from 2×10^{-5} to 3×10^{-5}; insoluble curium-242 in Table II, Column 2 from 3×10^{-5} to 2×10^{-5}; and all of the listings for californium-252.

The amendments of Appendix B also add listings for platinum-193, thorium-227, and thorium-231. Permissible concentration values for these radionuclides are set forth in both NBS Handbook 69 (NCRP) and the "Report of International Commission on Radiological Protection Committee II (1959)" and were derived in the same manner as the other listings set forth in those documents and implemented in Appendix B.

Section 20.5(c) also is amended to change the number of disintegrations per second from the uranium-235 associated with one curie of natural uranium from 9×10^{9} to 1.7×10^{9}. This change is made to conform with the value listed in Addendum I to NBS Handbook 69 (NCRP).

Because these amendments relate solely to corrections and minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER (11-2-72).

The Commission has determined, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality, that these amendments do not require the preparation of an environmental statement pursuant to that statute.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20, are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. Appendix B, Concentrations in Air and Water Above Natural Background, of 10 CFR Part 20, is amended by changing the values for soluble manganese-54, insoluble americium-241, insoluble curium-242, and californium-252, and adding concentration values for platinum-193, thorium-227, and thorium-231, to read as follows:

Element (atomic number)	Isotope [1]		Table I		Table II	
			Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
• • •	• • •		• • •	• • •	• • •	• • •
Americium (95)	Am 241	I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
• • •	• • •		• • •	• • •	• • •	• • •
Californium (98)	Cf 252	S	6×10^{-12}	2×10^{-4}	2×10^{-13}	7×10^{-6}
		I	3×10^{-11}	2×10^{-4}	1×10^{-12}	7×10^{-6}
• • •	• • •		• • •	• • •	• • •	• • •
Curium (96)	Cm 242	I	2×10^{-10}	7×10^{-4}	6×10^{-12}	2×10^{-5}
• • •	• • •		• • •	• • •	• • •	• • •
Manganese (25)	Mn 54	S	4×10^{-7}	4×10^{-3}	1×10^{-8}	1×10^{-4}
• • •	• • •		• • •	• • •	• • •	• • •
Platinum (78)	Pt 193	S	1×10^{-6}	3×10^{-2}	4×10^{-8}	9×10^{-4}
		I	3×10^{-7}	5×10^{-2}	1×10^{-8}	2×10^{-3}
• • •	• • •		• • •	• • •	• • •	• • •
Thorium (90)	Th 227	S	3×10^{-10}	5×10^{-4}	1×10^{-11}	2×10^{-5}
		I	2×10^{-10}	5×10^{-4}	6×10^{-12}	2×10^{-5}
	• • •		• • •	• • •	• • •	• • •
	Th 231	S	1×10^{-6}	7×10^{-2}	5×10^{-8}	2×10^{-4}
		I	1×10^{-6}	7×10^{-2}	4×10^{-8}	2×10^{-4}

2. The first sentence of § 20.5(c)(1) is amended to read as follows:

(c) *Natural uranium and natural thorium.* (1) For purposes of the regulations in this part, one curie of natural uranium (U-natural in Appendix B or C) means the sum of 3.7×10^{10} disintegrations per second from U^{238} plus 3.7×10^{10} dis/sec from U^{234} plus 1.7×10^{9} dis/sec from U^{235}.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 17th day of October 1972.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.72-18568 Filed 11-1-72;8:45 am]

Title 25—INDIANS

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

PART 221—OPERATION AND MAINTENANCE

Tribal and Trust Patent Indian Lands of the San Carlos Indian Irrigation Project, Ariz.

On page 19379 of the FEDERAL REGISTER of September 20, 1972, there was published a notice of proposal to revise § 221.110 of Title 25, Code of Federal Regulations. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, nor objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476) March 7, 1928 (45 Stat. 210, title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1973 and the subsequent years unless changed by further order, is hereby fixed at $11. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111–221.116, inclusive.

DALE M. BELCHER,
Acting Assistant Area Director.

[FR Doc.72-18721 Filed 11-1-72;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1632—DELIVERY AND INDUCTION

Miscellaneous Amendments

Whereas, on September 29, 1972, the Director of Selective Service published a notice of proposed amendments to Selective Service regulations (37 F.R. 20335) of September 29, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.s.t. on November 4, 1972, as follows:

Section 1622.22(a) is amended to read as follows:

§ 1622.22 Class 2–A-Registrant deferred because of civilian occupation (except agriculture) or nondegree study.

(a) In Class 2–A shall be placed any registrant whose continued service is found to be necessary to the maintenance of the national health, safety, or interest in an activity identified as essential by the Director of Selective Service upon the advice of the National Security Council: *Provided,* That any request for classification in Class 2–A submitted to a local board prior to April 23, 1970, shall be considered on the basis of the provisions of this paragraph in effect prior to such date: *Provided further,* That any registrant classified in Class 2–A under the provisions of this paragraph in effect prior to April 23, 1970, may be retained in such class so long as he occupies the same position and qualifies under those provisions.

* * * * *

Section 1632.2(e) is amended to read as follows:

§ 1632.2 Postponement of induction; general.

* * * * *

(e) A postponement authorized in paragraph (b) or (c) of this section in excess of 60 days or without limit may be terminated when the issuing authority so directs and upon not less than 30 days nor more than 60 days notice to the registrant. The registrant shall then report for induction at such time and place as may be fixed by the local board.

* * * * *

BYRON V. PEPITONE,
Acting Director.

OCTOBER 30, 1972.

[FR Doc.72–18776 Filed 11–1–72;8:55 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

Elimination of Certain Capital Improvements From 8-Percent Ceiling on Certain Rent Increases; Correction

The document amending § 301.208 of the rent stabilization regulations of the Price Commission published in the FEDERAL REGISTER on September 21, 1972 (37 F.R. 19619), is corrected by changing "before" to "after" in the first sentence of the preamble, and by changing "including" to "excluding" in the amendment to the first sentence of the flush paragraph appearing after subparagraph (2) of § 301.208(a).

(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, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

Issued in Washington, D.C., on October 31, 1972.

By direction of the Commission.

JAMES B. MINOR,
General Counsel,
Price Commission.

[FR Doc.72–18854 Filed 11–1–72;8:49 am]

Rulings—Internal Revenue Service, Department of the Treasury

[Price Commission Ruling 1972–269]

RENT-ALLOWABLE COSTS-NEW RENTAL UNITS

Price Commission Ruling

Facts. In 1968 L purchased 30 acres of real estate and constructed a complex of garden apartments X, on part of the land. During 1971, the real estate taxes were assessed on the apartments and entire tract of land. During 1971, additional garden apartments Y were constructed on the remaining part of the land. Construction was completed and the Y apartments were first offered for rent after August 15, 1971. The real estate taxes for 1972 were assessed on all of the apartments (i.e. X+Y) and the land.

Issue. To what extent may L increase the rent for the X apartments due to the increase in real estate taxes?

Ruling. Section 301.101(a)(2) provides that a lessor may add a properly allocated increase in allowable cost to the base rent of a residence. Economic Stabilization Regulations, § 301.101(a)(2), 37 F.R. 13226 (1972). Section 301.2 defines allowable costs to include real estate taxes. Economic Stabilization Regulations, § 301.2, 37 F.R. 13226 (1972). Section 301.101(b) which provides a method for determining the amount of rent adjustments allowable to a particular residence indicates that the allowable costs which relate to a particular residence may be used only to justify rent increases for that residence. Economic Stabilization Regulations, § 301.101(b), 37 F.R. 13226 (1972). This provision incorporates in the regulations the principles set forth in Price Commission Ruling 1972–159, 37 F.R. 9352 (1972). Thus, an increase in the real estate taxes on an apartment development due to the construction of a new apartment building represents an increase in taxes upon unrelated residences.

In the present case, to the extent that the increase in taxes are attributable to X and its portion of the land, the increased taxes qualify as allowable cost and after proper allocation, may be passed through to the tenants in X. On the other hand, to the extent that the increase in taxes are attributable to Y and its portion of the land, the increased taxes do not qualify as allowable costs. Thus, they may not be passed through under § 301.101 to the tenants in apartment X. However, since the Y apartments are exempt as rental units on which construction was completed, and which were first offered for rent after August 15, 1971, under 6 CFR 301.33(a)(2)(ii) (1972) of the Economic Stabilization Regulations, L may charge the tenants in Y a rent which covers the increase in taxes attributable to Y.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 26, 1972.

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

Approved: October 26, 1972.

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

[FR Doc.72–18693 Filed 11–1–72;8:46 am]

[Price Commission Ruling 1972–268]

VOLATILE PRICING RULE

Price Commission Ruling

Facts. Firm A purchases cocoa beans and uses them in the manufacture of

chocolate. A typically carries a 2-month inventory of beans. The price of cocoa beans has recently increased and A wishes to increase the price of its chocolate under the volatile pricing rule in Economic Stabilization Regulations, 6 CFR 300.51(f) (1972). A has been granted such authority by the Price Commission. A has customarily used a LIFO system of inventory accounting. A is a prenotification firm.

Issue. May A increase the price of its chocolate to reflect an increase in the market price of cocoa beans prior to the purchase of beans at the higher price?

Ruling. No. A may increase the price of chocolate only to reflect a dollar-for-dollar passthrough of increased costs of cocoa beans which have actually been incurred.

The volatile pricing rule under § 300.51 (f) of the regulations is an exception to the general requirement that prenotification firms must receive Price Commission approval before effecting price increases. A manufacturing firm with volatile pricing authority may increase prices without prenotifying. But that firm is still subject to the general rule in Economic Stabilization Regulations, 6 CFR 300.12 (1972) that it "may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the last price increase in the item concerned or that it incurred after January 1, 1971, whichever was later * * *." An allowable cost is not "incurred" until a person becomes subject to or liable for that increased cost. No price increase can thus be made until the seller is subject to or liable for an increased cost. See Price Commission Ruling 1972–108, 37 F.R. 5648 (1972).

In this case, A may increase the price of its chocolate without prenotification only to recover the dollar increase in the price of cocoa which is purchased and used in the production of that chocolate. Price Commission Ruling 1972–15, 37 F.R. 765 (1972). To the extent that inventory levels are held constant, the LIFO inventory accounting system may permit the allowable increases to closely approximate changes in the current market price level. However, this results from the sale of chocolate manufactured after higher priced beans were purchased and not merely the adjustment in the price of chocolate based on the market or replacement cost of the raw material used.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 26, 1972.

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

Approved: October 26, 1972.

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

[FR Doc.72-18694 Filed 11-1-72;8:46 am]

[Price Commission Ruling 1972–270]

NEW HOSPITAL

Price Commission Ruling

Facts. Hospital A has recently opened a new facility and has abandoned its former location. The new hospital has a greater capacity and offers intensive care services and rehabilitation services in addition to the services provided in the old hospital. While most of the equipment is new, it merely replaces and is not an improvement over the equipment used in the former facility.

In order to qualify as new property or service under Economic Stabilization Regulation, 6 CFR 300.409 (1972) the property or service must be either: (1) Substantially different from other property or service in purpose, function, quality, or technology, or the use of the property or service must effect a substantially different result; or (2) not previously offered for sale or lease by the person during the 1-year period immediately preceding the date on which he is offering the property or service.

Issue. Is Hospital A providing new services under § 300.409?

Ruling. Hospital A must consider each service that it offers separately to determine whether the particular service qualifies as new under § 300.409. To be considered as new, the service itself must be substantially different. That the building is new is not sufficient to deem the services new. Similarly, new equipment is not sufficient to deem the services new unless that equipment is substantially different in purpose, function, quality, or technology than the old equipment. However, if the new equipment or facilities enable the hospital to offer services not previously provided by the old equipment, those additional services qualify as new. The intensive care and rehabilitation units qualify as new services under this section, but the remainder of the hospital's services are the same as those previously offered in the old facility. Hospital A must therefore use its former base prices for the services it previously provided. Any price increase must be made in accordance with Economic Stabilization Regulation, 6 CFR 300.18 (1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 27, 1972.

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

Approved: October 27, 1972.

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

[FR Doc.72-18695 Filed 11-1-72;8:46 am]

[Price Commission Ruling 1972–271]

AGGREGATE ANNUAL REVENUES OF INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. Hospital A, an institutional provider of health services, has always customarily charged different prices to different classes of patients (such as private pay patients, Medicare patients, and patients covered by Blue Cross) for the same services. Each of these classes of patients constitutes a specific class of purchasers as defined in Economic Stabilization Regulations, 6 CFR 300.5 (1972). Hospital A has increased no prices since June 30, 1971, but it has incurred allowable cost increases since that date, and wishes to increase its prices to reflect these cost increases. In its fiscal year ending on June 30, 1972, hospital A had aggregate annual revenues (as defined in Economic Stabilization Regulations, § 300.18(a), 37 F.R. 14312 (1972)) of $10 million. During its fiscal year just ended, hospital A's revenues from its private pay patients were $1 million. Hospital A intends to increase the private pay patient prices more than it increases those charged to other classes of purchasers. This increase will reflect allowable cost increases allocable to the services provided to private pay patients. When annualized and adjusted for volume differences, hospital A's price increases will increase its revenues flowing from private pay patients by $70,000 (or 7 percent more than in its June 30, 1972, fiscal year). However, the effect of all its price increases to all classes of purchasers, when annualized and adjusted for volume differences, will increase its fiscal 1972 revenues $580,000, or 5.8 percent more than its fiscal 1972 revenues.

No institutional provider of health services may charge a price in excess of the base price, if the effect of the increase, together with any other price changes made by it under the authority of the Economic Stabilization Regulations, is to increase its aggregate annual revenues adjusted for volume differences at an annualized rate of more than 6 percent over the amount of its aggregate annual revenues for its most recently completed fiscal year unless the provider has received an exception from the Price Commission, after filing a request therefore with the District Director of Internal Revenue for the district in which the provider is located. Economic Stabilization Regulations, § 300.18(c), 37 F.R. 14312 (1972).

Issue. Must hospital A request an exception before it puts its proposed price increases into effect?

Ruling. No. Aggregate annual revenues include the sum of all patient service revenues and all other operating revenues from services, sales, and activities, minus deductions for charity, courtesy, and contractual discounts and allowances for

bad debts. Economic Stabilization Regulations, 6 CFR 300.18(a), 37 F.R. 14312 (1972). "Aggregate annual revenues" are not computed separately for each class of purchaser. The 6 percent limitation in § 300.18(c) is not applied separately to the revenues flowing from a price increase to one of several specific classes of purchasers of the institution's services. Therefore, a price increase that, when annualized, will increase the revenues flowing from one class of purchaser by more than 6 percent does not require an exception from the Price Commission if the effect of the increase, together with other annualized price changes, will not increase the provider's aggregate annual revenues adjusted for volume differences more than 6 percent over the aggregate annual revenues of the most recently completed fiscal year. Therefore, hospital A's 7 percent increase to private pay patients will not require an exception.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 27, 1972.

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

Approved: October 27, 1972.

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

[FR Doc.72-18696 Filed 11-1-72;8:46 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdts. 8, 11, 3]

NATIONAL SCHOOL BREAKFAST AND LUNCH PROGRAMS

Pursuant to Public Law 92-433, approved September 26, 1972, the regulations governing the National School Lunch Program, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses, and the regulations for Determining Eligibility for Free and Reduced Price Lunches are hereby amended to provide that: (1) The statewide average reimbursement rate for general cash-for-food assistance for all eligible lunches served shall be not less than 8 cents; (2) the section 4, general cash-for-food, State revenues matching requirements shall be based on the preceding fiscal year; (3) participation in the School Breakfast Program shall be available to all schools; (4) a new formula shall be used for apportioning 50 percent of the appropriated Nonfood Assistance funds for needy schools and a new formula shall be used for apportioning 50 percent of such funds for needy schools without a food service; (5) the 25 percent matching requirement for Nonfood Assistance funds paid to nonprofit private schools may be based on an average of such funds received by all such schools within a State; (6) a State agency or Regional Office may waive the 25 percent matching requirement in the case of any especially needy school without a food service program; (7) all children from families whose income is at or below the family income guidelines prescribed by the State agencies or Food and Nutrition Service Regional Offices shall be served free meals; (8) the standards for determining eligibility for free or reduced price meals shall be based on family size and income only; (9) State agencies or Food and Nutrition Service Regional Offices shall establish family-size income standards for schools under their jurisdictions at levels which are not less than those prescribed by the Secretary and, in the case of free meals, are not more than 25 percent above the Secretary's poverty scale and, in the case of reduced price meals, are not more than 50 percent above such poverty scale.

Since these changes in the regulations are largely nondiscretionary being principally required by Public Law 92-433, the Department does not believe that the proposed rule making and public participation procedure are necessary. Furthermore, since these changes are effective for the entire fiscal year 1973, State agencies and schools must know of the changes as soon as possible so as to give them adequate time to come into conformance with the new rules. It is expected that a notice of proposed rule making will be issued in the near future with respect to other amendments to the regulations required as a result of Public Law 92-433, or otherwise determined to be appropriate.

The amendments are as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.4, paragraph (f) is revised to read:

§ 210.4 Apportionment of funds to States.

* * * * *

(f) Any section 32 funds made available for general cash-for-food assistance during the fiscal year ending June 30, 1973, shall be distributed to State agencies, and to FNSRO's where applicable, in the amount of 8 cents for each Type A lunch served during such fiscal year in participating schools within the State which is in excess of the number of Type A lunches which can be financed at an average rate of 8 cents for such fiscal year from the general cash-for-food assistance funds made available to the State agencies, or FNSRO's where applicable, under the provisions of paragraphs (a) and (c) of this section.

* * * * *

§ 210.6 [Amended]

In § 210.6, paragraph (b) is amended by inserting the words "for the preceding year" after the words "matching requirement" wherever they occur.

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS STATE ADMINISTRATIVE EXPENSES

3. In § 220.7, paragraphs (b) and (c) are revised to read as follows:

§ 220.7 Requirements for participation.

* * * * *

(b) Applications shall include the name and address of the school food authority and of each school in which the school breakfast program will be operated, and the following information with respect to each such school: (1) The planned beginning date of breakfast service under the program; (2) the estimated average daily enrollment; (3) the full breakfast price to be charged and the reduced price to be charged children eligible for reduced price breakfasts; and (4) if the school is not participating in the National School Lunch Program, the estimated number of children in such school who will be eligible for free and reduced price breakfasts under the eligibility standards proposed in the free and reduced price policy statement submitted in accordance with Part 245 of this chapter.

(c) Within the funds available to them, State agencies, or FNSRO's where applicable, shall approve for participation in the School Breakfast Program any school making application and agreeing to carry out the program in accordance with this part. State agencies, or FNSRO's where applicable, have a positive obligation, however, to extend the benefits of the School Breakfast Program to children attending schools in areas where poor economic conditions exist.

* * * * *

4. In § 220.12, paragraph (a) is revised, paragraph (a-1) is added, and paragraphs (b) and (c) are revised as follows:

§ 220.12 Apportionment of funds to States.

(a) Fifty per centum of any Federal funds appropriated for nonfood assistance under section 5 of the Act shall be apportioned among the States during each fiscal year on the basis of the ratio that the number of lunches, meeting the meal requirements set forth in § 210.10 of this part, served in each State in the preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned bears to the total number of such lunches served in all States in such preceding fiscal year. The remaining 50 per centum of Federal funds appropriated for nonfood assistance shall be apportioned to schools without a food service in accordance with paragraph (a-1) of this section.

(a-1) Fifty per centum of the funds appropriated for nonfood assistance under section 5 of the Act shall be apportioned to each State on the basis of the ratio of the number of children enrolled in schools without a food service

in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are apportioned to the number of children enrolled in schools without a food service in all States in such fiscal year. All funds apportioned under this paragraph shall be used exclusively for schools without a food service.

(b) If any State agency cannot use all the funds apportioned to it under paragraph (a) or (a–1) of this section, it shall release such funds to the Department for reapportionment among the remaining States, in the manner and for the purposes of the respective initial apportionments: *Provided, however,* That no further apportionment shall be made if the Department determines that the amount of such funds is too small to make a further apportionment.

(c) A share of the Nonfood Assistance Program funds apportioned to any State in accordance with paragraphs (a) and (a–1) of this section shall be withheld by FNS for the nonprofit private schools of that State if the State agency is prohibited by law from administering the Nonfood Assistance Program with respect to such schools. The amount withheld from the funds apportioned under paragraph (a) shall bear the same ratio to such apportioned funds as the number of lunches meeting the requirements of § 210.10 served in nonprofit private schools in such State in the latest preceding year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of such lunches served in all schools within such State in such preceding fiscal year. The amount withheld under paragraph (a–1) of this section shall bear the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of children enrolled in all schools without a food service in such State in such fiscal year.

5. In § 220.14, paragraph (a) is revised to read as follows:

§ 220.14 Matching of funds.

(a) During any fiscal year, payments made by FNS to each State agency and payments made by FNSRO to the school food authorities of any nonprofit private school shall be upon the condition that at least one-fourth of the costs of the equipment furnished shall be borne from sources within the State: *Provided, however,* That funds used to assist schools without a food service which are determined by the State agency or FNSRO to be especially needy need not be so matched. Payments made by FNS to State agencies may be matched either by the recipient school food authority or from other State or local sources and payments by FNSRO to nonprofit private school food authorities may be matched either by the recipient school food authorities or from other funds available to nonprofit private schools within the State.

* * * * *

§ 220.16 [Amended]

6. In § 220.16 paragraph (b) is amended to delete the proviso at the end thereof and subparagraph (4) of paragraph (c) is revoked.

7. Section 220.17 is revised to read as follows:

§ 220.17 Reimbursement payments.

The amount of reimbursement payment made to any school food authority shall not exceed the total cost of the equipment acquired, including transportation and installation charges. The total amount of the reimbursement payments made to all school food authorities in each State, except school food authorities of schools without a food service which are determined to be especially needy, shall not exceed three-fourths of the total cost of the equipment acquired, including transportation and installation charges.

PART 245—DETERMINING ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS

8. The heading of Part 245 is revised to read as set forth above.

9. In § 245.3, paragraphs (a) and (b) are revised and a new paragraph (c) is added as follows:

§ 245.3 Eligibility standards for free and reduced price meals.

(a) Each State agency, or FNSRO where applicable, shall at the beginning of each fiscal year announce family-size income standards to be used by school food authorities of schools under the jurisdiction of such State agency, or FNSRO where applicable, in making eligibility determinations for free or reduced price meals. Such family-size income standards for free meals shall in no event be set at less than the income poverty guidelines prescribed by the Secretary for such fiscal year, and shall not be more than 25 per centum above such income poverty guidelines. Such family-size income standards for reduced price meals shall not be set at more than 50 per centum above such income poverty guidelines. Within these limits, the State agency, or FNSRO where applicable, may prescribe a single set of family-size income standards or it may prescribe a range of income standards.

(b) Each school food authority shall establish standards of eligibility for free meals, and, if the school food authority elects to serve reduced-price meals, it shall establish standards of eligibility for reduced price meals. The school food authority's standards of eligibility shall be in conformity with the family-size income standards prescribed by the State agency, or FNSRO where applicable, under paragraph (a) of this section: *Provided, however,* That any school food authority which had in effect standards of eligibility for free or reduced price meals prior to July 1, 1972, which are more liberal than the standards of eligibility so determined, may use such more liberal standards for the fiscal year ending June 30, 1973. Each school food authority shall serve free meals to all children eligible therefor under its standards of eligibility.

(c) The school food authority's standards of eligibility shall be a part of the policy statement required under § 245.10, and shall be publicly announced in accordance with the provisions of § 245.5. Such standards shall: (1) Specify the family-size income criteria to be used for free meals, and for reduced price meals if appropriate; (2) be applicable to all schools participating in the National School Lunch Program or the School Breakfast Program and to commodity only schools under the jurisdiction of the school food authority; and (3) provide that all children from a family meeting the eligibility standards and attending any schools under the jurisdiction of the school food authority shall be provided the same benefits. For schools which participate in both the National School Lunch Program under Part 210 of this chapter and the School Breakfast Program under Part 220 of this chapter, the same set of criteria shall be applied so that the children who are eligible for a free lunch shall be eligible for a free breakfast and children who are eligible for a reduced price lunch shall be eligible for a reduced price breakfast.

Effective date. These amendments shall be effective upon publication (11–2–72), except that State educational agencies, or FNSROs where applicable, and school food authorities under their jurisdiction shall, to the maximum extent practicable, conform to the provisions of § 245.3 at the earliest possible date, but in no event later than January 1, 1973.

Dated: October 30, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-18788 Filed 11-1-72;8:46 am]

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

[Navel Orange Reg. 273]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.573 Navel Orange Regulation 273.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 Navel

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 Navel 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 Navel 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 Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 31, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 3, 1972, through November 9, 1972, are hereby fixed as follows:

(i) District 1: 752,000 cartons,

(ii) District 2: Unlimited;

(iii) District 3: 48,000 cartons.

(2) As used in this section, "handled," "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: November 1, 1972.

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

[FR Doc.72–18915 Filed 11–1–72;11:30 am]

[Valencia Orange Reg. 416]

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

Limitation of Handling

§ 908.716 Valencia Orange Regulation 416.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 31, 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 November 3 through November 9, 1972, are hereby fixed as follows:

(i) District 1: 280,000 cartons;

(ii) District 2: 220,000 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: October 31, 1972.

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

[FR Doc.72–18916 Filed 11–1–72;11:30 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Administrative Rules; Grade and Size Regulations

Notice was published in the September 27, 1972, issue of the FEDERAL REGISTER (37 F.R. 20178) regarding a proposal to revise Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 37 F.R. 1159, 5282, 6566, 6729, 7873, and 10067), Subpart—Grade and Size Regulations (7 CFR 987.202–987.219; 36 F.R. 23894; 37 F.R. 4900, 5282, 6729, 7874, and 10067), and Subpart—Market Development (7 CFR 987.401). The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on a unanimous recommendation of the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. One such submission was received from the California Date Administrative Committee in which it suggested minor changes to correct editorial references and for clarification purposes.

Section 987.145(d) would prescribe a procedure for transferring the quantity of marketable dates disposed of by a handler in excess of his withholding obligation of a crop year to another handler for credit against that handler's withholding obligation for that crop year. Such transfers were authorized by the August 12, 1971, amendment of the marketing agreement and order. In addition, it would increase the quantity of such

excess disposition which a handler may carry over into the succeeding crop year for credit against his withholding obligation in that crop year.

Date movement in the United States and to Canada during the months preceding Christmas (i.e., October–December) is mostly of packaged whole or pitted dates. When volume regulations are in effect during a crop year, handlers incur withholding obligations based on the quantities of dates they have inspected and certified for such movement. Under the order, disposition of dates in export and product outlets are credited against handlers' withholding obligations. However, most exports occur in August and September, and the bulk of product quality date sales occur after Christmas. Hence, early season withholding obligations could prevent handlers from taking full advantage of holiday packaged demand. Increasing the quantity of excess disposition which handlers may carry over into the succeeding crop year for credit against their withholding obligations in that crop year would allow them to ship dates freely during the months preceding Christmas and to take full advantage of the active holiday market.

Procedures on the use of field-run and graded dates in deferring handlers' withholding obligations would be prescribed in § 987.145 (a)(5) and (e). Section 987.45(e) of the order authorizes deferment of the withholding obligation by setting aside graded dates. Section 987.45 (f) authorizes handlers to meet any part or all of their withholding obligations by setting aside field-run dates or by disposing of field-run dates in outlets for utility and cull dates. The prescribed procedures would provide for deferral of handlers' withholding obligations by setting aside field-run dates until: (1) Handlers have the set-aside field-run dates inspected and certified as marketable dates for withholding or disposition; or (2) handlers can purchase credits for excess disposition from other handlers.

Section 987.152(b)(2) would authorize donations of restricted and other marketable dates by handlers to needy persons, prisoners, or Indians on reservations, and such dispositions would be used in meeting handlers' withholding obligations. Such donations would be under safeguards required by the committee to assure consumption in such outlets.

Section 987.402 would authorize utility dates to be exported to Mexico and to be disposed of by handlers for use, or used by them, in the production of products for human consumption in the form of rings, chunks, pieces, butter, paste, macerated dates, and table syrup. This authorization replaces a similar authorization which, except for the use of utility dates in the production of table syrup, terminated September 30, 1972. Current date supply estimates indicate that the marketable supply of dates for products for human consumption and for export to Mexico will not be adequate for sales needs during the 1972–73 crop year, especially in view of very favorable demand in domestic and export outlets. Hence, the use of utility dates in products for human consumption in addition to table syrup and for export to Mexico should be continued.

Other provision changes involve simplification of identification and marking requirements for containers; clarifying the reporting requirements on sales of products dates between handlers; increasing the outlets for dates for further processing; updating surplus pool provisions; and removal of the requirement that exports must move directly from the handler to the country of destination.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the committee and the written comment received from it pursuant to this notice, and other available information, it is hereby found that the revision of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 37 F.R. 1159, 5282, 6566, 6729, 7873, and 10067), Subpart—Grade and Size Regulations (7 CFR 987.202–987.219; 36 F.R. 23894; 37 F.R. 4900, 5282, 6729, 7874, and 10067), and Subpart—Market Development (7 CFR 987.401) as proposed in the September 27, 1972, issue of the FEDERAL REGISTER (37 F.R. 20178) will tend to effectuate the declared policy of the act.

Therefore, the revision of said subparts as proposed in said notice is hereby adopted, subject to the following changes:

1. In § 987.141, paragraph "§ 987.202 (c)" is changed to "§ 987.202(d)".

2. In the last sentence of subparagraph (1) of § 987.145(a), the word "its" is changed to "their".

3. The third and fourth sentences of § 987.145(a)(4) are deleted and the following sentence is substituted in lieu thereof: "Utility dates permitted to be used in products shall be similarly stored and marked, and the word 'Utility' in lieu of 'Products' shall be marked on containers of utility dates shipped outside the area of production."

4. In the first sentence of § 987.145(c), the words "upon demand" are deleted, and insert "Such" at the beginning of the third sentence thereof.

5. In § 987.145(d), the proviso is revised to read as follows: "*Provided*, That the excess disposition exceeds 199 pounds, but in no event shall the quantity credited exceed 40 percent of the handler's withholding obligation of the crop year in which the excess disposition occurred and 100 percent of the withholding obligation incurred by him during October through December of the crop year following the crop year in which such excess disposition occurred."

6. In the last sentence of § 987.145(d), the words "such crediting or" are added immediately after the word "All".

7. In the last sentence of § 987.145(e), paragraph "§ 987.202(c)" is changed to "§ 987.202(d)".

8. In § 987.147(a), the word "differ" is changed to "differs".

9. In § 987.147(b), item No. (6) is changed to read as follows: "if the delivery is directly to a buyer's truck, the driver, truck, and buyer."

10. In §987.402(a), a comma is inserted between the words "butter" and "paste".

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making this action effective at the time hereinafter provided in that: (1) This action revises various subparts operative pursuant to the marketing agreement and order for California dates, and such revision are more reflective of current industry practices; (2) the revision of such subparts is to facilitate operations under, administration of, and compliance with, said marketing agreement and order program; (3) the 1972–73 crop year began October 1, 1972; (4) the revised subparts should be applicable to as much of the 1972–73 operations as possible, and therefore should become effective promptly; (5) this action provides for use of utility dates for products and export requirements, and handlers have indicated the need to use utility dates in such outlets during the 1972–73 crop year; and (6) this action should become effective promptly in order to enable handlers to use utility dates in such outlets as soon as possible.

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

Dated October 27, 1972, to become effective November 3, 1972.

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

Subpart—Administrative Rules

DEFINITIONS

§ 987.101 Lot.

"Lot" means the aggregate quantity of dates of the same variety, style, type and grade in like containers with like identification either (a) packed as a continuous production segment, or (b) offered for inspection as a shipping, storage, or other unit.

§ 987.102 Lot number.

"Lot number" is synonymous with code and means a combination of letters or numbers, or both, acceptable to the Committee, showing at least the date of packing, the variety, and the outlet category of the dates. The combination of letters or numbers, or both, imprinted on the containers shall differ from those of any other lot coded within a 3-year period.

§ 987.103 Utility dates.

The term "utility dates" is synonymous with the term "substandard dates" and means dates of a grade lower than any category of restricted dates but higher than cull dates.

INSPECTION

§ 987.141 Inspection and certification.

(a) Each handler shall furnish, or cause the inspection service to furnish, to the

committee a copy of the inspection certificate issued to him on each lot of dates handled, exported, or used in products, and such certificate shall contain at least the following information: (1) The date of inspection; (2) the name of the handler; (3) a lot number and the applicable outlet category set forth in § 987.145; (4) the variety and weight of the dates in the lot; (5) the number and type of containers in the lot; and (6) if the dates (i) are other than field-run dates, a certification as to the grade of the dates and whether they meet the grade and size regulations prescribed for the outlet, or (ii) are field-run dates, a certification showing the percentage, by weight, of sound dates in the lot, as prescribed in § 987.202(d).

VOLUME REGULATION

§ 987.145 Volume regulation.

(a) *Identification of dates.* (1) *General.* Prior to applying the markings required by this paragraph, each handler shall remove or delete from each container all former identifying marks which conflict with those applicable to the dates currently in the container. Dates of each outlet category shall be held, stored, or shipped in a manner to preserve their identity.

(2) *Free dates.* Prior to or at the time of inspecting free dates (i.e., dates packed for handling or dates for further processing) each handler shall mark all shipping and storage containers (not including subcontainers) with his name or that of the distributor for whom the handler is packing, and the lot number. These markings shall be legible and not less than five-sixteenths (5/16) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. If the dates are certified as dates packed for handling, the handler shall mark, under the supervision of the inspection service, each container with the date of inspection, the name or insignia of the inspection service, and the letters "DAC." If the dates are certified as dates for further processing and are to be removed from the place of inspection, each container shall be marked with the letters "FP." If the dates certified for further processing are to be stored at the place where inspected, they shall be stored separate from all other outlet categories of dates.

(3) *Restricted and other marketable dates for export.* Prior to or at the time of inspecting restricted and other marketable dates for export, each handler shall mark all shipping and storage containers (not including subcontainers) with his name or that of the exporting firm, and the lot number. Such markings shall be legible and not less than five-sixteenths (5/16) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. If the dates are certified as meeting the grade and size requirements for export to approved countries other than Mexico (including field-run dates with cull dates removed and dates for further processing), the dates shall be marked "EXPORT." If the dates have been packed for export to Mexico, inspected and certified as meeting the grade and size requirements for export to Mexico, the dates shall be marked "Export MEXICO." However, the words "EXPORT MEXICO" shall be in letters not less than three-fourths (3/4) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. Dates certified as dates packed for handling and marked "DAC," and dates certified for further processing and marked "FP," may be exported without change of marking.

(4) *Products.* Dates inspected and certified as meeting the grade and size requirements for products shall be stored as a unit marked "RESTRICTED." In addition, each container in such unit shall be marked with the lot number, and if for shipment outside the area of production with the word "PRODUCTS," in letter size not less than five-sixteenths (5/16) inch in height on containers exceeding 5 pounds net weight and not less than one-eighth (1/8) inch in height on smaller containers. Utility dates permitted to be used in products shall be similarly stored and marked, and the word "Utility" in lieu of "Products" shall be marked on containers of utility dates shipped outside the area of production. The Committee may waive the marking of individual containers whenever a handler, or an approved date product manufacturer, establishes and utilizes a procedure that maintains the identity of the lot and assures that the dates certified for products are used in products.

(5) *Dates for deferment of withholding.* A handler may defer his certification and disposition of restricted dates and pledge graded or field-run dates against a future satisfaction of withholding in accordance with paragraph (e) of this section: *Provided,* That he stores the pledged dates as a unit in a specific location and identifies the unit as "RESTRICTED" and as "GRADED" or "FIELD-RUN" and as to the number of containers, the date of setaside, and whether the dates have been inspected.

(b) *Change of outlet.* A handler may change the outlet category for any lot of certified dates: *Provided,* That prior to such change, the handler files a completed CDAC Form No. 1(a) and a new inspection certificate with the Committee. If the grade and size requirements of the new outlet category are the same as or below the requirements of the outlet category previously intended, only a condition inspection is required. If the grade and size requirements of the new outlet category are greater, a complete inspection is required and the handler shall change the marking on the containers to conform with the identification requirements prescribed in paragraph (a) of this section for the new outlet.

(c) *Free dates for further processing.* In accordance with § 987.45(c), withholding and assessment obligations on free dates certified for further processing shall be met on the basis of the quantity of such dates inspected and certified as meeting the applicable grade and size requirements. However, if such dates are subsequently processed and packed within the area of production, the withholding and assessment obligations shall be adjusted to reflect any increase in weight. Such free dates certified for further processing shall not be shipped out of the area of production except to persons in the United States capable of processing and packing the dates and having them certified as dates packed for handling, or to such specialty outlets as the Committee may exempt from any further required processing pursuant to § 987.52.

(d) *Satisfying the withholding obligation.* For any variety of dates for which free and restricted percentages have been established, the Committee shall credit the quantity of that variety a handler has certified as EXPORT, EXPORT MEXICO, or PRODUCTS, including DAC or FP dates recertified for disposition in such outlet categories, against his withholding obligation for such variety, but not in excess of such obligation. Disposition of marketable dates in restricted outlets in excess of a handler's withholding obligation may be: (1) Transferred pursuant to § 987.45 upon such handler filing a completed CDAC Form No. 14 with the Committee, or (2) credited to the handler's withholding obligation of the following crop year: *Provided,* That the excess disposition exceeds 199 pounds, but in no event shall the quantity credited exceed 40 percent of the handler's withholding obligation of the crop year in which the excess disposition occurred and 100 percent of the withholding obligation incurred by him during October through December of the crop year following the crop year in which such excess disposition occurred. All such crediting or accumulation shall be contingent upon the Committee receiving, in due course, confirmation that the dates were disposed of in eligible restricted outlets.

(e) *Deferring the withholding obligation.* Any handler may defer any amount of his certification and withholding or disposition of restricted dates by setting aside and pledging a comparable volume of graded or field-run dates as a surety that he will meet this withholding obligation. Such deferment shall not be effective until the handler files with the Committee its CDAC Form No. 12 to set aside graded dates or CDAC Form No. 13 to set aside field-run dates (whereby he agrees to the conditions set forth in § 987.45) and until he has set aside and identified the dates as required by subparagraph (5) of paragraph (a) of this section. In the event a handler sets aside field-run dates or disposes of them in outlets prescribed in or pursuant to § 987.56 to obtain withholding credit for the sound date portion, the field-run dates shall meet the requirements prescribed in § 987.202(d) for eligible field-run dates, as determined by the inspection service.

(f) *Whole equivalent of pitted dates.* When pitted dates are certified or appear in sales reports or inventories, their whole date equivalent weight shall be determined by dividing the weight of the pitted dates by 0.875.

SURPLUS

§ 987.147 Surplus.

(a) *General.* Surplus dates delivered to the Committee pursuant to § 987.47 shall be pooled for sale to livestock feeders, distillers, or manufacturers of inedible products: *Provided,* That if any portion of the deliveries differs sufficiently to require separate handling, and earn a different average return, such portion shall be handled as a separate pool. The income from sale of surplus, after deduction of committee expenses, shall be paid to the respective equity holders in the pool or pools, or to their assignees, on the basis of the weight of dates each delivered.

(b) *Delivery.* The Committee may refuse delivery of any surplus dates which it determines are excessively soured, fermented, or adulterated by palm debris, rocks, paper, wood, plastic liners, or other foreign material. If the Committee refuses delivery, the deliverer shall be permitted to clean such dates sufficiently to make them acceptable to the Committee. The weight of each accepted delivery shall be that determined by a public weightmaster or, in the absence of such weight, that determined by the Committee on the basis of the number and size of the containers used in the delivery. Upon delivery of surplus dates to the Committee, the deliverer, or a designee of the Committee shall execute CDAC Form SP–1, Delivery Manifest, showing: (1) The person to receive payment of the net proceeds for the surplus, (2) the date and place of loading, (3) if field surplus, the location and owner of the garden, (4) the type and number of containers loaded or dumped, (5) the net weight of the load, and (6) if the delivery is directly to a buyer's truck, the driver, truck and buyer.

QUALIFICATION TO REGULATION

§ 987.151 Interhandler transfers.

When any handler transfers dates, other than dates certified for products, to another handler, the selling handler shall promptly notify the Committee by filing with it a completed CDAC Form No. 1 and shall show the name and address of the transferring or selling handler and of the receiving or buying handler, the variety and processed category or classification of the dates, the lot number and inspection certificate number on any lot of packed and certified dates, the number and type of containers, the net weight of the transferred dates, and if applicable, the transferring handler's statement on assuming the withholding and assessment obligation. A transfer of products dates between handlers shall be reported as a disposition by the selling handler filing with the Committee a completed CDAC Form No. 8.

§ 987.152 Exemption from regulations.

(a) *Producer exemption.* The Committee may permit any producer to sell dates of his own production free of the requirements of §§ 987.41, 987.45, 987.48, and 987.72 when sold directly to consumers through a roadside stand or date shop owned or operated by him within 25 miles of the city limits of Indio, Calif., or through shipments by parcel post or express. Permission to so sell dates shall be granted only upon the producer filing with the Committee a completed CDAC Form No. 9 wherein the producer describes how he plans to sell and agrees to sell only dates of free date quality of his own production in his direct sales and to report his sales. If the producer fails to comply with his agreement the Committee may revoke any or all exemptions granted the producer.

(b) *Handler exemptions.* (1) *Specialty sales.* The Committee may permit any handler to sell to health food stores or health food outlets, dates which meet the minimum grade requirements for free dates except for moisture. It may permit any handler to sell to a candy manufacturer hand-pitted dates which meet the minimum grade requirements for free dates except for size or damage due to cutting and pitting. Also, it may permit any handler to sell hand-layered dates in tin, wood, plastic, or other type of container exempt from §§ 987.41(a) and 987.48, or to make shipments by common carrier of up to 150 pounds to any one purchaser in any one day exempt from the provisions of § 987.41 (a): *Provided,* That the hand-layered dates or the shipment to a single purchaser in any one day have been packed from dates certified as meeting the minimum grade requirements for free dates and have not been commingled with other dates. Permission to use these exemptions shall be granted only upon the handler filing with the Committee its CDAC Form No. 10 wherein he describes how he plans to sell, and agrees to sell only specific dates and to report such sales.

(2) *Donations.* Except as provided in §§ 987.54 and 987.55, the Committee may permit any handler to dispose of restricted or other marketable dates by donation to needy persons, prisoners, or Indians on reservations, but such donations shall be under such safeguards as the Committee may require to assure consumption in these outlets.

(3) *Sales not exempt.* Except as provided in this section, no exemption shall be granted on sales by producers or handlers to truckers, dealers, retail stores, or other persons or firms engaged in buying dates for resale.

DISPOSITION OF OTHER THAN FREE DATES

§ 987.155 Outlets for restricted and other marketable dates.

(a) *General.* Except as provided in § 987.156, no person shall ship out of the area of production any dates which are not free dates except that restricted and other marketable dates meeting the grade and size requirements for their outlet may be shipped into export, or to an exporting firm committed to export the dates, or to a person on the Committee's list of approved date product manufacturers who is acquiring such dates solely for use in an eligible product(s).

(b) *Export.* All countries other than Canada are approved as countries to which restricted and other marketable dates may be exported. However, no such dates shall be exported until they have been inspected and certified as meeting either the effective grade and size requirements for dates packed for handling (DAC's), or the applicable grade, size, or container requirements prescribed for export of specific categories of dates to specified countries, and until the shipping containers in each lot have been identified as prescribed in § 987.145 (a) and (b). Withholding credit for such exports shall be granted upon the Committee receiving notification thereof from the inspection service. Such credit shall be contingent upon the committee receiving in due course a copy of the onboard bill of lading or other documentary evidence satisfactory to the Committee. Furthermore, no dates shall be exported to Mexico until the handler obtains from the importer or trucker of each lot a certification to the Committee and the U.S. Department of Agriculture, on CDAC Form No. 11(a) which shall be submitted to the Committee, that such dates will not reenter the United States or be shipped to Canada. The form shall show the identity of the handler, the trucker, the importer, the destination of the dates, and the location of the border crossing station. One copy of the form shall be surrendered to the U.S. Customs Service at the border crossing station.

(c) *Products.* Restricted and other marketable dates which have been inspected and certified as meeting not less than the minimum requirements for restricted dates for products, may be used by a handler in such products as rings, chunks, pieces, butter, paste, camerated dates, table syrup, or other products which the Committee finds will be appropriate and permit the consumption of dates in other than their whole or pitted form. In lieu of the handler using such dates in products, he may sell them for use by any person or firm on the Committee's list of approved date product manufacturers.

§ 987.156 Utility and cull dates.

(a) *Utility dates.* Utility dates may be disposed of without inspection in any crop year in which they are surplus pursuant to § 987.47. However, if use of such dates is authorized in products for human consumption or export, they shall be inspected and certified in accordance with § 987.56 prior to such usage as being of utility grade.

(b) *Cull dates.* All cull dates are surplus and shall be disposed of pursuant to § 987.47.

(c) *Deteriorated dates.* Any marketable dates which have deteriorated in quality so that they are either utility dates or cull dates may be disposed of only in the applicable outlets for such dates unless they are reconditioned to marketable quality and the lot, or a portion thereof, is recertified as marketable dates.

(d) *Unidentified dates.* If a handler loses the identity of any lot of dates previously inspected and certified as marketable dates, the certification as to such quality is void.

§ 987.157 Approved Date Product Manufacturers.

Any date handler or other person with facilities for converting dates into products may apply to the Committee, by filing CDAC Form No. 3, for listing as an approved date product manufacturer. The applicant shall indicate on such form the products he intends to make, the quantity of dates he may use, and the location of his facilities. In addition, as a condition of approval, the applicant shall agree on such form not to use any of the products dates for sale as whole or pitted dates, to file a report of the disposition of each lot on the Committee's Form No. 8, and to file an annual usage and inventory report on CDAC Form No. 4. The Committee shall approve or disapprove each such application on the basis of the information furnished or its own investigation, and may revoke any approval for cause. The name and address of all approved manufacturers shall be placed on a list and made available to interested persons.

§ 987.159 Substitution.

Any handler may, under the direction and supervision of the Committee or the inspection service, substitute for any quantity of restricted dates held by him a like quantity of dates of the same or more recent year's production which have been certified and identified as being of the same restricted outlet category.

REPORTS AND RECORDS

§ 987.161 Handler carryover.

Each handler shall file with the Committee, as required in § 987.61, a report of his carryover on CDAC Form No. 5. This report shall show, by variety, (a) the quantity of dates certified DAC and held within and outside the area, and (b) the quantity of dates held within the area certified for further processing, withheld to satisfy or defer a withholding obligation, graded but not certified, and as field-run dates, segregated as to outlet category.

§ 987.162 Handler acquisition and disposition.

Each handler shall file with the Committee by the 10th of each month, on CDAC Form No. 6, a report for the preceding month of his field-run acquisitions, his free date shipments, his purchases from other handlers of free, graded and field-run dates, and his dispositions in each outlet category.

§ 987.164 Disposition of products dates or utility dates.

Each handler shall file with the Committee a completed CDAC Form No. 8 showing the disposition of each lot of dates certified as products dates or utility dates. The report shall identify the lot, show the outlet, the number of containers, and the net weight of the dates. If such dates are sold to an approved date product manufacturer, a copy of the completed form shall be signed and dated by the manufacturer and returned to the Committee. If the lot was certified as products dates and exported to Mexico, the handler shall obtain a completed CDAC Form No. 11(a) from the buyer and submit this form, together with the completed CDAC Form No. 8, to the Committee.

§ 987.165 Other reports.

(a) *Exempt sales.* Each handler shall file with the Committee, a completed CDAC Form No. 2 showing the quantity and variety of dates sold under exemption during the crop year. The report shall be filed upon the completion of such sales or promptly after the end of the crop year.

(b) *Products.* Each approved date product manufacturer shall file with the Committee a completed CBAC Form No. 4 showing his beginning and ending inventories of dates for products, the quantity received during the crop year, the quantity used, the type and quantity of products manufactured, and his year-end inventory of products. This report shall be filed promptly after the end of each crop year.

§ 987.168 Handler records.

Each handler shall establish and maintain for not less than 2 years after the end of the crop year of record, the following records:

(a) For grower deliveries of dates, the name of each grower, the varieties delivered and the net weight of each variety;

(b) For shipments of dates, the variety, type of pack, net weight and destination or name and address of the person to whom each shipment was sent;

(c) If different from shipments, the variety, type of pack, net weight and purchaser of each quantity of dates sold; and

(d) Manifests, invoices, weight certificates, inventory tabulations, or any other documents necessary to prepare, file, or substantiate the reports required to be filed with the Committee.

Subpart—Grade and Size Regulations

§ 987.202 Other minimum standards.

(a) *General.* In lieu of the minimum standards of quality prescribed in § 987.39, the minimum standards for all whole or pitted dates handled shall be the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (dry) of the effective U.S. Standards for Grades of Dates (§§ 52.1001–52.1011 of this title), except that mashing and mechanical injury not affecting eating quality shall not be considered in determining the defect factor.

(b) *Free dates.* The minimum standards prescribed in paragraph (a) of this section shall be applicable to all varieties of whole or pitted dates handled to meet the trade demand of the United States and Canada unless and until superseded by any additional grade regulations prescribed in § 987.203(a).

(c) *Other marketable dates.* The minimum standards prescribed in paragraph (a) of this section shall be applicable to all dates withheld to meet a withholding obligation or for disposition as restricted or other marketable dates pursuant to § 987.55 as either EXPORT, EXPORT MEXICO, or PRODUCTS unless and until superseded by any additional grade regulations prescribed in § 987.203(b).

(d) *Field-run dates.* For the purpose of deferring or meeting any part or all of a withholding obligation pursuant to § 987.45(f), the field-run dates set aside shall consist of at least 70 percent, by weight, of sound dates but may contain 10 percent, by weight of cull dates of which not more than 5 percent may be hidden culls—i.e., dates with internal defects including souring, mold, fermentation, insect infestation, or foreign material. Whenever field-run dates of any variety are authorized for export to any country, each lot shall consist of at least 85 percent, by weight, of sound dates. "Sound dates" means individual dates which are at least U.S. Grade C in character and are free of the defects—other than those removable by washing—scored to determine the point requirement applicable to their intended destination.

§ 987.203 Additional grade regulations.

(a) *Free dates.* All varieties of whole and pitted dates, other than dates for further processing, handled to meet the trade demand of the United States and Canada shall meet the requirements of U.S. Grade B, except that up to 25 percent, by weight, of the dates may possess semidry or dry calyx ends but not more than 5 percent, by weight, of the dates may possess dry calyx ends. If the dates are for further processing, the requirements of U.S. Grade B (dry) shall apply.

(b) *Export dates.* Restricted and other marketable dates of all varieties for export pursuant to §§ 987.55 and 987.155 to countries other than Mexico and identified as EXPORT, shall meet the requirements of U.S. Grade C, and dates for further processing for export pursuant to § 987.403, shall except for defects removable by washing, meet the requirements of U.S. Grade C (dry): *Provided,* That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

§ 987.204 Size regulations.

(a) *Free dates.* Whole dates of the Deglet Noor variety shall not be handled to meet the trade demand of the United States and Canada unless the individual dates in the samples from the lot weigh at least 6.5 grams but up to 10 percent, by weight, may weigh less than 6.5 grams. Pitted Deglet Noor dates shall not be handled to meet such trade demand unless the individual dates weigh at least 5.6 grams but up to 10 percent, by weight, may weigh less.

(b) *Uniformity of size.* The requirements of this section are in addition to, and do not supersede, the requirements as to uniformity of size of the grade standards prescribed by this part.

SUBPART—MARKET DETERMINATIONS

§ 987.401 Major marketing promotion.

A major marketing promotion program is one requiring the expenditure of more than $500 of Committee funds.

§ 987.402 Utility date outlets.

(a) *Specified product outlets.* Utility dates of any variety inspected and certified in accordance with § 987.56 may be disposed of by handlers for use, or used by them, in the production of table syrup, rings, chunks, pieces, butter, paste, or macerated dates.

(b) *Specified export outlets.* Utility dates of any variety inspected and certified in accordance with § 987.56 may be exported to Mexico.

§ 987.403 Further processing exports.

Restricted and other marketable dates certified as meeting the then current grade requirements in § 987.203(b) for dates for further processing, may be exported (a) to the following designated date producing and processing countries of North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan, and (b) to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Such additional date producing and processing and date processing and consuming countries may from time to time be similarly designated, after which such certified dates may be exported to such countries.

[FR Doc.72-18701 Filed 11-1-72;8:46 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Salaries of Federal Reserve Bank Officers

In order to delegate to the Federal Reserve Banks authority to set salaries of certain Federal Reserve Bank officers, within certain ranges and guidelines, the Board of Governors amends § 265.2(f) of its Rules Regarding Delegation of Authority as follows: The introductory text of paragraph (f) is revised and a new subparagraph (25) is added to paragraph (f):

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under subparagraph (25) of this paragraph, as to its officers:

* * * * *

(25) To set the salaries of its officers below the level of Senior Vice Presidents (Salary Group A), excluding the General Auditor, within officer salary ranges approved and guidelines subsequently issued by the Board of Governors.

* * * * *

The provisions of section 553 of title 5, United States Code, relating to notice and public participation, were not followed in connection with the adoption of this amendment because the rules contained therein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Effective date. This amendment is effective January 1, 1973.

By order of the Board of Governors, October 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18713 Filed 11-1-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SW-59]

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

Alteration of Transition Area

Correction

In F.R. Doc. 72-18034 appearing on page 22729 of the issue for Saturday, October 21, 1972, the latitude designation in the seventh line from the end of the description of the transition area, now reading "29°21'31'", should read "29°21'35'".

[Airspace Docket No. 72-GL-38]

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

Alteration of Federal Airway Segments

On August 29, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 17493) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter V-100 between Rockford, Ill., and Northbrook, Ill., to overlie Woodstock Intersection and V-9 southwest of Milwaukee, Wis., to realine this airway approximately 4 miles to the west of its present location.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows:

a. In V-9 "Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 198° radials;" is deleted and "Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 205° radials;" is substitued therefor.

b. In V-100 "Rockford, Ill.; INT Rockford 093° and Northbrook, Ill., 270° radials;" is deleted and "Rockford, Ill.; INT Rockford 079° and Northbrook, Ill., 292° radials;" is substituted therefor.

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

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

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

[FR Doc.72-18666 Filed 11-1-72;8:48 am]

[Airspace Docket No. 72-WA-53]

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

Alteration to "Federal Register" Document

On September 15, 1972, "Federal Register" Document No. 72-15722 was published in the FEDERAL REGISTER (37 F.R. 18715) which amends parts 71 and 75 of the Federal Aviation Regulations, effective 0901 G.m.t., November 9, 1972, by redesignating VOR Federal airways and Jet Route segments effected by the relocation of the Austin, Tex., VORTAC. An additional 1-degree alinement change in both V-17W and V-76S segments, however, would permit air traffic controllers to apply a nonradar separation procedure between IFR flights operating

on V–17 and V–17W, or between flights on V–76 and V–76S.

The purpose of this amendment is to make these 1-degree realinement changes. Since this amendment is minor in nature, no substantive change in the regulations is involved, and the effect on the operation of aircraft will be beneficial, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, "Federal Register" Document No. 72–15722 (37 F.R. 18715) is amended, effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

In VOR Federal airway No. 17, "Austin 243°" is deleted and "Austin 244°" is substituted therefor.

In VOR Federal airway No. 76, "Austin 280°" is deleted and "Austin 279°" is substituted therefor.

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

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

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

[FR Doc.72–18667 Filed 11–1–72;8:48 am]

[Airspace Docket No. 72–SO–94]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the Controlling Agency for Restricted Area R–3003 from the Jacksonville ARTC Center to the Augusta, Ga., ATC Tower.

Redesignation of the Controlling Agency will identify the facility that actually controls traffic in R–3003 when the area is released by the Using Agency. The redesignation is minor in nature and effects no substantive change in the regulation; therefore, notice and public procedure thereon are deemed unnecessary and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (11–2–72), as hereinafter set forth.

Section 73.30 (37 F.R. 2348 and 7311) is amended as follows:

In R–3003 Fort Gordon, Ga., after Controlling Agency, "Federal Aviation Administration, Jacksonville ARTC Center." is deleted and "Federal Aviation Administration, Augusta, Ga., ATC Tower." is substituted therefor.

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

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

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

[FR Doc.72–18664 Filed 11–1–72;8:47 am]

[Airspace Docket No. 72–WA–36]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On July 27, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 15003) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area on the Strait of Juan de Fuca along the United States and Canadian boundary.

Subsequent to publication of the notice, it was noted that elements of the description were omitted. Accordingly, on August 30, 1972, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 17564) deleting the description contained in the original notice and providing a substitute therefor.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

In § 73.67 (37 F.R. 2377), the following restricted area is added:

R–6705 STRAIT OF JUAN DE FUCA, WASH.

Boundaries: beginning at latitude 48°14'–30'' N., longitude 123°42'00'' W.; to latitude 48°10'30'' N., longitude 123°42'00'' W.; thence one-half mile north of and parallel to the north coast of Washington to latitude 48°18'35'' N., longitude 124°25'00'' W.; to latitude 48°24'30'' N., longitude 124°25'00'' W.; thence along the United States-Canadian border to the point of beginning.

Designated altitudes: Surface to 2,000 feet MSL.

Time of designation: Continuous.

Controlling agency: FAA, Seattle Flight Service Station.

Using agency: Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

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

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

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

[FR Doc.72–18665 Filed 11–1–72;8:47 am]

[Airspace Docket No. 71–WA–3B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (36 F.R. 4299) which proposed an amendment to Part 75 of the Federal Aviation Regulations that would designate 20 area high routes in the western and southwestern United States.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received on the routes designated herein.

Ten of the proposed routes have previously been designated. Eight additional routes (J900R, J905R, J906R, J908R, J913R, J916R, J919R, and J920R) have been successfully flight inspected and are being designated in this rule. Two of the routes (J910R and J915R) described in the NPRM are hereby withdrawn to permit further evaluation. These routes may be modified and proposed in subsequent airspace dockets. Thus, deletion of these two routes, previous designation of 10 other routes, and designation of the eight remaining routes as accomplished herein, completes action on Airspace Docket No. 71–WA–3.

Some route alinements and waypoint descriptions designated herein may differ slightly from those proposed in the NPRM. Waypoints have been added to the description of J900R, J905R, J908R, J919R, and J920R to improve navigational guidance without affecting the route alinement. In J900R, J905R, and J908R, three waypoints (one in each route) have been moved to coincide with waypoints previously established. The description of three waypoints in J913R have been refined to more accurately describe their locations. Subsequent to the publication of the NPRM, it was found that one of the proposed waypoints supporting J906R was not required and is eliminated from the description of the route herein to reduce chart clutter.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	N. latitude/W. longitude (in degrees, minutes, and seconds)	Reference facility
J900R San Francisco, Calif., to Seattle, Wash.:		
Napa, Calif.	38°10'46''/122°22'19''	Ukiah, Calif.
Hill, Calif.	40°05'58''/122°21'35''	Redbluff, Calif.
Hyatt, Oreg.	42°27'23''/122°20'36''	Medford, Oreg.
Yacolt, Wash.	45°44'50''/122°19'12''	Portland, Oreg.
Sumner, Wash.	47°11'08''/122°18'30''	Do.
J905R Las Vegas, Nev., to Tucson, Ariz.:		
Boulder City, Nev.	35°59'45''/114°51'46''	Boulder City, Nev.
Sycamore, Ariz.	34°37'25''/112°55'20''	Needles, Calif.
Ventana, Ariz.	32°32'05''/111°44'33''	Phoenix, Ariz.
Tucson, Ariz.	32°07'21''/110°49'12''	Tucson, Ariz.
J906R Los Angeles, Calif., to Salt Lake City, Utah:		
Hector, Calif.	34°47'49''/116°27'43''	Boulder City, Nev.
Adamsville, Nev.	37°40'22''/113°31'53''	Wilson Creek, Nev.
Fairfield, Utah.	40°16'30''/111°56'23''	Delta, Utah.

Waypoint name	N. latitude/W. longitude (In degrees, minutes, and seconds)	Reference facility
J908R San Francisco, Calif., to Denver, Colo.:		
Mina, Nev.	38°33'55"/118°01'55"	Coaldale, Nev.
Wheeler, Nev.	38°56'43"/114°29'58"	Wilson Creek, Nev.
Greenwood, Utah.	39°06'52"/112°28'54"	Delta, Utah.
Ferron, Utah.	39°13'44"/110°46'44"	Hanksville, Utah.
Rulison, Colo.	39°22'03"/107°52'58"	Meeker, Colo.
Toner, Colo.	39°23'34"/107°04'58"	Gunnison, Colo.
Shawnee, Colo.	39°25'38"/105°27'51"	Denver, Colo.
J913R Portland, Oreg., to Salt Lake City, Utah:		
Sherwood, Oreg.	45°21'05"/122°59'00"	Portland, Oreg.
Pauline, Oreg.	44°17'49"/119°57'47"	Kimberly, Oreg.
Oreana, Idaho.	43°00'38"/116°40'30"	Boise, Idaho.
Lake Shore, Utah.	41°25'55"/113°05'27"	Malad City, Utah.
Corrington, Utah.	41°04'07"/112°18'49"	Do.
J916R San Antonio, Tex., to Houston, Tex.:		
San Antonio, Tex.	29°38'38"/98°27'40"	Austin, Tex.
Humble, Tex.	29°57'24"/95°20'44"	Houston, Tex
J919R El Paso, Tex., to San Antonio, Tex.:		
El Paso, Tex.	31°48'57"/106°16'53"	El Paso, Tex.
Fort Stockton, Tex.	30°57'07"/102°58'31"	Wink, Tex.
Telegraph, Tex.	30°06'45"/100°00'31"	Junction, Tex.
San Antonio, Tex.	29°38'38"/98°27'40"	Austin, Tex.
J920R Great Falls, Mont., to Salt Lake City, Utah:		
Millegan, Mont.	47°02'01"/111°24'11"	Lewiston, Mont.
Jeffers, Mont.	45°11'50"/111°38'35"	Dillon, Mont.
Chester, Idaho.	44°03'49"/111°46'44"	Dubois, Idaho.
Ogden, Utah.	41°13'27"/112°05'51"	Malad City, Idaho.

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

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

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

[FR Doc.72-18668 Filed 11-1-72;8:48 am]

[Docket No. 12333, Amdt. 836]

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 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective December 14, 1972:

Benton, Ark.—Saline County Airport; VOR-A, Amdt. 2; Revised.
Burlington, Iowa—Burlington Municipal Airport; VOR Runway 30, Amdt. 4; Revised.
Detroit Lakes, Minn.—Detroit Lakes Airport; VOR Runway 13, Amdt. 1; Revised.
Dixon, Ill.—Dixon Municipal-Charles R. Walgreen Field; VOR-A, Amdt. 3; Revised.
Evansville, Ind.—Evansville Dress Regional Airport; VOR-A, Amdt. 5; Revised.
Fayetteville, Ark.—Drake Field; VOR-A, Amdt. 11; Revised.
Kansas City, Kans.—Fairfax Municipal Airport; VOR-A, Amdt. 1; Revised.
Kansas City, Kans.—Fairfax Municipal Airport; VOR Runway 17, Amdt. 6; Revised.
Kenai, Alaska—Kenai Municipal Airport; VOR Runway 19, Amdt. 7; Revised.
Kenai, Alaska—Kenai Municipal Airport; VOR/DME Runway 1, Original; Established.
Las Vegas, Nev.—McCarran International Airport; VOR-A, Amdt. 2; Revised.
Las Vegas, Nev.—McCarran International Airport; VOR Runway 25, Amdt. 6; Revised.
Peoria, Ill.—Greater Peoria Airport; VOR Runway 12, Amdt. 12; Revised.
Muncie, Ind.—Delaware County-Johnson Field; VOR Runway 20, Amdt. 2; Revised.
Soldotna, Alaska—Soldotna Airport; VOR-A, Amdt. 2; Revised.
Temple, Tex.—Draughon-Miller Municipal Airport; VOR Runway 15, Amdt. 9; Revised.
Washington, D.C.—Washington National Airport; VOR/DME Runway 18, Amdt. 2; Revised.
Watertown, S. Dak.—Watertown Municipal Airport; VOR Runway 17, Amdt. 9; Revised.
Watertown, S. Dak.—Watertown Municipal Airport; VOR/DME Runway 35, Amdt. 4; Revised.
Willmar, Minn.—Willmar Municipal Airport; VOR Runway 11, Amdt. 4; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective October 24, 1972:

Duluth, Minn.—Duluth International Airport; VOR Runway 3, Amdt. 10; Revised.
Duluth, Minn.—Duluth International Airport; VOR/DME Runway 21, Amdt. 5; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective October 19, 1972:

Galveston, Tex.—Scholes Field; VOR Runway 13, Amdt. 9; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective December 14, 1972:

Kalamazoo, Mich.—Kalamazoo Municipal Airport; LOC (BC) Runway 17, Amdt. 7; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; LOC (BC) Runway 17L, Amdt. 4; Revised.
Temple, Tex.—Draughon-Miller Municipal Airport; LOC (BC) Runway 33, Amdt. 1; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 26, 1972.

Eau Claire, Wis.—Eau Claire Municipal Airport; LOC/DME (BC) Runway 4, Amdt. 1; Revised.

6. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 24, 1972.

Duluth, Minn.—Duluth International Airport; LOC (BC) Runway 27, Amdt. 6; Revised.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective December 14, 1972.

Cherokee Village, Ark.—Cherokee Village Airport; NDB Runway 4, Amdt. 1; Revised.
Crawfordsville, Ind.—Crawfordsville Municipal Airport; NDB Runway 4, Original; Established.
Evansville, Ind.—Evansville Dress Regional Airport; NDB Runway 21, Amdt. 6; Revised.
Kansas City, Kans.—Fairfax Municipal Airport; NDB-1, Amdt. 7; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; NDB Runway 17L/R, Amdt. 15; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; NDB Runway 35L/R, Amdt. 3; Revised.
Olney-Noble, Ill.—Olney-Noble Airport; NDB Runway 3, Amdt. 2; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 14; Revised.

8. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective November 2, 1972.

Gulfport, Miss.—Gulfport Municipal Airport; NDB Runway 13, Amdt. 2; Revised.

9. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective October 26, 1972.

Eau Claire, Wis.—Eau Claire Municipal Airport; NDB Runway 22, Amdt. 1; Revised.

10. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective October 24, 1972.

Duluth, Minn.—Duluth International Airport; NDB Runway 3, Amdt. 13. Revised.

11. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective December 14, 1972:

Denver, Colo.—Stapleton International Airport; ILS Runway 26L, Amdt. 34; Revised.
Evansville, Ind.—Evansville Dress Regional Airport; ILS Runway 21, Amdt. 14; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; ILS Runway 35, Amdt. 9; Revised.
Kansas City, Kans.—Fairfax Municipal Airport; ILS–A, Amdt. 10; Revised.
Las Vegas, Nev.—McCarran International Airport; ILS Runway 25, Amdt. 4; Revised.
Pasco, Wash.—Tri-Cities Airport; ILS Runway 20R, Amdt. 2; Revised.
Rockford, Ill.—Greater Rockford Airport; ILS Runway 36, Amdt. 16; Revised.
Temple, Tex.—Draughon-Miller Municipal Airport; ILS Runway 15, Amdt. 1; Revised.

12. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective November 2, 1972:

Gulfport, Miss.—Gulfport Municipal Airport; ILS Runway 13, Amdt. 1; Revised.

13. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 26, 1972:

Colorado Spring, Colo.—Peterson Field; ILS Runway 35, Amdt. 26; Revised.
Eau Claire, Wis.—Eau Claire Municipal Airport; ILS Runway 22, Amdt. 1; Revised.

14. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 24, 1972:

Duluth, Minn.—Duluth International Airport; ILS Runway 9, Amdt. 7; Revised.

15. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective December 14, 1972:

Denver, Colo.—Stapleton International Airport; Radar–1, Amdt. 10; Revised.
Las Vegas, Nev.—McCarran International Airport; Radar–1, Amdt. 6; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; Radar–1, Amdt. 13; Revised.

16. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective October 24, 1972:

Duluth, Minn.—Duluth International Airport; Radar–1, Amdt. 7; Revised.

17. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective December 14, 1972:

Evansville, Ind.—Evansville Dress Regional Airport; RNAV Runway 3, Original; Established.
Hutchinson, Kans.—Hutchinson Municipal Airport; RNAV Runway 31, Amdt. 1; Revised.
Joliet, Ill.—Joliet Municipal Airport; RNAV Runway 13, Amdt. 2; Revised.
Kansas City, Kans.—Fairfax Municipal Airport; RNAV–A, Amdt. 1; Revised.
Kirksville, Mo.—Clarence Cannon Memorial Airport; RNAV Runway 17, Amdt. 1; Revised.
Kirksville, Mo.—Clarence Cannon Memorial Airport; RNAV Runway 35, Amdt. 1; 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 October 26, 1972.

JAMES F. RANDOLPH,
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.72-18662 Filed 11-1-72;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-131, Amdt. 15]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDING

Rates, Fares, and Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1972.

By Public Law 92-259, March 22, 1972 (86 Stat. 95), the Federal Aviation Act was amended by adding, inter alia, a new section 1002(j), which expands the power of the Board to regulate rates and practices in foreign air transportation and confers a new power to suspend such rates. Accordingly, we are amending Subpart E of our procedural regulations to provide for the filing of complaints requesting tariff suspensions pursuant to section 1002(j) and so as to make the regulations otherwise consistent with the new legislation.

First, § 302.505(a), which requires that certain information be included in complaints seeking suspension of tariffs, is being amended to apply to rates for foreign air transportation as well as to rates for interstate or overseas air transportation.

Second, § 302.505(b), which requires that complaints seeking suspension be filed at least 18 days prior to the effective date of the tariff (or, if the tariff has a posting date, within 12 days after such date), is being limited to complaints against tariffs containing rates for interstate or overseas transportation only, since other tariffs involve special considerations which require another rule, as discussed below.

Third, a new § 302.505(c) [1] will require that complaints requesting suspension of tariffs containing new rates, fares, or charges for foreign air transportation be filed no later than 25 days before the effective date of the tariff.[2] The rule will also provide that such complaints seeking suspension of a tariff bearing a posting date must be filed within 12 days after the posting date, but in no event later than 25 days prior to the effective date of the tariff.[3] There are two reasons for the relatively short period for requesting suspension. Under the new section 801(b) of the Act the Board must submit its suspension orders pursuant to section 1002(j) to the President, who may disapprove any such order within 10 days following its submission. Further, the United States and many foreign governments are parties to bilateral air transport agreements which provide that if one of the contracting parties is dissatisfied with any rate proposed by an airline of either party for services between their territories, it may notify the other more than 15 days before the effective date of the tariff. Since the tariffs need be filed only 30 days prior to their effective date the necessity of the Board's reaching a tentative determination within these time-frames requires that we establish the rather limited period (generally 5 calendar days) for the filing of these complaints.

Next, a new § 302.505(d) will permit complaints seeking suspension of tariffs containing existing rates, fares, or charges in foreign air transportation to be filed at any time. However, the rule will require that a complaint requesting suspension of such tariffs filed after the effective date of this regulation must make a convincing showing of the reasons for not filing the complaint in timely fashion pursuant to the provisions of new § 302.505(c), governing complaints requesting suspension of newly filed tariffs.

In addition, current § 302.505(d), which requires that answers to complaints be filed within 6 days of the filing of the complaint, is being renumbered as § 302.505(f) and amended by adding the requirement that answers to complaints seeking suspension of tariffs in foreign air transportation must be filed within 5 calendar days of the filing of the complaint. This will provide the same amount of time for filing answers as for filing complaints in cases where the time for Board action is narrowly circumscribed.

Finally, we are deleting Rule 507, which provides for informal requests to the Board to prevent tariffs of foreign

[1] Former § 302.505(c), providing for emergency telegraphic complaints, is being retained and renumbered as § 302.505(e).

[2] If the date for filing such complaints falls on a weekend or legal holiday for the Board, the complaint may be filed on the next succeeding business day.

[3] Contemporaneously with this amendment of Part 302, and for similar reasons, the Board is amending Part 399, its policy statements, by revising § 399.36 to set forth the policy that where tariffs for foreign air transportation are filed with a posting date 45 or more days in advance of their effective date any suspension order will be issued at least 7 days prior to such effective date.

air carriers from taking effect. These provisions are now superfluous in view of the Board's new authority to suspend tariffs in foreign air transportation.

Since this rule is wholly procedural in nature, the Board finds that notice and public procedure hereon are unnecessary and the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its procedural regulations (14 CFR Part 302), effective October 27, 1972, as follows:

1. Amend the table of contents by deleting and reserving § 302.507, the table as amended to read in pertinent part as follows:

Sec.
302.507 [Reserved]

2. Amend § 302.505 to read as follows:

§ 302.505 Complaints requesting suspension of tariffs—answers to such complaints.

(a) Formal complaints seeking suspension of tariffs pursuant to section 1002(g) or 1002(j) of the Act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(b) A complaint requesting suspension, pursuant to section 1002(g) of the Act, of a tariff for interstate or overseas air transportation ordinarily will not be considered unless made in conformity with this section and filed at least eighteen (18) days before the effective date of the tariff, or, in the event a posting date is printed on the tariff, unless the complaint is filed within twelve (12) days after said posting date.

(c) A complaint requesting suspension, pursuant to section 1002(j) of the Act, of a new tariff in foreign air transportation ordinarily will not be considered unless made in conformity with this section and filed at least twenty-five (25) days before the effective date of the tariff, or, in the event a posting date is printed on the tariff, unless the complaint is filed within twelve (12) days after said posting date but in no event later than twenty-five (25) days before the effective date.

(d) A complaint requesting suspension, pursuant to section 1002(j) of the Act, of an existing tariff for foreign air transportation may be filed at any time. However, a complaint requesting suspension, under this subsection of the regulations, of an existing tariff filed on or after October 27, 1972, must be accompanied by a statement setting forth compelling reasons for not having requested suspension within the time limitations provided in paragraph (c) of this section.

(e) In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such a telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

(f) Answers to complaints shall be filed within six (6) days after the complaint is filed: *Provided, however,* That answers to complaints seeking suspension of a tariff pursuant to section 1002(j) of the Act shall be filed within five (5) calendar days after the complaint is filed.[1]

§ 302.507 [Reserved]

3. Delete and reserve § 302.507.

(Secs. 204(a), 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788, as amended; 49 U.S.C. 1324, 1482)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 72-18771 Filed 11-1-72;8:55 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-49, Amdt. 28]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Tariff Publications for Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1972.

By this amendment the Board is revising § 399.36 of its Policy Statements to establish a policy of the Board with respect to the advance issuance of orders suspending tariffs for foreign air transportation which are filed with us 45 days or more prior to their effective date and bear a posting date as provided for in Part 221 of our Economic Regulations. This revision is being made in light of our new power to suspend rates in foreign air transportation (Public Law 92-259, March 22, 1972; 86 Stat. 95).

Under § 399.36, it has been the Board's policy to issue orders suspending tariffs at least 15 days in advance of the effective date of the tariffs, if the tariff posting date is at least 45 days prior to the effective date, and to notify the filing carrier or its agent 15 days before the effective date if Board action on the tariff cannot be taken within the specified time. Prior to the enactment of the new legislation expanding our authority to regulate rates and practices in foreign air transportation, this policy had a practical application only in the case of tariffs for interstate or overseas air transportation. However, the new suspension power involves problems which require somewhat different policies and procedures.

Thus, contemporaneously with this amendment of our Policy Statements, the Board is amending Subpart E of our Procedural Regulations by prescribing time limitations for the filing of complaints and answers to complaints seeking suspension of tariffs for foreign air transportation.[1] As set forth in those regulations, these time constraints are necessarily shorter than their counterparts where interstate or overseas transportation is involved, since in the case of foreign air transportation (1) Board suspension orders must be submitted to the President and are subject to his disapproval and (2) the United States and many foreign governments are parties to bilateral agreements which provide for advance notice of dissatisfaction by a contracting party with any rate proposed by an airline of either party for services between their territories.

The considerations which moved us to establish rather narrow time periods for the filing of complaints and answers involving suspension of tariffs for foreign air transportation also lead us to adopt a policy providing for a shorter lead time between the issuance of orders and the effective date of such posted tariffs than we have provided where interstate or overseas tariffs are involved. Under the amendment, it will be the Board's general policy to issue suspension orders governing tariffs in foreign air transportation at least 7 days before such tariffs are to become effective if the tariffs are filed with a posting date 45 days or more in advance of their effective date. This will give the filing carrier adequate advance notice of the suspension in the light of the special constraints upon the Board in these cases, while complainants and the Board will have more opportunity to analyze and consider the broader and far-reaching problems frequently encountered in those cases where the posting rules are used.

Since this rule is a statement of policy, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Policy Statements (14 CFR Part 399), effective October 27, 1972, to read as follows:

§ 399.36 Processing of tariff publications filed on notice of 45 days or longer.

When a tariff is filed with the Board 45 days or more in advance of its effective date and bears a posting date as provided in § 221.31(a)(10) of this chapter, it is the policy of the Board to issue an order, if any, suspending the tariff and ordering an investigation at least fifteen (15) days before such tariff is to become effective in the case of tariffs containing rates, fares or charges solely for interstate or overseas air transportation, or at least seven (7) days before such tariff is to become effective in the case of tariffs containing rates, fares or charges for foreign air transportation. In the event the Board, for any reason, cannot take action on a tariff within the time specified herein, the Board will notify the filing carrier or its agent of this fact at least fifteen (15)

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[1] Note that § 302.16 should be used in computing the time for filing answers to complaints seeking suspension of tariffs containing rates for interstate or overseas transportation only.

[1] PR 131, October 27, 1972.

days before the effective date of the tariff in the case of tariffs containing rates, fares, or charges solely for interstate or overseas air transportation, or at least seven (7) days before the effective date of the tariff in the case of tariffs containing rates, fares, or charges for foreign air transportation. However, this policy statement should not be interpreted as limiting the Board's power under section 1002 of the Act to suspend a tariff for interstate or overseas air transportation at any time prior to its effective date and to suspend a tariff for foreign air transportation at any time.

(Secs. 204(a), 1002, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788, as amended; 49 U.S.C. 1324, 1482)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-18772 Filed 11-1-72;8:55 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

Mesa Verde National Park, Colo.; Operation of Commercial Passenger-Carrying Motor Vehicles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3) section 4 of the Act of April 25, 1928 (45 Stat. 459, 16 U.S.C. 117c), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 66 (36 F.R. 21218), as amended, and Midwest Region (Order No. 5 (37 F.R. 6324)), § 7.39 of Title 36 of the Code of Federal Regulations is hereby amended as set forth below.

The purpose of the amendment is to eliminate a phrase from paragraph (c) of § 7.39 pertaining to operation of commercial passenger-carrying vehicles in Mesa Verde National Park. The phrase "at or outside the park" has been deleted from the last sentence of paragraph (c) as misleading and unnecessary, since no such services outside the park are provided pursuant to a contract with the Secretary of the Interior.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. However, since this amendment is technical in nature and does not serve to further restrict the public, comment thereon is deemed unnecessary and not in the public interest. The amendment will take effect immediately on publication in the FEDERAL REGISTER (11-2-72).

(5 U.S.C. 553; 39 Stat. 535, as amended; 16 U.S.C. 3)

Section 7.39(c) of Title 36 of the Code of Federal Regulations is hereby amended to read as follows.

§ 7.39 Mesa Verde National Park.

* * * * *

(c) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Mesa Verde National Park, contained in § 5.4 of this chapter shall be subject to the following exceptions: Motor vehicles operated on an infrequent and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round trip passengers traveling from the point of origin of the tour, will be accorded admission to the park upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public pursuant to contract authorization with the Secretary.

MEREDITH M. GUILLET,
Superintendent,
Mesa Verde National Park.

[FR Doc.72-18723 Filed 11-1-72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Diuron

A notice (PP 1E1164) was published by the Environmental Protection Agency in the FEDERAL REGISTER of September 7, 1972 (37 F.R. 18084), proposing establishment of a tolerance for residues of the herbicide diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on papayas at 0.5 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.106 is amended by inserting a new paragraph after the paragraph "1 part per million * * *," as follows:

§ 180.106 Diuron; tolerances for residues.

* * * * *

0.5 part per million in or on papayas.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11-2-72).

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

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18709 Filed 11-1-72;8:50 am]

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

O,O-Diethyl O-[p-(Methylsulfinyl) Phenyl] Phosphorothioate

A petition (PP 2F1260) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide and nematocide *O,O*-diethyl *O*-[*p*-(methylsulfinyl) phenyl]phosphorothioate in or on the raw agricultural commodity sweetpotatoes at 0.05 part per million.

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

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

2. There is no reasonable expectation of residues in milk, and § 180.6(a)(3) applies. Residues (if any) in meat will not exceed the established tolerance of 0.02 part per million on meat, fat, and meat byproducts of cattle, goats, and sheep. There is no reasonable expectation of residues in poultry and eggs.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.234 is amended by revising the paragraph "0.05 parts per million * * *," as follows:

§ 180.234 *O,O*-Diethyl *O*-[*p*-methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.

* * * * *

0.05 parts per million in or on peanuts, pineapple forage, pineapples, sugar beets, sugar beet tops, and sweet potatoes.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11–2–72).

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

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18708 Filed 11–1–72;8:50 am]

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

3-(4-Bromo-3-Chlorophenyl)-1-Methoxy-1-Methylurea

A petition (PP 2F1196) was filed by Ciba Agrochemical Co. (now CIBA-GEIGY Corp.), Ardsley, N.Y. 10502, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl)-1-methoxy-1-methylurea and its metabolites containing the 4-bromo-3-chloroaniline moiety in or on the raw agricultural commodities carrots and wheat grain and straw at 0.2 part per million.

Subsequently, the petitioner amended the petition by withdrawing the requested tolerance on carrots.

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

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

2. The proposed use is not reasonably expected to result in the combined residues of the herbicide and its metabolites in eggs and milk and § 180.6(a)(3) applies.

3. The proposed use is not expected to result in the combined residues of the herbicide and its metabolites exceeding the established tolerances on meat and poultry.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.279 is amended by revising the paragraph "0.2 part per million * * *," to read as follows:

§ 180.279 3-(4-Bromo-3-chlorophenyl)-1-methoxy-1-methylurea; tolerances for residues.

* * * * *

0.2 part per million (negligible residue) in or on corn fodder and forage, corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), potatoes, soybean forage, soybeans, wheat grain, and wheat straw.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11–2–72).

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

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72-18710 Filed 11–1–72;8:50 am]

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

Benomyl

A notice (PP 2E1239) was published by the Environmental Protection Agency in the FEDERAL REGISTER of September 9, 1972 (37 F.R. 18401), proposing establishment of a tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on mushrooms at 10 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.294 is amended by inserting a new paragraph after the paragraph "15 parts per million * * *," as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

10 parts per million in or on mushrooms.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (11–2–72).

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

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72-18707 Filed 11-1-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-946]

PART 0—COMMISSION ORGANIZATION

Memorandum Opinion and Order

1. Requests for the extension of time in which to file briefs, comments, pleadings, and all other papers relating to broadcast matters which have not been designated for hearing are ordinarily noncontroversial and require prompt action, which can most appropriately and efficiently be taken by the Bureau Chief rather than the Commission. This is true with regard to matters such as rule making, forfeitures, or applications for review, which will be acted upon by the Commission, as well as with regard to matters which will be acted upon by the Bureau Chief. Accordingly, we are amending § 0.281 to make it clear that Chief, Broadcast Bureau, has full authority to act on all such requests.

2. In proceedings which are before the Chief, Common Carrier Bureau, for preparation of a recommended decision, it is appropriate for the Bureau Chief to act on requests for the extension of time to file pleadings. Accordingly, we are amending § 0.303 to reflect such authority.

3. The amendments to the rules are set out below. Authority for these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r). Because the amendments are procedural in nature and relate to matters of internal organization, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

4. In view of the foregoing, *it is ordered,* Effective November 7, 1972, that §§ 0.281 and 0.303 of the rules and regulations are amended as set out below.

(Secs. 4, 5, 303, 43 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: October 26, 1972.

Released: October 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioner Johnson dissenting.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.281(d)(8) is revised to read as follows:

§ 0.281 Authority delegated.

* * * * *

(d) * * *

(8) For the extension of time in which to file briefs, comments, pleadings, and all other papers, including papers relating to matters which are to be decided by the Commission, such as applications for review of actions taken by the Chief, Broadcast Bureau, and including situations in which the filing date was initially specified by the Commission.

* * * * *

2. Section 0.303(h) is added to read as follows:

§ 0.303 Authority concerning extension of time and waivers.

* * * * *

(h) For the extension of time in which proposed findings, briefs, and pleadings may be filed in proceedings which are before the Chief, Common Carrier Bureau, for preparation of a recommended decision.

[FR Doc.72-18778 Filed 11-1-72;8:55 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089, Amdt. 3]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of October 1972.

Upon further consideration of Service Order No. 1089 (37 F.R. 2677, 9118, and 15930), and good cause appearing therefor:

It is ordered, That: § 1033.1089 *Service Order No. 1089* (New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Company) Service Order No. 1089 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1972.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18780 Filed 11-1-72;8:55 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

Merritt Island National Wildlife Refuge, Fla.; Correction

In F.R. Doc. 72-17801, appearing on page 22379 of the issue for Thursday, October 19, 1972, under § 32.12, subparagraph (11) under special conditions should read as follows:

(11) A refuge permit is required of all hunters in hunt areas 1 and 2 on Thanksgiving Day, Saturdays, and Sundays. No permits are required for hunt areas 3 and 4 at any time or for hunt areas 1 and 2 on Tuesdays and Thursdays (except Thanksgiving Day). Hunters desiring to hunt in area 1 on Tuesdays and Thursdays must draw for a blind and pay the $3 blind fee at Refuge Headquarters prior to taking the field.

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

OCTOBER 24, 1972.

[FR Doc.72-18659 Filed 11-1-72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Subpart 1–1.6—Debarred, Suspended, and Ineligible Bidders

CHANGED BASES FOR DEBARMENT

This amendment of the Federal Procurement Regulations prescribes revised policies and procedures pertaining to matters involving debarred and suspended bidders. Prior material precluding award to bidders on the Department of Labor "List of Persons and Firms Ineligible to Receive Award of Contracts Under the Walsh-Healey Public Contracts Act" is omitted because the list has been eliminated by the Department of Labor. All references to ineligibility on such grounds are deleted. Another change arises out of the passage of the Organized Crime Control Act of 1970. Concerns which have been infiltrated by organized crime are of doubtful responsibility, and, accordingly, an additional basis for debarment or suspension due to violation of the Organized Crime Control Act of 1970 or conviction of certain other offenses is added. In addition, the sections dealing with ineligibility because of violations of the Equal Opportunity clause are updated and revised. Specific reference is made to the Office of Federal Contract Compliance Contract Ineligibility List.

The table of contents for Part 1–1 is amended to include a revised entry, as follows:

Sec.
1–1.602–1 Bases for entry on the debarred, suspended, and ineligible bidders list.

1. Section 1–1.600 is revised to read as follows:

§ 1–1.600 Scope of subpart.

This subpart prescribes policies and procedures relating to: (a) The debarment of bidders for cause, (b) the suspension of bidders for cause under prescribed conditions, and (c) the placement of bidders in ineligibility status for violations of the provisions of the Equal Opportunity clause. It is directly applicable to the advertised and negotiated purchases and contracts of executive agencies, including contracts for construction, repair, alteration, destruction, or dismantlement of public works or buildings. Other Federal agencies are requested to comply therewith in conducting their purchasing and contracting operations.

2. Section 1–1.601–1 is revised to read as follows:

§ 1–1.601–1 Definitions.

(a) "Debarment" means, in general, an exclusion from Government contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense or failure or the inadequacy of performance. However, in connection with Executive Order 11246 of September 24, 1965, as implemented by the rules, regulations, and relevant orders of the Secretary of Labor in 41 CFR Part 60, the term "debarment" also means an exclusion by reason of ineligibility under the Secretary's rules from Government contracting or subcontracting for an indefinite period of time pending the elimination of the circumstances for which the exclusion was imposed.

(b) "Suspension" means a disqualification from Government contracting and subcontracting for a temporary period of time because a concern or individual is suspected upon adequate evidence (see § 1–1.605) of engaging in criminal, fraudulent, or seriously improper conduct.

(c) A "debarment list" or "debarred bidders list" means a list of names of concerns or individuals against whom any or all of the measures referred to in this section have been invoked.

(d) "Bidders" means, wherever the term is used in this subpart, any offerors bidding pursuant to an invitation for bids or a request for proposals.

(e) "Affiliates" means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.

3. Section 1–1.602–1 is amended to revise the caption, to revise paragraph (e), and to delete paragraph (h). As amended, the section reads as follows:

§ 1–1.602–1 Bases for entry on the debarred, suspended, and ineligible bidders list.

* * * * *

(e) Those listed by the Director of the Office of Federal Contract Compliance of the Department of Labor on the Contract Ineligibility List, which gives the names of prime contractors and subcontractors that have been declared ineligible to participate in Government contracting or subcontracting by reason of noncompliance with the Equal Opportunity clause.

(h) [Deleted]

* * * * *

4. Section 1–1.603 is revised to read as follows:

§ 1–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

Firms or individuals listed by the agency as debarred, suspended, or ineligible shall be treated as follows:

(a) *Total restrictions.* A contract shall not be awarded to a concern or individual that is listed on the basis of §1–1.602–1 (a), (b), (d), or (e), or to any concern, corporation, partnership, or association in which the listed concern or individual has actual control or a controlling interest; nor shall bids or proposals be solicited therefrom. However, when it is determined essential in the public interest by the head of an agency or his designee, an exception may be made with respect to a particular procurement action when a concern or individual is listed as debarred on the basis of § 1–1.602–1(d).

(b) *Restrictions under statutes designated in the regulations of the Secretary of Labor.* A contractor listed on the basis of § 1–1.602–1(c), or any concern, corporation, partnership, or association in which that contractor has actual control or a controlling interest, shall be ineligible for a period of 3 years (from the date of publication by the Comptroller General) to receive any contracts subject to any of the statutes listed in § 1–1.602–1(c).

(c) *Buy American Act restrictions.* As specified in the Buy American Act (41 U.S.C. 10b(b)), contracts shall not be awarded for construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere to concerns or their affiliates or individuals listed on the basis of § 1–1.602–1(g); nor shall bids or proposals therefor be solicited therefrom. However, firms or individuals listed on this basis may be awarded contracts and may be solicited for bids or proposals for other than construction, alteration, or repair of public buildings or public works in the continental United States or elsewhere.

(d) *Restrictions for noncompliance with the Equal Opportunity clause.* A concern or individual debarred for noncompliance with the Equal Opportunity clause shall not be awarded a Government contract.

(e) *Restrictions on subcontracting.* If a concern or individual listed on the debarred bidders list is proposed as a subcontractor, the contracting officer shall decline to approve subcontracting with that firm or individual in any instance in which consent is required of the Government before the subcontract is made, unless it is determined by the agency to be in the best interest of the Government to grant approval.

5. Section 1–1.604 is amended to add a new paragraph (a)(2), and to renumber the present paragraph (a) (2), (3), (4), and (5) as paragraph (a) (3), (4), (5), and (6), respectively, and to correct references in paragraph (b), and paragraph (c) is revised; as amended, § 1–1.604 reads as follows:

§ 1–1.604 Causes and conditions applicable to determination of debarment by an executive agency.

* * * * *

(a) * * *

(2) Conviction under the Organized Crime Control Act of 1970, or conviction of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor.

(3) Conviction under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(4) Violation of contract provisions, as set forth below, of a character which is regarded by the agency involved to be so serious as to justify debarment action:

(i) Willful failure to perform in accordance with the specifications or within the time limit provided in the contract.

(ii) A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts: *Provided*, That such failure or unsatisfactory performance has occurred within a reasonable period of time preceding the determination to debar. Failure to perform or unsatisfactory performance caused by acts beyond the control of the firm or individual as a contractor shall not be considered to be a basis for debarment.

(iii) Violation of the contractural provision against contingent fees.

(iv) Acceptance of a contingent fee, which is paid in violation of contractual provisions against contingent fees.

(5) Any other cause affecting responsibility as a Government contractor of such serious and compelling nature as may be determined by the head of the agency to warrant debarment.

(6) Debarment by some other executive agency.

(b) *Conditions.* * * *

* * * * *

(3) The existence of a cause set forth in (a) (1), (2) and (3) of this § 1–1.604 shall be established by criminal conviction by a court of competent jurisdiction. In the event that an appeal taken from such conviction results in a reversal of the conviction, the debarment shall be removed upon the request of the bidder (unless other cause for debarment exists).

(4) The existence of a cause set forth in (a) (4) and (5) of this § 1–1.604 shall be established by evidence which the executive agency determines to be clear and convincing in nature.

(5) Debarment for the cause set forth in (a)(6) of this § 1–1.604 (debarment by another agency) shall be proper provided that one of the causes for debarment set forth in (a) (1) through (5) of this § 1–1.604 was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

(c) *Period of debarment.* (1) Debarment of a firm or individual for causes other than failure to comply with the provisions of the Equal Opportunity clause (see § 1–1.602–1(e)) shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense or the failure or inadequacy of performance. As a general rule, a period of debarment shall not exceed 3 years. However, when debarment for an additional period is deemed necessary, notice of the proposed additional debarment shall be furnished to that concern or individual in accordance with § 1–1.604–1. Except as precluded by statute, a debarment may be removed or the period thereof may be reduced by the head of the agency or by his authorized representative, upon the submission of an application, supported by documentary evidence, setting forth appropriate grounds for the granting of relief; such as newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which the debarment was imposed.

(2) Debarment of a firm or individual for failure to comply with the provisions of the Equal Opportunity clause generally shall continue until removed by the Director of the Office of Federal Contract Compliance, Department of Labor, or by the agency itself with the concurrence of the Director of the Office of Federal Contract Compliance.

6. Section 1–1.605–1 is amended to revise paragraph (a)(1)(iii) to read as follows:

§ 1–1.605–1 Causes and conditions under which executive agencies may suspend contractors.

(a) * * *

(1) * * *

(iii) An act in violation of the Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor; or

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective November 1, 1972.

Dated: October 31, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–18904 Filed 11–1–72;10:41 am]

Chapter 105—General Services Administration

PART 105–735—STANDARDS OF CONDUCT

Subpart 105–735.2—Standards of Conduct for Employees

PURCHASE OF GOVERNMENT PROPERTY

Section 105–735.215 is revised to allow GSA employees and members of their immediate households to purchase property being sold by agencies other than GSA and to prohibit them from purchasing any property being sold by GSA.

The table of contents for Part 105–735 is amended as follows:

Sec.
105–735.215 Purchase of Government property.

Section 105–735.215 is revised as follows:

§ 105–735.215 Purchase of Government property.

An employee shall not purchase for himself or for any other person, either directly or indirectly, any Government property, personal or real, being sold by GSA. This prohibition also applies to any member of his immediate household.

(E.O. 11222, 3 CFR 1964–1965 Comp.; 5 CFR 735.104)

This regulation was approved by the Civil Service Commission on October 27, 1972.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (11–2–72).

Dated: October 31, 1972.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.72–18903 Filed 11–1–72;10:41 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[26 CFR Part 240]

WINE

Materials Authorized for Treatment of Wine

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: October 26, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

In order to make 26 CFR Part 240, Wine, consistent with 21 CFR Part 121, GRAS and Food Additive Status, with respect to materials authorized for treatment of wine, and to provide for continuing consistency between these parts, the regulations in 26 CFR Part 240 are amended as follows:

Section 240.1051 is amended by: (a) Adding a sentence to the introductory paragraph to provide for removal from the list of materials authorized for treatment of wine, those materials which are removed by the Commissioner of Food and Drugs from the GRAS listing; (b) adding ammonium phosphate (monobasic and dibasic) to the list of approved materials; (c) deleting diammonium phosphate; (d) deleting glycine (amino acetic acid); (e) deleting diethyl pyrocarbonate; and (f) deleting the parenthetical statement under "Reference or limitation" for the material "Phosphates". As amended § 240.1051 reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

The materials listed below are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to: *Provided*, That when any approved material on this list is removed from the Food and Drug Administration list of products generally recognized as safe, the Director may cancel its approval for use in the production, cellar treatment, or finishing of wine (including distilling material).

Materials	Use	Reference or limitation
• • •	• • •	• • •
Ammonium Phosphate (monobasic and dibasic).	Yeast food in distilling material and wine production.	As a yeast food in distilling material, the amount shall not exceed 10 pounds per 1,000 gallons. In wine production, the amount shall not exceed 1.7 pounds per 1,000 gallons. 21 CFR 121.101(d)(8).
• • •	• • •	• • •
Defoaming agents (polyoxyethylene-40-monostearate and silicon dioxide) (sorbic acid, carboxy methyl cellulose, dimethyl polysiloxane, polyoxyethylene (40) monostearate, and sorbitan monostearate).	Defoaming agent	Defoaming agents which are 100 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Defoaming agents which are 30 percent active may be used in amounts not exceeding 0.5 pound per 1,000 gallons of wine. Silicon dioxide shall be completely removed by filtration. 21 CFR 121.1099, 121.101(d)(2), 121.101(d)(8).
Eggs (Albumen or yolks)	To clarify wine	GRAS.
• • •	• • •	• • •
Gelatin	To clarify wine	GRAS.
Granular cork	To treat wines stored in redwood and concrete tanks.	The amount used shall not exceed 10 pounds per 1,000 gallons of wine. GRAS.
• • •	• • •	• • •
Phosphates	To start secondary fermentation in manufacturing champagne and sparkling wines.	Small quantity only shall be used. GRAS.
• • •	• • •	• • •

(72 Stat. 1383; 26 U.S.C. 5382)

[FR Doc.72-18697 Filed 11-1-72;8:46 am]

DEPARTMENT OF THE ARMY

Corps of Engineers

[36 CFR Parts 311, 326, 327]

PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY CHIEF OF ENGINEERS

Notice of Extension of Time for Comments

On September 21, 1972 (37 F.R. 19632), there appeared as a notice of proposed rule making, with a 45-day limitation for comments, a proposed regulation Part 327, Chapter III, Title 36, CFR, to supersede Parts 311 and 326.

Due to receipt of numerous comments and a continuing interest in the proposed regulation the time limitation for comment, suggestion, or objections is hereby extended until January 3, 1973.

E. W. GANNON,
Lieutenant Colonel, U.S. Army, Chief, Plans Office, TAGO.

OCTOBER 26, 1972.

[FR Doc.72-18702 Filed 11-1-72;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 24871; EDR-235]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Proposed Modification of Registration Requirement

OCTOBER 27, 1972.

Notice is hereby given that the Civil Aeronautics Board has under consideration modification of the registration requirement for air taxi operators in Part

298 of the economic regulations (14 CFR Part 298). The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the attached proposed rule. The amendment is proposed under the authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter received on, or before December 18, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

EXPLANATORY STATEMENT

Part 298 of the Board's economic regulations (14 CFR Part 298) provides for the classification and exemption of air taxi operators, i.e., persons engaged in air transportation by operating small aircraft. As a condition to their exemption authority, air taxi operators are required by the Board's regulations to establish and maintain liability insurance coverage in accordance with the provisions of Subpart D of said part. The regulations also require each air taxi operator to register with the Board within 30 days after commencement of air taxi operations, and to reregister annually thereafter, by filing a registration statement in the form specified therein (CAB Form 298–A),[1] along with a currently valid certificate of insurance.[2] A stamped copy of the filed registration form is returned to the carrier, acknowledging compliance with said registration requirement. This registration procedure is designed to facilitate enforcement of the liability insurance requirement and to provide a vehicle for the gathering of basic information as to the number of air taxi operators and their locations.[3]

Over the past several years the staff has experienced considerable difficulty in assuring compliance with the registration and liability insurance requirements. For example, there are presently about 3,200 holders of an air taxi/commercial operator's certificate (ATCO) issued by the Federal Aviation Administration under its safety regulations,[4] but only about 2,600 air taxis (including commuter air carrier) are currently registered with the Board. While it may well be that some of the 600 ATCO holders who have not registered with the Board are, in fact, outside the Board's jurisdiction (e.g., because they are not operating as common carriers or their operations are wholly intrastate) there are grounds to suspect that a sizable number of these unregistered ATCO holders are engaged in "air transportation" and, as such, are subject to the Board's regulatory scheme for air taxi operators.

We are inclined to believe that the failure of air taxi operators to register with the Board is attributable, at least in part, to the fact that under our existing regulations, compliance with the aforementioned registration procedure is not a condition precedent to the air taxi operator's exemption to operate under Part 298. Thus, although failure to register, as prescribed in Part 298, presently constitutes a violation of a Board regulation, an air taxi operator may feel less deterred from operating in violation of a regulation requiring him to register (and reregister) with the Board than if his very authority to operate were expressly conditioned upon adherence to such requirement. Moreover, since our regulations now permit a carrier to register 30 days after he has begun to operate, it has not been practicable for the Board to determine whether the registrant is in compliance with the liability insurance requirements on the date he commences operations.

In light of the foregoing, we are of the tentative view that compliance with the Part 298 registration requirement should be established as a condition precedent to an air taxi operator's exemption to engage in air transportation, and the amendments hereinbelow discussed are intended to accomplish this purpose. Under the proposed rule, an air taxi operator would be required to register and reregister with the Board in order to qualify for and retain his exemption to operate under Part 298. We also propose to eliminate the provision allowing a carrier to register with the Board within 30 days after commencement of air taxi operations, and to require instead that a person who contemplates engaging in operations subject to Part 298 shall register with the Board, not less than 30 days prior to the commencement of such operations.[5]

As indicated, present regulations require an air taxi operator to submit, with his registration form, a currently effective certificate of liability insurance. As provided in subpart D of Part 298,[6] such certificate must evidence issuance, by one or more insurers, of one or more currently effective policies of aircraft liability insurance in compliance with the requirements prescribed therein. It is unlikely that a person who files for initial registration as an air taxi operator, in accordance with the proposed rule, will have a policy of aircraft liability insurance in effect on the date of such filing. Nor do we wish to impose, on prospective air taxi operators, a requirement to purchase insurance coverage which they do not need. Accordingly, we propose to modify § 298.41(b) to provide that where the certificate of insurance accompanies a filing for initial registration as an air taxi operator, the insurance policy or policies named in the certificate shall become effective no later than the date when the applicant proposes to commence operations (which date shall not be earlier than 30 days after the date on which the application is filed) as shown in the carrier's registration form.

Moreover, in order to insure that the applicant's registration does not become effective before the effective date of his aircraft liability insurance, we propose to add a provision to the rule stating that the initial registration required by § 298.50 will not become effective before the effective date of the insurance policy or policies named in the certificate of insurance which accompanies the carrier's filed registration statement.[7]

We have also taken this occasion to propose several changes to the standard registration statement (CAB Form 298–A)[1] so as to require more detailed information from carriers filing for registration and reregistration under Part 298. As hereinbelow described, these modifications are designed to facilitate staff processing of air taxi registrations and to implement the recent changes to Part 298 made by the Board in the Part 298 Weight Limitation Investigation, Docket 21761:[8]

1. The registrant will be required to list his telephone number and area code.

2. As presently cast, Form 298–A[1] requires disclosure of the serial and model numbers of each aircraft operated by an air taxi which has a maximum passenger

[1] A copy of Form 298–A is filed as part of the original document.

[2] Sections 298.50, 298.51.

[3] ER–574, July 1, 1969.

[4] The scope of the FAA's regulatory authority over the operators of aircraft is broader than the Board's authority, since the FAA's jurisdiction to prescribe safety regulations extends to all operations which come within the definition of "air commerce" in section 101(4) of the Act, whereas the Board's jurisdiction is limited to those operations which involve "air transportation" as defined in section 101(10) of the Act.

[5] As shown in Exhibit A, filed as part of the original document, CAB Form 298–A has been retitled "Registration and Reregistration under Part 298 of the Economic Regulations," and includes the format for both initial registration and reregistration.

[6] Specifically, § 298.41(b).

[7] The copy of such statement which is returned to the registrant will bear the effective date of his registration.

[8] Order 72–7–61, July 18, 1972, and Order 72–9–62, September 15, 1972.

capacity of more than 20 seats or a maximum payload capacity of more than 5,000 pounds. We propose to delete this requirement and instead require the disclosure of all aircraft types which the registrant operates (or, if the carrier is filing for initial registration, which he proposes to operate), and the FAA registration number and passenger capacity of each such aircraft type.

3. A Part 298 registrant will also be required to disclose the "maximum payload capacity," as defined in § 298.2, of each reported aircraft type which has a maximum payload capacity of between 5,000 and 7,500 pounds; and also to furnish, with the registration form, a statement which sets forth the calculations which the registrant used to compute the maximum payload capacity of each such aircraft.

This latter requirement is designed to implement the Board's action on reconsideration [9] of the Weight Limitation case wherein the Board determined to clarify the general definition of "maximum payload capacity" adopted in ER–748,[10] by providing a more detailed formula for computing an aircraft's payload capacity for the purposes of Part 298. The statement of calculations will enable the Board to determine whether that formula is being properly applied by carriers who operate or who propose to operate aircraft within the abovementioned limitations.

It is proposed to amend Part 298 of the economic regulations (14 CFR Part 298) as follows:

1. Amend § 298.3(a) by adding a new subparagraph (5), to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property, and/or in the transportation within the 48 contiguous States, Alaska or Hawaii of mail by aircraft and which:

* * * * *

(5) Have registered initially, and reregistered annually thereafter, with the Board in accordance with Subpart E of this part.

* * * * *

2. Amend paragraph (b) of § 298.41, the paragraph as amended to read as follows:

§ 298.41 Basic requirements.

* * * * *

(b) "Certificate of insurance," as used herein, means one or more certificates, evidencing the following: Issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in § 298.42: *Provided,* That, where the certificate of insurance accompanies a filing for initial registration as an air taxi operator in accordance with § 298.50 of this part, the insurance policy or policies named in such certificate shall become effective no later than the proposed date of commencement of air taxi operations as shown in the carrier's registration form. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to, or death of, aircraft passengers. In addition, the certificate of insurance shall list the types or classes of aircraft, or the specific aircraft by Federal Aviation Administration (FAA) registration number, with respect to which the policy of insurance applies and shall set forth the area or areas of operation as found in the operations specifications issued by the FAA in conjunction with the applicable ATCO certificate: *Provided, however,* That if one or more of the 48 contiguous States or the District of Columbia is listed in such operations specifications, then all 48 contiguous States and the District of Columbia must be included in the coverage of insurance. Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.

* * * * *

3. Amend § 298.50 by revising paragraphs (a), (b), and (c), and adding a new paragraph (d), the section as amended to read as follows:

§ 298.50 Filing for registration by air taxi operators.

(a) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) who plans to commence operations under this part shall, not later than 30 days prior to the commencement of such operations, register with the Board.

(b) Every air taxi operator (whether or not he is also a computer air carrier as defined in this part) shall reregister with the Board annually on or before July 1 of each year.

(c) Registration and reregistration shall be accomplished by filing, with the Board's Bureau of Operating Rights a "Registration and Reregistration for Exemption as an Air Taxi Operator" (CAB Form 298–A, revised _____) executed in duplicate. This form shall be certified by a responsible official of such carrier and shall include the following information:

(1) Where the carrier is filing for initial registration as an air taxi operator: (i) Name of the carrier (name must be the same as that in which the FAA certificate, if any, is issued); (ii) the carrier's FAA certificate number, if any; (iii) the name in which the insurance policy is issued; (iv) address of its principal place of business and its mailing address; (v) the proposed date of commencement of air taxi operations; (vi) whether the carrier intends to perform at least 5 round trips per week pursuant to published schedules; (vii) a list of the aircraft types which the carrier intends to employ in air taxi operations, and the FAA registration number and passenger capacity of each such aircraft type; (viii) the "maximum payload capacity," as defined in § 298.2, of each aircraft reported pursuant to clause (vii) above, which has a maximum payload capacity of between 5,000 and 7,500 pounds, and a statement showing the calculations used by the carrier to compute the maximum payload capacity of each such aircraft; (ix) whether the carrier has insurance effective on the date of commencement or air taxi operations which complies with Subpart D of this part; and (x) whether the carrier intends to perform passenger, cargo and/or mail service; or

(1a) Where the carrier is filing for reregistration as an air taxi operator: (i) Name in which the FAA certificate is issued; (ii) the carrier's FAA certificate number; (iii) the name in which the insurance policy is issued; (iv) address of its principal place of business and its mailing address; (v) whether the carrier is currently performing at least 5 round trips per week pursuant to published schedules; (vi) a list of the aircraft types operated by the carrier, and the FAA registration number and passenger capacity of each such aircraft type; (vii) the "maximum payload capacity," as defined in § 298.2, of each aircraft reported pursuant to clause (vi) above, which has a maximum payload capacity of between 5,000 and 7,500 pounds, and a statement showing the calculations used by the carrier to compute the maximum payload capacity of each such aircraft; (viii) whether the carrier has currently effective insurance which complies with Subpart D of this part; (ix) whether the carrier is performing passenger, cargo and/or mail service; and (x) whether the carrier has performed passenger service between a point in the United States and a point outside thereof during the past 12 months.

(1–1) Every registered air taxi operator who acquires for use in his air taxi operations an aircraft whose maximum payload capacity is within the limitations enumerated in clause (viii) of subparagraph (1) hereinabove shall file with the Board, within 30 days of such aircraft acquisition an amended Form 298–A, reflecting the fact of such acquisition.

(2) A certificate of insurance which is currently effective (or, in case of initial registration, is to become effective), as defined in § 298.41(b).

(3) A ten-dollar ($10) registration or reregistration fee, as the case may be. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

(d) The effective date of the registration required by paragraph (a) of this

[9] Order 72–9–62, supra.
[10] July 18, 1972, 37 F.R. 14692.

section shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance attached to the registration statement filed pursuant to paragraph (c)(1) of this section.

[FR Doc.72-18773 Filed 11-1-72;8:55 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO179-A37]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held December 6 at Holiday Inn-Airport-West, 16501 Brookpark Road, Cleveland, OH, beginning at 10 a.m. with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc.; Central Ohio Co-op Milk Prod., Inc.; Milk, Inc.; and Tri-County Producers' Cooperative:

A. Proposal No. 1. Immediately following § 1036.78, add a new centerhead and new §§ 1036.110 through 1036.122 as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1036.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds, made available pursuant to § 1036.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1036.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1036.113(b) with 1½ percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 5 percent of the participating member producers it represents. Cooperative associations with less than 1½ percent of the total participating producers that have elected not to combine pursuant to §1036.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 1½ percent plus one additional Agency representative for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1036.112 Term of office.

The term of office of each member of the Agency shall be 1 year or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1036.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market adminstrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 1½ percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1036.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 1½ percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1036.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1036.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1036.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1036.110 and 1036.117.

§ 1036.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1036.110 and 1036.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1036.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1036.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1036.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1036.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1036.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1036.121 Duties of the market administrator.

Except as specified in § 1036.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1036.113(c);

(b) Set aside the amount subtracted under § 1036.61(b)(1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amount of mandatory checkoff for advertising and promotion programs required under authority of state law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1036.61(b)(1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1036.120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1036.120(d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1036.61(b)(1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to a new producer, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1036.110 through 1036.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1036.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1036.73.

§ 1036.62 [Amended]

(B) *Proposal No. 2.* Revise § 1036.62(b)(5) as follows: Add the phrase "plus 5 cents" after the words "subtract its value at the weighted average price applicable at such location."

§ 1036.61 [Amended]

(C) *Proposal No. 3.* In § 1036.61 add a new paragraph (b)(1) as follows:

(1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

§ 1036.74 [Amended]

(D) *Proposal No. 4.* Revise § 1036.74(b)(2) as follows:

Add the phrase "plus 5 cents" after the words "at the location of the plants from which received."

Proposed by the Dairy Division, Agricultural Marketing Service:

(E) *Proposal No. 5.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Cleo C. Taylor, Post Office Box 29066, Cleveland, OH 44129, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 30, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-18766 Filed 11-1-72;8:54 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKET RULES AND FILING OF COPIES

Extension of Time Allowed for Evaluation of Rule Changes

A proposal was published at 37 F.R. 20257 to revise § 1.41 of the general regulations under the Commodity Exchange Act (17 CFR 1.41) to allow the Commodity Exchange Authority a 3-week period for evaluation of certain proposed contract market rules changes. Interested persons were given an opportunity to make written submissions within a 30-day period after September 28, 1972. Notice is hereby given that the period for making such written submissions is extended to the 30th day after publication of this notice in the FEDERAL REGISTER.

Issued October 30, 1972.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc. 72-18769 Filed 11-1-72;8:55 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 50]

FROZEN PEAS

Request for Comments on a Recommended International Standard and a Petition

Correction

In F.R. Doc. 72-16645, appearing at page 21106, in the issue of Thursday, October 5, 1972, the following changes should be made:

1. On page 21106, in the seventh line of the second paragraph, the word "Commission" should read "Commissioner".

2. In the second column on page 21107, directly above the heading "Recommended International Standard for Quick Frozen Peas", insert:

[CAC/RS 41-1970]

3. On page 21108, in the second line of 6.1 *The name of the food.*, delete the leaders.

4. On page 21108, in the second column, the first word of footnote 2 reading "ef", should read "Ref.".

5. Directly above paragraph (a), in the first column on page 21109, insert:

§ 50.1 Frozen peas; identity; label statement of optional ingredients.

6. The tables on pages 21110 and 21111 should read as follows:

Items of comparison	Proposal	Codex standard
1. Certain optional ingredients	MSG and glutamic acid salts. Organic acids, antioxidants, stabilizers. Sauces, including concentrated sauces. Sufficient vitamins to restore vitamin content to the level of raw peas.	Not provided for.
2. Name of the food:	Garnishes	
(a) Sweet pea varieties	"Green peas," "sweet green peas," "wrinkled peas," "garden peas," or "sweet peas."	"Garden peas" or an equivalent designation used in the country in which the product is intended to be sold.
(b) Smooth-skin pea varieties	"Early peas," "June peas," or "early June peas."	"Peas."
3. Label statement of ingredients	In boldface type of minimum size specified in Part 1 of Title 21 CFR, but not less than 1/16 inch in height; entire statement on one panel of the label and in lines parallel to the base of the container.	Clear, prominent, readily legible by the consumer under normal conditions of purchase and use.

4. Size Designation:	Diameter of Circular Openings of Sieve: Will not pass through (Inches [1] / mm.)	Will pass through (Inches [1] / mm.)	Codex standard
Extra small		19/64 / 7.5	For peas up to 7.5 mm.
Very small	19/64 / 7.5	21/64 / 8.2	For peas up to 8.2 mm.
Small	21/64 / 8.2	23/64 / 8.75	For peas up to 8.75 mm.
Medium	23/64 / 8.75	29/64 / 10.2	For peas up to 10.2 mm.
Large	29/64 / 10.2		For peas over 10.2 mm.
	The size designations may precede or follow the name of the food. Or the words "petite" or "tiny" may be used for sweet peas up to 23/64-inch diameter and for smooth-skin peas up to 21/64-inch in diameter.		Where a statement of size is made either the sieve size or one of the above-verbal designations, as appropriate, shall be stated. If size graded the product shall contain no peas larger than the next 2 larger sizes nor more than 20 percent either by number or mass of peas of the next 2 larger sizes, if such there be. Nor more than 1/4 of these peas whether by number or mass, shall belong to the larger of the next 2 sizes.
5. Definitions of defects	Not defined		Included in item 6.
6. Defect tolerances maximum per 500 g.	When any defect listed below exceeds the tolerance the sample unit fails to meet the standard of quality. There is no sampling plan for lot acceptance quality.		Any sample unit shall be regarded as defective when any of the defects listed below are present in more than twice the amount of the specified tolerance for the individual defect or if the total percentage defects found exceeds 15 percent by weight.
	"Seriously spotted or otherwise materially blemished" 0.3 oz. (8.5 g.), 1.7 percent by weight.		"Seriously blemished peas" are hard, shrivelled, spotted, discolored, or otherwise blemished to an extent that the appearance or eating quality is seriously affected, 1 percent by weight. "Blemished peas" are slightly stained or spotted, 5 percent by weight.
	"Yellow, overly mature" 0.5 oz. (14.2 g.), 2.8 percent by weight.		Overly mature peas not provided for.
	Blond peas are usually removed during processing.		"Blond Peas" are yellow or white and edible, 2 percent by weight.
	"Pieces of peas and loose skins", maximum 2.5 oz., (71.0 g.), 14.2 percent by weight.		"Pea fragments" are portions of peas, separated or individual cotyledons, crushed, partial or broken cotyledons, and loose skins, but does not include entire intact peas with skins detached, maximum 12 percent by weight.
7. Maturity	Not more than 15 percent by 100 count per container of sweet peas shall sink in a 16 percent by weight of salt solution at 20° C.		Brine flotation test not provided for
8. Units of measurement:			
(a) Identity standard	Inches as well as millimeters		Millimeters.
(b) Quality standard	Ounces as well as grams		Grams.

[1] Nearest 64th-inch equivalent to Codex designation shown in millimeters.

[21 CFR Part 174]

COSMETIC PRODUCT EXPERIENCE

Proposed Voluntary Filing

Notice is given that a petition has been filed by the Cosmetic, Toiletry, and Fragrance Association, Inc., 1625 Eye Street NW., Washington, D.C. 20006, proposing the issuance of regulations to establish a procedure for the voluntary filing of cosmetic product experience to the extent that such experience involves any allergic reaction or other bodily injury caused by exposure to a cosmetic product.

The Association states that it is a nonprofit membership corporation, incorporated under the laws of the District of Columbia, and that its membership includes approximately 200 companies who produce more than 85 percent of the Nation's total production of cosmetic products. The grounds given in support of the proposed regulations include the following:

The Association is submitting this petition to request the Food and Drug Administration to promulgate, by regulation, a procedure for the voluntary filing of cosmetic product experience. Under section 601(a) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), a cosmetic is deemed to be

adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or under customary or usual conditions of use. The Association believes that it is reasonable for the Food and Drug Administration to have available to it information on the experience resulting from use of cosmetic products.

Such information should include (1) reliable baseline information against which to assess or evaluate products or their ingredients, and (b) prompt information where specific public health questions may be presented. The petition proposes the voluntary submission of both kinds of information.

Baseline information must be both reliable and cover a sufficient time period so as to provide a perspective. As is reflected in other reporting programs, yearly reports provide perspective that is not biased by special promotions, introductions or other marketing factors.

Even more important than perspective is the need for reliability of information. The reports to be submitted would be those for which there is a reasonable factual basis for concluding that the alleged reaction or injury actually occurred (putting wholly to one side the issue of causality). Despite the best efforts of manufacturers and distributors, prompted often by product liability concerns, many assertions of adverse experience remain unconfirmed, at best speculative, and at worst spurious. Without more to go on than an obscure complaint, the "experience" hardly provides any baseline for evaluating product performance.

For this reason, and to avoid the resulting biased view of "complaints," the petition limits reports to those allegations of injury whose factual basis has been investigated by the reporter or is found in a physician's report. Even so, the reporting may contain biases against products where reactions or other experience are reported despite the absence, or inability to obtain, causality information.

The reporting of unexpected experience within 15 working days of receipt of such information will provide FDA with data that can assist it and the industry in evaluating the potential for specific public health problems. Such reports can be compared within FDA with baseline data for the product category or related products, so that a scientific judgment can be reached on the significance of the unexpected information.

The information included in Cosmetic Product Experience Reports will in many instances include trade secrets and other confidential and privileged proprietary information that would not be released by a company to competitors or the public and that could not be publicly divulged without substantial harm to the company. The regulation proposed therefore protects the confidentiality of this information by obligating the Food and Drug Administration not to disclose it. This proposal conforms to that of FDA of May 5, 1972, dealing with voluntarily submitted information.

Section 701(a) of the FD&C Act authorizes the Food and Drug Administration to promulgate regulations for the efficient enforcement of the Act. Under this provision, many statements of general policy or interpretation and other general regulations have been promulgated by the Food and Drug Administration. The Association believes that the general regulation-making authority in section 701(a) is sufficient to promulgate the proposed regulations set out below, providing for the voluntary filing of cosmetic product experience. "The Association believes that voluntary filing of cosmetic product experience, as set out below, would lead to more efficient enforcement of the FD&C Act and would be in the public interest.

The proposed Part 174 prepared by the Cosmetic, Toiletry, and Fragrance Association, Inc., reads as follows:

§ 174.1 Definitions.

(a) "Commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(b) "Cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(c) "Reportable experience" means any allergic reaction or bodily injury, verified by the manufacturer or distributor or reflected in a physician's report, alleged to be the result of an ingredient or ingredients in a cosmetic product as a result of any human use under the conditions of use prescribed in the labeling of the product or under such conditions of use as are customary or usual for the product.

(d) The definitions and interpretations contained in sections 201 and 601 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 174.2 Who should file.

Either the manufacturer or distributor of a cosmetic product is requested to file a Cosmetic Product Experience Report or a Cosmetic Product Unexpected Experience Report with respect to each cosmetic product in commercial distribution, whether or not the cosmetic product enters interstate commerce. No filing fee is required.

§ 174.3 Time for filing.

(a) Except as provided in paragraph (b) of this section, reportable experience should be submitted yearly, by filing a Cosmetic Product Experience Report for each calendar year, prior to March 31 of the following year.

(b) Unexpected reportable experience should be submitted as soon as possible, and in any event within 15 working days of its receipt by the manufacturer or distributor, by filing a Cosmetic Product Unexpected Experience Report. As used in this part, "unexpected" means reportable experience which by kind, severity or incidence differs significantly from that reported by the manufacturer or distributor for like cosmetics of that manufacturer or distributor in the same product category as defined in § 172.5(c) of this chapter.

§ 174.4 How and where to file.

Form FD-_____ (Cosmetic Product Experience Report) and Form FD-_____ (Cosmetic Product Unexpected Experience Report) are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Experience Report, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 174.5 Information requested.

(a) Form FD-_____ (Cosmetic Product Experience Report) requests information on:

(1) The name, street address, and city (also country, if other than U.S.A.) including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The cosmetic product establishment registration number or numbers assigned under § 170.7 of this chapter to the establishment or establishments where the product is manufactured and packaged.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product ingredient statement number assigned to the product under § 172.8 of this chapter.

(5) The cosmetic product category or categories, as set out in § 172.5(c) of this chapter.

(6) The time period covered by the report.

(7) The reportable experience alleged to be the result of the product broken down into the types of experience alleged in accordance with the categories specified in Form FD-_____.

(8) The reportable experience rate (e.g., number of reportable incidents per million product units estimated to be distributed to consumers) during this time period, and cumulatively during this and prior time periods, overall and broken down into the type of experience alleged in accordance with the categories specified in Form FD-_____.

(9) Such evaluation of the experience or other pertinent data or information as the person filing may wish to provide.

(b) Form FD-_____ (Cosmetic Product Unexpected Experience Report) requests information on:

(1) The name, street address, and city (also country, if other than U.S.A.) including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The cosmetic product establishment registration number or numbers assigned under § 170.7 of this chapter to the establishment or establishments where the product is manufactured and packaged.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product ingredient statement number assigned to the product under § 172.8 of this chapter.

(5) The cosmetic product category or categories, as set out in § 172.5(c) of this chapter.

(6) The unexpected experience alleged to be the result of the product, together with any evaluation thereof, and any other pertinent data or information as the person filing may wish to provide.

(c) The person filing a Form FD-_____ or FD-_____ should:

(1) Provide the information requested in paragraph (a) or (b) of this section.

(2) Have it signed by an authorized individual.

(d) The information requested should be given separately for each cosmetic product, except that a single Cosmetic

Product Experience Report may be filed for two or more shades, flavors, or fragrances of a cosmetic product where only the proportions of the ingredients are varied, and such product is covered by a single cosmetic product ingredient statement under § 172.5(e) of this chapter.

§ 174.6 Additions or amendments to reports.

Additions or amendments to any Cosmetic Product Experience Report should be submitted by filing an amended Form FD-_____ or Form FD-_____.

§ 174.7 Notification to person submitting experience reports.

The Commissioner of Food and Drugs will acknowledge receipt of product experience reports (Form FD-_____ and FD-_____) to the person submitting the report by return of a receipted copy bearing an FDA reference number. This receipted copy will be sent only to the individual signing the form, at the location shown. On the basis of a review of individual reports or patterns of reportable experience disclosed in a number of reports, the Commissioner may request additional information from persons submitting reports with respect to particular kinds or incidence of alleged injury.

§ 174.8 Confidentiality of reports.

The information contained in, attached to, or included with any Cosmetic Product Experience Report, additions, and amendments, and any compilation thereof, constitutes trade secrets and other privileged and confidential commercial information that will be held as confidential under the provisions of section 301(j) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 331(j)), and section 3(e)(4) of the Administrative Procedure Act, as amended (5 U.S.C. 552(b)(4)); except that information contained in, attached to, or included with any such report may be disclosed in the course of testimony by a Food and Drug Administration employee in a court action brought by the Food and Drug Administration to enforce the Federal Food, Drug, and Cosmetic Act with respect to that product where the information is relevant to the violation charged, only as such information is disclosed as is necessary under the circumstances, and the Food and Drug Administration offers to disclose the information in camera. Information voluntarily filed pursuant to this part under the foregoing obligation of confidentiality shall be destroyed or returned to the individual signing the form at the location shown if it is subsequently determined that this obligation cannot or should not be honored, unless that person or another authorized individual waives such return or destruction.

§ 174.9 Misbranding by reference to filing; filing does not constitute an admission.

(a) The filing of a Cosmetic Product Experience Report does not in any way denote approval of the firm or product. Any representation or labeling or advertising that creates an impression of official approval because of such filing will be considered misleading.

(b) The filing of a Cosmetic Product Experience Report does not in any way constitute an admission by the person filing that the alleged experience was the result of an ingredient or ingredients in the cosmetic product, or of any other fact.

The Commissioner of Food and Drugs has considered the petition and other relevant information, and has concluded that reasonable grounds have been furnished to warrant publishing the proposed new Part 174. However, in order to make this proposed voluntary procedure more immediately responsive to the actual needs of the Food and Drug Administration in protecting the public health and safety, the Commissioner, on his own initiative, proposes that in addition an alternative to the Cosmetic, Toiletry, and Fragrance Association, Inc.'s proposed regulation be considered for comment by all interested persons.

The Commissioner proposes the following changes in the Association's proposal:

1. In § 174.1:

a. Paragraph (a) is amended to expand the coverage of the cosmetic products that should be included in the program.

b. In paragraph (c) the definition of "reportable experience" is expanded to include all reports received by manufacturers, distributors, or dealers.

c. Paragraph (d) is redesignated as paragraph (f), a new paragraph (d) is added to define "unusual reportable experience," and a new paragraph (e) is added to define "verified."

2. Section 174.2 is redrafted to expand the participants in the program and to emphasize that participation under the voluntary regulations of Parts 170 and 172 is not a prerequisite to participation in this program.

3. In § 174.3:

a. In paragraph (a) the time period is shortened to 90 days instead of the annual basis proposed by the Association.

b. In paragraph (b) the term "unexpected reportable experience" is changed to "unusual reportable experience" as defined in § 174.1(d) of the Commissioner's proposal.

c. A new paragraph (c) is added to provide for negative reports to be submitted annually.

4. Section 174.4 is edited for consistency, with the addition of two new sentences regarding the filing of reports.

5. In § 174.5:

a. In paragraph (a) subparagraphs (2) through (9) are redesignated as subparagraphs (3) through (10) and a new subparagraph (2) is added to request the listing of the names and addresses of the persons who suffered the adverse experience. This is to alleviate the multiple recording of product experience reports of the same incident that are submitted to the Food and Drug Administration from several different sources. The names and addresses of these persons will not be subject to public disclosure.

b. In paragraph (a) under redesignated subparagraphs (3) and (5), sentences are added to cover "pending" registration and ingredient statement numbers and the case of a person who has not participated in the other voluntary cosmetic programs.

c. In paragraph (a) a sentence is added in redesignated subparagraph (8) to provide for correlating each reportable experience with the individual who suffered the adverse experience.

d. In paragraph (a) a sentence is changed in redesignated subparagraph (10) to request all information the person is "able to provide" rather than "may wish to provide."

e. Paragraph (b) is redrafted to be consistent with paragraph (a).

f. Paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), redesignated paragraph (d) has been edited for consistency and a sentence has been added requesting the name and address of the firm submitting the report, and a new paragraph (c) is added to provide for negative reports.

g. A new paragraph (f) is added to relocate the last sentence of the Association's § 174.7 and clarify how much additional information the Commissioner may request.

6. In § 174.6 wording has been added to specify when additions or amendments should be submitted.

7. In § 174.8 regarding the confidentiality of reports, the final wording for this section will be consistent with, or make reference to, the final order ruling on the public information notice of proposed rule making, published in the FEDERAL REGISTER of May 5, 1972 (37 F.R. 9128).

The regulations proposed by the Commissioner of Food and Drugs are as follows:

§ 174.1 Definitions.

(a) "Commercial distribution" of a cosmetic product means any distribution outside the establishment manufacturing the product whether for sale, to promote future sales (including free samples of the product), or to gage consumer acceptance through market testing.

(b) "Cosmetic product" means a finished cosmetic, the manufacture of which has been completed.

(c) "Reportable experience" means any allergic reaction, or other bodily injury, alleged to be the result of an ingredient or ingredients in a cosmetic product as a result of any human use under the conditions of use prescribed in the labeling of the product, or under such conditions of use or handling as are customary or reasonably foreseeable for the product (including accidental misuse by children), that has been reported to the manufacturer, distributor, or dealer of the product by the affected person or any other person having factual knowledge of the incident.

(d) "Unusual reportable experience" means any injury, toxicity, or sensitivity reaction, or other unexpected adverse reaction resulting from the use or handling (whether or not accidental) of a cosmetic product that has been reported to the manufacturer, distributor, or dealer of the product, by the affected person, or any other person having factual knowledge of the incident, and which by kind, severity, incidence, or frequency of incidence, differs significantly from previous experience, or from the norm reported by the cosmetic industry for like cosmetics in the same product category, as defined in § 172.5(c) of this chapter.

(e) "Verified" means that the manufacturer, distributor, or dealer has determined by investigation, or as reflected in a physician's report, that there is a reasonable factual basis for concluding that the alleged reaction or injury occurred, without regard to the issue of causality.

(f) The definitions and interpretations contained in sections 201 and 601 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 174.2 Who should file.

Every person who is a manufacturer, distributor, or dealer of a cosmetic product is requested to file a "Cosmetic Product Experience Report" or a "Cosmetic Product Unusual Experience Report" with respect to each "reportable experience" or "unusual reportable experience" which has been reported to him concerning any of his cosmetic products in commercial distribution, regardless of whether he is a participant in the voluntary program to register cosmetic product establishments pursuant to Part 170 of this chapter, or to file cosmetic ingredient and raw material composition statements pursuant to Part 172 of this chapter. Every person who is a manufacturer or distributor of a cosmetic product, and who has not received any information concerning a reportable experience or unusual reportable experience in regard to any of the cosmetic products he has manufactured or distributed, is requested to file a "Cosmetic Product Negative Experience Report." No filing fee is required.

§ 174.3 Time for filing.

(a) A "reportable experience" should be reported to the Food and Drug Administration (FDA) as soon as possible after receipt of the information, but in any event within 90 days of its receipt, by filing a "Cosmetic Product Experience Report."

(b) An "unusual reportable experience" should be reported to the FDA immediately upon receipt of the information, and in any event within 15 working days of its receipt by the manufacturer, distributor, or dealer, by filing a "Cosmetic Product Unusual Experience Report."

(c) A negative report should be submitted annually.

§ 174.4 How and where to file.

Form FD-_____ (Cosmetic Product Experience Report), Form FD-_____ (Cosmetic Product Unusual Exerience Report), and Form FD-_____ (Cosmetic Product Negative Experience Report) are obtainable on request from the Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, or from any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Experience Report, Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. In the case of an unusual experience report, the envelope should be conspicuously flagged "Unusual Experience Report." In the case of a negative experience report, the envelope should be conspicuously flagged "Negative Report."

§ 174.5 Information requested.

(a) Form FD-_____ (Cosmetic Product Experience Report) requests information on:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The names and addresses of the individuals who suffered the adverse experience(s).

(3) The cosmetic product establishment registration number or numbers assigned, under § 170.7 of this chapter, to the establishment or establishments where the product is manufactured and packaged. In the case where a number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily registered the establishment pursuant to Part 170 of this chapter should so indicate.

(4) The brand name or names of the cosmetic product.

(5) The cosmetic product ingredient statement number or reference number assigned to the product under § 172.8 of this chapter. In the case where a number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily filed a cosmetic product ingredient statement pursuant to Part 172 of this chapter should so indicate.

(6) The cosmetic product category or categories, as set out in § 172.5(c) of this chapter.

(7) The time period covered by the report.

(8) The reportable experiences alleged to be the result of exposure to the product, broken down into the types of alleged experience, in accordance with the categories specified in Form FD-_____ (Cosmetic Product Experience Report). Each experience should be identified with the name and address of the individual(s) who suffered the adverse experience, and the experience should be classed as verified or not verified as appropriate.

(9) The reportable experience rate, e.g., number of reportable incidents per million product units estimated to be distributed to consumers, during this time period, and cumulatively during this and prior time periods, overall and broken down into the types of alleged experience, in accordance with the categories specified in Form FD-_____ (Cosmetic Product Experience Report).

(10) Such evaluation of each experience, including in the case of an unverified reportable experience, a report of the investigation made to verify the experience and all other pertinent data or information as the person filing is able to provide.

(b) Form FD-_____ (Cosmetic Product Unusual Experience Report) requests information on:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The names and addresses of the individuals who suffered the adverse experiences.

(3) The cosmetic product establishment registration number or numbers assigned, under § 170.7 of this chapter, to the establishment or establishments where the product is manufactured and packaged. In the case where the registration number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily registered its establishment pursuant to Part 170 of this chapter, should so indicate.

(4) The brand name or names of the cosmetic product.

(5) The cosmetic product ingredient statement number or reference number assigned to the product under § 172.8 of this chapter. In the case where the number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily filed a cosmetic product ingredient statement pursuant to Part 172 of this chapter should so indicate.

(6) The cosmetic product category or categories, as set out in § 172.5(c) of this chapter.

(7) The unusual reportable experiences alleged to be the result of exposure to the product, broken down into the types of alleged experience, in accordance with the categories specified in Form FD-_____ (Cosmetic Product Unusual Experience Report). Each experience should be identified with the name and address of the individuals who suffered the adverse experience, and the experience should be classed as verified or not verified as appropriate.

(8) The unusual reportable experience rate, e.g., number of similar incidents per million product units estimated to have been distributed to consumers during prior 3-month period, prior year, and cumulatively during marketing history of product, overall and broken down into the types of alleged experience, in accordance with the categories specified in Form FD-_____ (Cosmetic Product Unusual Experience Report).

(9) Such evaluation of each experience including, in the case of an unverified unusual reportable experience, a report of the investigation made to verify the experience, and all other pertinent data or information as the person filing is able to provide.

(c) Form FD-_____ (Cosmetic Product Negative Experience Report) requests information on:

(1) The name and address (include country, if other than the United States), including post office ZIP code of the person (manufacturer or distributor) designated on the label of the product.

(2) The cosmetic product establishment registration number or numbers assigned, under § 170.7 of this chapter, to the establishment or establishments where the product is manufactured and packaged. In the case where a number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily registered the establishment pursuant to Part 170 of this chapter should so indicate.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product ingredient statement number or reference number assigned to the product under § 172.8 of this chapter. In the case where a number is pending, but has not been assigned, the firm should so indicate. A firm that has not voluntarily filed a cosmetic product ingredient statement pursuant to Part 172 of this chapter should so indicate.

(5) The cosmetic product category or categories, as set out in § 172.5(c) of this chapter.

(6) The time period covered by the report.

(d) The person filing a Form FD-_____ (Cosmetic Product Experience Report), FD-_____ (Cosmetic Product Unusual Experience Report), or Form FD-_____ (Cosmetic Product Negative Experience Report) should:

(1) Provide the information requested in paragraphs (a), (b), or (c) of this section as appropriate.

(2) Have it signed by an authorized individual. Include the name and address of firm submitting the report.

(e) The information requested should be filed separately for each cosmetic product, except that a single report may be filed for two or more shades, flavors, or fragrances of a cosmetic product where only the proportions of the ingredients are varied, and such product is covered by a single cosmetic product ingredient statement under § 172.5(e) of this chapter.

(f) On the basis of a review of individual reports or patterns of experience disclosed in a number of reports, the Commissioner of Food and Drugs may request as much additional information from persons submitting reports as the Commissioner deems appropriate.

§ 174.6 Additions or amendments to reports.

Additions or amendments to any experience report should be submitted by filing an amended Form FD-_____ (Cosmetic Product Experience Report), Form FD-_____ (Cosmetic Product Unusual Experience Report) or Form FD-_____ (Cosmetic Product Negative Experience Report), as soon as the need for such additions or amendments becomes apparent to the person who submitted the original report.

§ 174.7 Notification to person submitting experience reports.

The Commissioner of Food and Drugs will acknowledge receipt of each report by returning to the person submitting the report, a receipted copy bearing a Food and Drug Administration reference number. This receipted copy will be sent only to the individual signing the form, at the location indicated.

§ 174.8 Confidentiality of reports.

A notice of proposed rule making, public information, was published in the FEDERAL REGISTER on May 5, 1972 (37 F.R. 9128). This proposal sets out in detail the proposed rules applicable to public disclosure of information by the Food and Drug Administration. After the final order is published by the Commissioner of Food and Drugs under 21 CFR 4.26, all data and information, which are submitted voluntarily to the Food and Drug Administration will be handled in accordance with the final order.

§ 174.9 Misbranding by reference to filing; filing does not constitute an admission.

(a) The filing of an experience report does not in any way denote approval of the firm or product. Any representation in labeling or advertising that creates an impression of official approval because of such filing will be considered misleading.

(b) The filing of an experience report does not in any way constitute an admission by the person filing the report that the alleged experience was the result of an ingredient or ingredients in the cosmetic product.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 601, 602, 701(a), 52 Stat. 1054–1055, as amended by 74 Stat. 398, 84 Stat. 1673; 21 U.S.C. 361, 362, 371(a)), and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit comments in writing (preferably in quintuplicate) regarding these two proposals within 60 days after the date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 20, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-18564 Filed 11-1-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SO-106]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mobile, Ala. (Aerospace Airport), control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Mobile (Aerospace Airport) control zone would be designated as:

Within a 5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3.5 miles each side of Brookley VORTAC 150° radial, extending from the 5-mile-radius zone to 10 miles southeast of the VORTAC. This control zone is effective from 0800 to 1900 hours, local time, daily.

The proposed designation is required to provide controlled airspace protection for IFR operations at Mobile Aerospace Airport in climb to 700 feet above the surface and in descent from 1,000 feet above the surface.

(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 October 20, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-18669 Filed 11-1-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

MANEB AND ZINEB

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

In connection with Pesticide Petition 2E1266, which resulted in reduction of established tolerances (40 CFR Part 180) for residues of the fungicides maneb and zineb, Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, has further proposed that the established tolerance for residues of the fungicide maneb on sweet corn (kernels plus cob with husk removed) be reduced from 7 to 5 parts per million and that the tolerance of 5 parts per million for zineb on corn fodder and forage be changed to 5 parts per million on sweet corn (kernels plus cob with husk removed).

Also, in the order establishing reduced tolerances for residues of zineb on certain raw agricultural commodities (37 F.R. 19134; September 19, 1972) the parenthetic word "(escarole)" should have been deleted from the paragraph "25 parts per million * * *" and inserted in the paragraph "10 parts per million * * *".

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that the proposed tolerances will better protect the public health than the tolerances they would replace.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

1. In § 180.110, by deleting the words "sweet corn (kernels plus cob with husks removed)" from the paragraph "7 parts per million * * * " and by revising the paragraph "5 parts per million * * * ," to read as follows:

§ 180.110 Maneb; tolerances for residues.

* * * * *

5 parts in or on celery and sweet corn (kernels plus cob with husk removed).

* * * * *

2. In § 180.115, by revising the paragraphs "25 parts per million * * * ," "10 parts per million * * * ," and "5 parts per million * * * ," to read as follows:

§ 180.115 Zineb; tolerances for residues.

* * * * *

25 parts per million in or on beet tops, Chinese cabbage, collards, romaine, and Swiss chard.

* * * * *

10 parts per million in or on endive (escarole), kale, lettuce, mustard greens, and spinach.

* * * * *

5 parts per million in or on celery and sweet corn (kernels plus cob with husk removed).

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: OCTOBER 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18712 Filed 11-1-72;8:50 am]

[40 CFR Part 180]

α-NAPHTHALENEACETIC ACID

Proposed Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the State Agricultural Experiment Station of California, the California Olive Association, and the Olive Advisory Board submitted a petition (PP 1E1099), proposing establishment of a tolerance for negligible residues of the plant regulator α-naphthaleneacetic acid in or on the raw agricultural commodity olives at 0.1 part per million.

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

1. The plant regulator is useful for the purpose for which the tolerance is proposed.

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

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.155 be amended by inserting a new paragraph after the paragraph "1 part per million * * *," as follows:

§ 180.155 α-Naphthaleneacetic acid; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on olives.

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18703 Filed 11-1-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19622; FCC 72-957]

PRIME TIME ACCESS RULE

Notice of Inquiry and Notice of Proposed Rule Making

In the matter of consideration of the operation of, and possible changes in, the "prime time access rule," § 73.658(k) of the Commission's rules.

Petitions of: National Broadcasting Co., Inc. (NBC); Midland Television Corp. (KMTC, Springfield, Missouri);

Kingstip Communications, Inc. (KHFI–TV, Austin, Tex.), for deletion of the rule; MCA, Inc. (to permit use of "off-network" material plus 25 percent new material); RM–1967, RM–1935, RM–1940, and RM–1929.

I. INTRODUCTION AND DISCUSSION

A. *Introduction.* 1. In this proceeding, the Commission seeks information as to the effect and operation of § 73.658(k) of its rules—the "prime time access rule"—and invites comments on changes in that regulation which may be appropriate for the future. The categories of information sought, and possible changes, are discussed at some length below. One matter should be clarified at the outset: While "possible changes" include repeal of the rule, the institution of this proceeding does not represent a Commission view at this time that the rule should be repealed, now or later. See paragraph 15, below.

2. Section 73.658(k) was adopted in the report and order in Docket 12782, May 1970 (23 FCC 2d 382, 18 R.R. 2d 1825). It was affirmed generally on reconsideration in August 1970 (25 FCC 2d 318, 19 R.R. 2d 1869). In general, it provides that after October 1, 1971, network-affiliated stations in the "top 50 markets" may present, during the 4 hours of "prime time" each evening, no more than 3 hours of material from the three national networks, ABC, CBS, and NBC. Effective October 1, 1972, paragraph (k)(3) of the rule provides that the time thus cleared of network programs (i.e., 1 hour a night, generally the hour from 7 to 8 p.m., e.t. and P.t., 6 p.m., c.t. and m.t.) may not be filled with "off-network" material (program which have appeared on one of the three networks) or feature films which have been shown by a station in the market within the past 2 years. Thus, in effect, 1 hour of prime time each night must be devoted to material which is neither network programing nor in one of these other categories.[1] The basic purpose of the adoption of the rule was set forth as follows (23 FCC 2d 395–396, par. 23, 18 R.R. 2d 1844):

> We believe this modest action will provide a healthy impetus to the development of independent program sources, with concomitant benefits in an increased supply of programs for independent (and, indeed affiliated) stations. The entire development of UHF should be benefitted * * * It may also be hoped that diversity of program ideas maybe encouraged by removing the three-network funnel for this half hour of programing. In light of the unequal competitive situation now obtaining, we do not believe this action can fairly be considered "anti-competitive" where the market is being opened through a limitation upon supply by three dominant companies * * *

3. Among the matters to be considered herein are the various petitions listed above.[2] We shall describe briefly the petitions and oppositions thereto, and then set forth the Commission's purposes in this proceeding, dealing with the prime time access rule and the "access period."[3]

4. Another pending petition to limit use of TV "re-runs" generally. This proceeding does not directly involve the subject-matter of another recently filed petition, that by Mr. Bernard Balmuth and a group called STOP (Save Television Original Programing), asking for a general rule limiting use of prime-time repeat material on network-owned or network-affiliated stations to 25 percent of the broadcast year (RM–1977). This petition, which has drawn substantial support and opposition, will be considered by the Commission in the near future. It is not to be considered in the present proceeding, as such, but the two are clearly related to a degree; for example, the feasibility of developing and producing a given nonnetwork series could vary depending on whether the supplier must furnish 39 individual programs (75 percent of 52 weeks) or may get by with as few as 26 (50 percent) or perhaps even less. We merely call attention here to the pendency of this petition, and to the fact that it may be appropriate to give this subject consideration in rule making. Parties may wish to prepare their comments herein with this in mind.

B. *The petitions for rule making.* 5. As mentioned, three of the above-captioned petitions for rule making—those of NBC and two UHF stations in comparatively small "intermixed" markets—seek repeal of the rule, the two individual petitions both apparently asking it for this coming year, 1972–73, and NBC envisioning it in time for the 1973–74 season. NBC asks the Commission to initiate forthwith a notice of proposed rule making broad enough to include rescission of the rule, to develop on an expedited basis the facts as to how the rule is operating, and to convene a conference among members of the staff and all interested parties, to devise methods to obtain this material promptly and completely. NBC's argument relates largely to the asserted decline in the television audience in the 7:30–8 p.m. (e.t.) period, compared to what it has been when network programs were presented then, assertedly 7 percent in the top 50 markets and 6 percent elsewhere, compared to no change or some increase for the remainder of prime time (and also an increase for Tuesdays, when the networks have begun their programing at 7:30 following the waiver to ABC).[4] While NBC recognizes that part of the audience change has been a shift to independent stations from network affiliates, it asserts that, as the above figures show:

> * * * the preference for network programing is so strong that millions of viewers would rather not watch television at all than watch nonnetwork programing.

Therefore, it is claimed, as shown by the other two petitions, stations are adversely affected, particularly those in small markets which always have had narrower margins. NBC also claims that the rule has not been and will not yield benefits in terms of an expanded production of quality first-run material, or of increased diversity of programing. It is claimed that there are very few new producers, and that many, and the most successful, "first-run" programs are those which are continuations or revivals of network prime-time or daytime material ("Hee Haw," "Lawrence Welk," "Wild Kingdom," "Let's Make a Deal," "To Tell the Truth," "Truth or Consequences," "What's My Line" and "Juvenile Jury" are cited as examples). A

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[1] At the same time as the "prime time access rule", the Commission also adopted other restrictions on the three networks, contained in § 73.658(j) and sometimes called the "syndication" and "financial interest" rules. These sharply restrict the extent to which these organizations may engage in the nonnetwork distribution of TV programs, or "syndication", or acquire interests in TV programs other than the right to network exhibition. These rules are not directly involved in the present proceeding. The "prime time access rule" applies by its terms only to the top 50 markets. However, the networks decided that, as a matter of business judgment, they could not continue to present more than 3 hours of prime-time programs for the rest of the country if barred from access to their affiliated stations in the top 50 markets for more than that amount of prime time. Therefore, network prime-time schedules have been cut back to 3 hours a night across the board, generally a half-hour less than had previously been programed by them.

[2] Three of the petitions seek, in effect, repeal of the rule—those of NBC and the two individual stations listed, both UHF stations in comparatively small "intermixed" markets. These three petitions have been supported by some individual station licensees (not all of them identified); the NBC petition has been opposed by Westinghouse Broadcasting Co., Inc. (Westinghouse, a large station owner and supplier of nonnetwork-program material, and long one of the chief proponents of the rule) and by American Broadcasting Cos., Inc. (ABC) insofar as NBC seeks rule making looking toward early repeal of the rule. Hughes Sports Network also opposed the two UHF petitions.

[3] The term "access period" is used herein to refer to the portion of prime time which is generally cleared of network programs in the top 50 markets, as the rule operates. For the 1971–72 season, this has included all nights from 7 to 7:30 p.m., e.t. and P.t. (6–6:30 p.m., c.t.); 7:30–8 p.m., e.t (6:30–7 p.m., c.t.) except for all networks' affiliates on Tuesday nights and CBS and NBC affiliates on Sunday nights; and 10:30–11 p.m., e.t. (9:30–10 p.m., c.t.) for CBS and NBC affiliates on Tuesdays, ABC affiliates on Wednesdays, NBC stations on Fridays, and CBS affiliates on Sundays. There are a number of exceptions to this general pattern.

For 1972–73, the "access period" will be more uniform as far as nights of the week are concerned, being 7–8 p.m., e.t. and P.t. (6–7 p.m., c.t.) on all nights for ABC stations and all but Sundays on CBS and NBC; and, on Sundays, 7–7:30 p.m. and 10:30–11 p.m. for CBS and NBC affiliates.

[4] Other sources discussing this subject, including Westinghouse Broadcasting Co. opposing the petition, claim lesser audience loss figures, such as 4 percent or 2 percent overall for the 7:30–8 p.m. period. It appears unquestionable that, in markets where there are independent stations as well as network affiliates, there has been a shift in viewing during this period away from the affiliates to the independents.

study by an advertising agency of November 1971 nonnetwork programing (7:30–8 p.m. e.t.) is cited, giving for the top 10 programs in audience two off-network series, five continuations of network series, two revivals, and only one entirely new series (Primus), with only one of them reaching an audience as large as the 10th-rated 7:30–8 p.m. network program of the previous year, "High Chaparral."

6. Westinghouse Broadcasting Co., Inc. (Westinghouse), which is both a large multiple TV and radio owner and an extensive supplier of syndicated material, vigorously opposes the NBC petition, as premature and unsupported. It is urged that as far as gathering information is concerned, a new proceeding is unnecessary; Docket 12782, which was not closed out, can be reopened for this purpose; and that adoption of the proposal will have a most discouraging effect on the development of nonnetwork material, and in fact will "make a mockery" of the full and fair test which the rule is supposed to have this coming year, adding to the uncertainty which already unfortunately prevails and which has a depressing effect on the program-production activity. Westinghouse asserts that despite NBC's criticism of the course of nonnetwork program development, it lists 32 new first-run series, of which several are properly regarded as truly innovative (cited are Westinghouse's "Doctor in the House," "David Frost Revue," and "Norman Corwin Presents," "Primus" from Metromedia, and "Story Theatre" and "Rollin' on the River" from Winters-Rosen). Westinghouse claims that this is a good record particularly in view of the adverse circumstances which prevailed (the uncertainty as to the rule itself until it was affirmed on appeal in May 1971, which gave producers little time before the fall season, and the exemption to permit use of "off-network" material) and the industry's traditional preference for proven and successful program ideas. ABC's arguments in opposition to a rule making (though not to the gathering of information) are much the same as those of Westinghouse; it is said that development of a viable first-run syndicated programing market may well require innovation, and that "Innovation typically follows from experimentation; and experimentation requires time." In short, it will be several years before a really sound judgment can be reached as to the success of the rule, or lack of it; and that meanwhile the Commission can best maximize the chances for success by going on record to the effect that the rule will be given a reasonable opportunity—not "1 year of full effectiveness under the 'gun' of a repeal proceeding."[5]

7. In reply, NBC added somewhat to some of its earlier arguments. It stated that 1972–73 is as good a "test" year as any, and that the pendency of a rule making proceeding can have no adverse effect on the results of such a test, since the programing which is available will already have been planned and largely produced, before the fall season begins.

8. The petitions by the two UHF stations mentioned, essentially similar to each other, emphasize the "economic injury" argument urged by NBC, particularly with respect to their own situations as UHF stations in intermixed markets, at a competitive disadvantage vis-a-vis the VHF stations in the same markets (two in Springfield, Mo., one in Austin, Tex.). They claim that they are able to survive as long as they have the exclusive right to present a full line up of one of the three networks in their areas; but with the "access rule" cutback, they are seriously injured, through loss of the network revenues which they formerly received for the time involved and through having to pay the costs of programing the time themselves. It is said that, with the lower audience which is obtainable for the nonnetwork material (particularly with the greater problems in tuning UHF to begin with), the small revenues they obtain from selling the time on a nonnetwork basis do not begin to compensate for these increased costs. The point is also made that, with nonnetwork material being extremely costly, they cannot compete for desirable "access time" programs with their VHF competitors. Hughes Sports Network opposed these filings.

9. The MCA, Inc. petition. The petition of MCA, Inc. (RM–1929) looked toward the adoption of rules (in time for the 1972–73 season) under which material would comply with the "off-network" restrictions of the rule if it consisted of "off-network" material plus about 25 percent new material (four programs out of 13, seven out of 26, etc.). MCA urged this as a measure to permit more production of new nonnetwork material of quality, by eliminating some of the tremendous costs and risks involved in an entire new series. It was claimed that this would mean more good-quality material, at lower cost and thus more easily available to stations, particularly those in small markets and UHF stations in intermixed markets, which often have limited resources. MCA has long been a vigorous opponent of the rule, and expressed here its doubts as to its merits; but it stated that this is one small step which the Commission can, and should take quickly to ease part of the problem. The Commission denied this petition in April 1972 (petition of MCA, Inc., 34 FCC 2d 825, 24 R.R. 2d 1771).[6] The chief basis of decision was that the petition—which sought a change in time for the 1972–73 year—was premature.

C. *The reasons for this proceeding and the Commission's views on it.* 10. There is clearly a need for a proceeding dealing with the prime time access rule. First, there is the need to gather information about how the rule is working, both as compared to no rule and as compared to how it would work with various changes discussed herein. As to the propriety of gathering such information at this time, there appears little room for argument, and, indeed, no party really contests this. This Commission has some degree of obligation to conduct a continuing examination into the effect of any of its rules; and this is particularly true where, as here, the rule represents a breakthrough into a new area of regulation, previously not subject to rules or restrictions. It is especially true here because of the degree of controversy which surrounded the rule both before and since its adoption. Also, we expressed in our decision in Docket 12782 the belief that the rule should and would be examined from time to time, to see what changes, if any, should be made in it. Therefore some gathering of information is clearly in order. This could be done in Docket 12782; but that proceeding is over 10 years old and a great volume of material has been accumulated in it. We believe it preferable, from the standpoint of reaching prompt decisions herein, to call for the submission of the new, current material in a new proceeding. However, Docket 12782 has not been closed out, and the material therein is rather readily available; we will accept comments referring to it just as if the material were resubmitted herein.

[5] ABC asserts that the lower audience mentioned by NBC may reflect largely the presentation of "off-network" material during the access period—naturally, people prefer present network programing to former network programing.

Hughes Sports Network, opposing the two UHF petitions although not that of NBC, briefly urged some of the same arguments as Westinghouse and ABC, including the assertedly "premature" nature of any proceeding at this time.

[6] In its present rule-making petition, NBC mentions the MCA petition and asserts that, if the Commission is going to give consideration to this type of change in the rule, it might well give consideration also to letting new network material back into the cleared time, rather than older "off-network" programing.

11. Also, as far as the information-gathering may be "premature," we recognize that information for the 1972–73 year, which is what basically will be involved here, may not be as favorable to the rule as that for some later period, when more of the necessary adjustments and developments involved have occurred. However, we believe that, if allowance is made for further developments, as commenting parties are urged to outline in as much detail as is now possible, a fairly accurate idea of the rule's prospects can be obtained at this point. We will make such allowances in reaching any decision herein.

12. There is a second clear basis for this proceeding: The apparent need for certain changes in the rule if it is to operate in the public interest to the maximum extent. These include some of a more or less mechanical nature, to ease the burden on affected parties and the Commission, and others of a more substantial nature. The need for changes, as outlined herein, does not need much elaboration. The rule in its application and administration has given rise to a very large number of waiver requests, which have been a burden to the parties involved and to us. It is, obviously, highly desirable to eliminate the need for many of these, by adopting general rules which more nearly fit the range of situations which are involved. The sports area is one example of situations where a general rule would appear feasible and much preferable to present practice. Probably of more basic significance are areas such as the "off-network" situations, where it is questionable whether the rule if literally applied would serve the public interest, and where, at the same time, any deviation from it on an ad hoc basis appears to give problems. Moreover, apart from the specific problems in various areas which have arisen, there is a more general consideration. No "new rule," such as this one, can be expected to be 100 percent sound and correct when it is first adopted. After a year's experience under it, it is appropriate to see how it is working and make those changes which appear appropriate.

13. Thus, in view of the above considerations, an overall proceeding is warranted at this time. We have decided to include in that proceeding the question of whether the rule should be retained or rescinded. Three of the petitions before us, listed above, have raised this question, and in our view these can best be disposed of in the context of this proceeding, and particularly in light of the information gleaned through it. In any overview such as this, we should have flexibility to take any and all actions which the record may show to be in the public interest. Moreover, we see no adverse consequence from proceeding in this fashion. The programing for the 1972–73 season will not be affected because, as NBC points out, it is already "set," or virtually so. As to the effect on the future, particularly the 1973–74 season, the short answer is that we plan to gather the data and dispose of the basic issues raised by the petitions on a prompt basis—in early 1973, and before there can be too much of an untoward effect on the 1973–74 season.

14. Indeed, from the point of view of the proponents of the rule, this approach should be advantageous, because—if the review is favorable to the rule—it will remove any cloud over it, not only for the next year but quite likely for several years to come. To put it otherwise, there must be an overview, in light of the nature of the rule and need for at least some changes in it, and, that being so, it is better to effect the overview at this point and "get this matter behind us." As to the timing of this examination, the "off-network" and "feature film" provisions of § 73.658(k)(3) will now be in effect, and we should be able to get a good indication of the rule's prospects. As stated, we will make due allowance for the fact that the rule is still fairly new, so that perhaps it has not yet reached its full potential. Parties are urged to comment, in as much specific detail as possible, on what significance should be attached to the fact that the rule is still rather new, and any related uncertainties.

15. We make one final point—although it should be unnecessary. The Commission has not adopted any decision or view, even of a tentative nature, as to the desirability of rescinding the rule. It would be wholly wrong for us to do so, when the 1972–73 year is just getting under way and there is no data before us as to the efficacy of the rule under full conditions, i.e., with § 73.658(k)(3) in effect. Indeed, we stress that the presumption is the other way: The Commission has a rule which is now going into full effect, and there is thus a clear and considerable burden upon the opponents to demonstrate that, in actual operation, the rule will not serve the public interest, particularly in light of the purposes set forth in paragraph 2, above. This proceeding gives interested parties an oportunity to make showings on this critical issue, and thus facilitate an informed Commission decision. In light of the petitions and other circumstances, nothing less would be appropriate, but nothing more is to be inferred from what is simply a sound and fair way to proceed to the disposition of significant pending petitions.

II. Specific Information Requested and Subjects Involved

A. *Information sought.* 16. As mentioned, one of the most important purposes of this proceeding is to gather information about the operation of the prime time access rule, both in relation to the changes proposed herein (including rescission of the rule), and generally for the Commission's guidance as to the future. What is sought is information as to effect and impact—from the operation of the rule as compared to operation without it, and from the various modifications considered herein (and past waiver actions) as compared to operation under the rule as now in effect. The effect on future development is also highly important. The specific points covered below are all subsidiary to that general objective. The information sought falls into two general areas: Programing information and economic information, the latter involving three aspects—the impact on stations, the economics of program production and distribution, and the effect on the program production business. In both areas, the Commission expects to rely partly on data other than that submitted in comments, as discussed below; but unquestionably commenting parties can be of considerable assistance if their information is specific and complete.

17. *Programing data.* With respect to programing, the Commission intends to rely partly on data contained in TV Guide for the various parts of the country, and also American Research Bureau (ARB) audience survey material, which lists the programs presented by stations covered (e.g., May 1972). However, this data is not always completely informative as to the nature of the program; we hope that as many TV station licensees as possible will present information in this area (including the networks, both as networks and as station licensees). As mentioned, the primary objective is to obtain information as to the effect and impact of the rule or possible changes in it (or waivers of it).[7] The specific information sought is as follows:

(a) The programs that the station has been presenting in the "access periods" during 1971–72, will present in 1972–73, and will present further in the future as far as it can be projected: (1) Under the rule basically as it now stands; (2) if there were no "prime time access rule";[8] (3) with various changes in the rule, including adoption of a "21 hours a week" standard, possible relaxation to permit some use of "off-network" material as part of regular program series or for individual programs or short series, and others mentioned herein. We hope licensees will submit enough information to give an idea of the nature of the program as well as its title, in particular (except for network programs and the better-known syndicated programs) whether it is locally originated or syndicated, and the program type. The three networks are expected to indicate, as best they can at this point, what programs they would be presenting as network material in 1972–73 and later years, during the "access periods", if this time were available to them.

(b) What has been and would be the effect, in terms of the presentation of and demand for new syndicated or local

[7] While this investigation relates largely to "top 50 markets" network-affiliated stations, other stations are invited to comment, since the rule in practice has had an effect "across the board."

[8] If there is no other information indicating what would be the station's practice in the absence of the rule, it may show its programing for the 1970–71 season, the last before the rule became effective.

programing (and on the incentive to produce such material) of one or more of the following:

(1) Grant of waiver to stations in the top 50 markets to carry network news at the beginning of prime time without having it count toward the permissible 3 hours, if preceded by a full hour of local news.

(2) Grant of waiver to the networks to present one-time news and public affairs programs without counting in the permissible 3 hours; on a more general exemption for programing of these types.[9]

(3) Change to a "21 hours a week" standard instead of 3 hours a night, either completely or partly, such as allowing a small amount of occasional deviation to "make up" network programs lost through preemption, or to clear a 1-hour segment between news and network programs, or permitting flexibility within the 21-hour framework provided at least a half-hour of nonnetwork material is presented each night.

(4) Permitting generally (or refusing to permit) sports "runover" waivers, for example games in the late afternoon running somewhat past 7 p.m. e.t.; or permitting presentation without limit of a small number of important events such as the Olympic games.[10]

(5) Changes in § 73.658(k)(3), including: (1) Relaxing the "off-network" restrictions with respect to individual "special" programs or short series, or generally permitting as much as 25 percent of a series to be old material, or a considerably higher percentage such as urged by MCA, Inc. in RM–1929; and changes in the "feature film" provisions as mentioned in paragraph 41, below.[11]

(6) Providing that, as far as the mountain and Pacific time zones are concerned, a program schedule will meet the rule if it complies with the 3-hour restriction in the eastern and central time zones.

(c) What nonnetwork programing (syndicated or local), intended for carriage during the "access periods," will be available to stations during the 1972–73 season? We hope that program producers and syndicators, and station licensees as as to local material, will give full and reasonably specific information in this respect.

(d) To the extent the basic concept of the rule—limitation to 3 hours of prime-time network programing, and thus promotion of independent program sources—is not working in optimum fashion to further the public interest, how would the situation be either improved or worsened by substantial liberalization of the "off-network" restrictions, for example as urged by MCA, Inc., in RM–1929?

18. Possible criteria for evaluating program "diversity" and similar matters. One of the primary purposes of the rule was to promote diversity of program sources and ideas (see paragraph 2, above). We therefore seek information on this subject, particularly how the rule works in practice in this respect. In addition to its general meaning—the extent to which material is different from other material presented in the market currently or in the recent past—this concept could have a number of different particular aspects:

(a) Programing which is of a different type from most other programing fare, for example, the factual-fictional distinction made in the "Wild Kingdom" and "Lassie" decisions;

(b) The number of times, if any, that the exact same program has been presented in the market, at least in recent years, for example only once earlier on the network as opposed to two or more times;

(c) The length of time since its last presentation, for example, the "two years" test for feature films; and

(d) the extent to which the material, while never itself shown before, is simply a continuation of a series which has already run in the market (on a network or nonnetwork basis) to the extent of hundreds of generally similar episodes. There are doubtless other specific aspects.

19. Another related but much more difficult matter is being advanced—that of "program quality". For instance, MCA Inc. in its petition asserts that the nonnetwork material being presented in the access period is "of shoddy and inferior quality."[12] The Commission has traditionally, and wisely, eschewed the role of being a judge of the "quality" of programing. We therefore have great difficulty in evaluating this aspect of the present matter. Interested parties are of course free to submit—and if they treat this subject at all, we hope that they will submit—showings making objective points in this regard. We ourselves have not formulated any objective standards for making "quality" judgments, and do not now perceive the basis for doing so. Thus, factors such as ratings, comparative production costs, and critical favor (or lack of it), while obviously relevant to the issue, have never been regarded as reliably and objectively determinative of the issue of "quality" or what is "superior" or "inferior" program material. As indicated, parties advancing arguments along these lines are urged to do so on some kind of objective basis.

20. Economic data: effect on stations.[13] As indicated above, one of the chief lines of argument against the rule is the asserted adverse economic effects on stations, perhaps particularly small-market stations and UHF stations (e.g., the two petitioners mentioned here, in intermixed markets). Initially, we stress that "economic injury" considerations are pertinent only where they have consequences significantly impairing licensees' ability to operate in the public interest. The Act does not guarantee any level of profitability.

21. There are certain problems inherent in attempting to get this type of information in public comments. First, to be of probative value, either economic data concerning impact on stations must include data for all stations—the "universe"—or it must include data from a representative and scientifically valid sample of that universe. There is no assurance that comments in themselves will provide either of these. Second, there is sometimes, and might be here, an understandable reluctance on the part of the licensees to "bleed in public," even if substantially impacted economically. Therefore, it is necessary to take steps to assure that the material in this area on which decision is reached is complete and valid, even if it means going beyond what is publicly filed. Also, of course, it is desirable to set forth certain guidelines with respect to material which is filed publicly, to make sure that it is complete and probative.[14]

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[9] This question is regarded as particularly important because the availability of such material is an essential ingredient of broadcasting in the public interest, and at the same time diversity of viewpoints is also highly significant. Commenting parties are asked to indicate how much such material is available from nonnetwork sources, or is likely to be in the future, and how this would be affected by our action here.

[10] We are particularly interested in what effect an occasional "runover," to the extent of 10 minutes or so, actually has on what the station presents in the following hour—whether it presents the same nonnetwork programs it would have otherwise but simply "clips" them, or whether it substitutes other material, and if so what.

[11] See paragraph 48 below, concerning four recent decisions in the "off-network" area as to which parties may wish to comment.

[12] Obviously, what is generally involved here is comparative quality, nonnetwork "access period" material vis-a-vis the network material which would be shown then in the absence of the rule. This raises the question of what network programing should be used as a basis of comparison (for example, a good deal of it does not last as long as one season).

[13] The stations referred to here are not only, or even primarily, the stations in the top 50 markets which are literally covered by the rule. With the cutback in network schedules across the board, stations in other markets are affected also.

[14] An example of the type of problem which may arise in this connection is the petition by the Springfield, Mo., UHF licensee (RM–1935). This party set forth figures as to what it has lost in network compensation through the cutback ($112.50 weekly); and the costs for the nonnetwork programing it has to buy instead ($172.50 in expenditures, plus $55 freight charge, plus $300 in commercial positions given for "barter" programs). On this basis, it estimated that the rule was costing it $640 a week, or over $33,000 a year. However, it did not state what revenue it receives from the sale of its nonnetwork time during the access period, simply asserting that it has had a 26 percent audience loss for the 6:30–7 p.m. (c.t.) period, and that its revenues from the sale of this time on a nonnetwork basis did not amount to recovery of the increased costs. Obviously, the material in the petition does not give a complete picture. This material was supplemented by petitioner and counsel after a Commission staff inquiry.

In general, commercial time given in "barter" programs is not properly includable as a cost item in this analysis, since it is reflected in the reduced revenue received for a nonnetwork program when only part of the commercial time in it is available to the station to sell. However, stations may make a showing in this respect if they wish, since, if a substantial amount of the commercial time in a program must often be given to the program supplier, it represents an inherent limitation on the return which the station can expect from the program.

22. The following provisions indicate what is expected of parties filing herein concerning the economic impact of the rule on their stations, and what may be required in addition to the comment material:

(a) Comments by licensees claiming adverse economic impact on their stations, if they wish to have their claims given serious consideration, must make a complete showing therein as to the "access periods," i.e., those periods when they presented nonnetwork programs but would have presented network material if the networks had continued their 1970–71 prime time pattern: This shall include exact data as to revenues from network programing and nonnetwork programs, and the costs of the latter (including outright costs, and transportation or other charges, if any), for the 9-month period from October 1, 1971, through June 30, 1972. If effect on the value of "adjacencies" is claimed, this must be accompanied by data as to how much was so received in 1970–71, and how much was in fact received, for the same 9-month period.

(b) Parties filing comments raising "economic injury" arguments need not necessarily show in their comments the complete picture as to the station's revenues, expenses, and profit or loss; but they must be prepared to file immediately after their comments, if it is requested, an FCC Form 324 giving this data for the 9-month period mentioned above. This will be handled subject to the usual provisions as to confidentiality governing Forms 324.

(c) At some point, it may be necessary to inquire of all commercial television licensees, or at least all of those which are network affiliates in markets having at least three stations, as to data concerning the financial effect of the rule on them. This inquiry, which would require clearance by the Office of Management and Budget, is not being instituted at this time, but may later be instituted this year if it appears necessary on the basis of the comments filed.

23. Economic data: the economics of program production and distribution. One of the most common lines of argument against the rule is that, with networking being a very efficient mechanism and much the cheapest way of distributing programing and supplying advertising support for it, any alternative method of program supply entails more money for distribution and less for production, and, therefore, lower quality, particularly because of the very high and increasing costs of such production. Related is the argument that, with these high costs and with the risks involved in the nonacceptance of programs by the public and station customers, the networks are among the very few parties who can afford the risks involved in production of good-quality material. These arguments were, of course, considered at length in the Docket 12782 proceeding which led to adoption and affirmance of the rule. We have no intention of instituting a new or long and exhaustive reexploration of the subject. On the other hand, we would certainly welcome and take into account new data in this area, if offered within the time frame of this proceeding as indicated below.

24. We seek data on subjects like the following: (a) What actually is the cost of producing "good-quality" programing, both network and nonnetwork (syndicated or local) either per episode or total? (Figures in the previous record in Docket 12782 have contained a rather wide variety of figures.)

(b) To what extent is program quality related to production cost, and, specifically, how (higher salaries for better people, more processing and therefore more technicians, etc.)?

(c) What are the comparative costs of distribution of network programing and nonnetwork syndicated material, and, with the latter, of securing advertising support for it?

(d) To what extent is it realistic to assume that there is a fixed sum of money available for the whole program-supply process, so that if more goes into distribution, less is available for production?

(e) To what extent do the higher costs and risks involved in nonnetwork production and distribution (if they are higher) mean that prime time programing is going to be of a type cheaper to produce, such as so-called "game shows," rather than the material which has previously characterized prime time?

25. Economic data: effect on the program production industry and employment therein. As indicated in paragraph 2, above, a main purpose of the rule was to provide a healthy production industry, able to supply independent programing. One of the arguments against the rule is the assertedly depressing effect on the U.S. program-production industry. While the factual basis of such arguments is not always completely clear, it appears to consist chiefly of two actual or potential lines of development: (1) The substantial extent to which, to keep costs down, "access period" nonnetwork material consists of material originating, or at least produced, outside the U.S.; and (2) the extent to which access-period nonnetwork material is of a sort sometimes called "game shows"—relatively inexpensive material similar to (often a continuation of) programs which have appeared on daytime television—rather than the sort of material which is characteristic of network prime time television. Comments on this subject are invited.

B. *Specific proposals on which comments are invited.* 26. In the following paragraphs, comments are invited on specific proposals; under each topic, the proposals are set forth first, followed by a brief discussion of the pertinent considerations. Usually, they are on a "one or more" basis, i.e., one, or more than one, of the suggestions might be adopted if it appears in the public interest.

27. Initially, one point should be stressed. Putting forth a proposal for comment herein does not mean that the Commission necessarily has a view, even tentatively, that it should be adopted. It simply indicates our view that the proposal should be considered in light of the comments and data received in the proceeding. Further, on some of the matters, study may indicate the need for further, perhaps more specific, proposals; this is one reason why this is a "Notice of Inquiry." However, we have given notice herein of the "subjects and matters at issue," and therefore all interested parties are specifically advised that the Commission has the flexibility and discretion to adopt rule changes in the following areas if it finds that the public interest would be served thereby (with the exceptions footnoted below).[15]

28. Effective dates of changes. If rule changes are adopted, there is then the question of when they should be made effective, for example: (1) The usual 30 days or so after publication in the FEDERAL REGISTER, or (2) for the next season, starting October 1, 1973, or perhaps even thereafter. As to some minor changes, the first approach might well be appropriate; it appears obvious that major changes, or rescission, could not well be adopted before the next season (these would probably include matters such as a flat "21 hours a week" standard and modification of the "off-network" restrictions to or approching the extent urged by MCA, Inc.). Comments on the appropriate dates of changes are invited.

29. Changes in the direction of a total or partial "21 hours a week" standard. Comments are invited on the question of adopting one or more of the first three following proposals, or, in the alternative, adopting the fourth proposal listed, going to a flat "21 hours a week" standard.

(a) Leaving the basic 3-hours-per-night formulation, but providing that stations may exceed that amount on one or two nights a month to the extent of a half-hour or an hour, provided they reduce network prime-time material a corresponding amount within the next 14 days.

(b) Leaving the basic 3-hour restriction, but providing that stations may deviate from it (following notification to the Commission) where they regularly present some news at the beginning of prime time and desire to clear a following 1-hour segment regularly for an hour-long local or syndicated program, and the only way they can do this and continue to carry desired network material is to exceed the 3-hour limit on

[15] The foregoing discussion applies to the proposals set forth in this subsection B, which are, for the most part, in the direction of relaxations of the rule. As to other matters set forth below in subsection C, extensions of the rule in various respects or "exemptions" for certain types of programs other than news and public affairs, this is an inquiry proceeding only. See also paragraph 49 in this subsection B.

another night.[16] (See Hubbard Broadcasting, Inc. (KSTP–TV), 32 FCC 2d 594 (October 1971).) The "21 hours a week" standard would apply in these cases.

(c) Providing that stations may adhere to a "21 hours a week" standard, but must continue to present at least a half-hour during prime time each night of material which is not network, off-network, nor recently shown feature film.

(d) A flat "21 hours a week" standard. If this is to be adopted at all, it will not be before October 1, 1973.

30. The "21 hours a week" argument was one raised by several stations in waiver requests in 1971, in support of requests for waiver to exceed the permissible 3 hours on one night a week, accompanied by a reduction on another night. In general, this was rejected, although it was one of the considerations in grant of waiver in the Hubbard Broadcasting case cited. We similarly rejected the concept, for the future, in denying ABC's request for continuation of its waiver for Tuesday nights (American Broadcasting Companies, Inc., 33 FCC 2d 1038, March 1972). The reasons have been a belief that time should be available to nonnetwork program sources on a regular basis, the same period each night or at least not varying from week to week, in order to encourage the development of such material, for example programing suitable for "stripping" in early prime time. Also, there was some thought that stations might simply fulfill their obligations under such a relaxed restriction on one "junk night," presenting all of their nonnetwork material then and programing the remaining evenings with 3½ hours or more of network material.

31. Nevertheless, there appear to be some considerations supporting this type of relaxation. First, it would increase licensee flexibility; as noted in the Hubbard decision, this appears to be the only way stations can clear time for a 1-hour nonnetwork program if they carry news after the beginning of prime time, and continue to carry desired network material. Also, it could be that adherence to a strict 3-hour standard tends to discourage occasional preemptions of network programs for desirable local material, if the station is faced with the complete loss of the network program and perhaps even carriage of it by a competing station in the market (whereas, under a "21 hours a week" standard, the station could "make up" the program preempted on another evening).[17] These are the thoughts behind the first two proposals above. Another consideration is that it might not be a bad thing for some of the cleared "access periods" to be later in the evening, since somewhat different types of programing might thus be presented and encouraged (see paragraph 57, below). Parties supporting relaxation along one or more of the lines indicated should give specific examples of situations where the present restriction is undesirable, if there are any; parties opposing such relaxation should indicate specifically why it is important to have time available on a regular basis.[18] Another pertinent question in this connection is whether, whatever may be decided as to individual stations, the networks themselves should be permitted any deviation from a 3-hour standard.

32. Other changes in computation of prime time network programing. Comments are invited on the adoption of one or both of two other changes in the method of determining the amount of permissible prime-time programing. The first change set forth below is designed to resolve automatically the situation prevailing in a few markets not observing daylight-saving time (presently Detroit, Grand Rapids, Indianapolis, and Phoenix) during the portion of the year (late April to late October) when it is observed in the United States generally. This change is believed self-explanatory. The two changes are as follows:

(a) Providing that, automatically as a matter of rule, in the case of "top 50" markets which do not observe daylight-saving time, during the "daylight-saving time" part of the year (late April to late October) prime time will be moved back 1 hour, e.g., to 6–10 p.m. e.t. instead of 7–11 e.t., for these stations, corresponding to the local time at which network material is actually received in these places.

(b) Providing that, with respect to prime time network programing (or possibly other evening material also) any arrangement which complies with the rule in the eastern and central time zones will also be acceptable for stations in the mountain time zone, and possibly also the Pacific time zone.

33. The second change above is based on a suggestion by NBC in the recent proceeding (Docket 19475) in which we changed the "prime time" programing for the mountain time zone to 6–10 p.m., m.t. NBC's suggestion was that stations in the top 50 markets in the mountain zone be permitted to carry more than 3 hours of prime-time network material if the schedule of such programs in the eastern, central, and Pacific zones meet the standards of the rule, so that the excess occurs only in the mountain zone. This was adopted only in part in the report and order in Docket 19475 (24 R.R. 2d 1972, FCC 72–578, 37 F.R. 13622), with respect to situations where the network material that evening is live and simultaneous, such as a sports event, and where the station in the mountain zone broadcasts no other network material during prime time (including "pregame shows") the same evening. The Phoenix NBC affiliate, supported by NBC, has recently sought reconsideration of our refusal to adopt the entire NBC proposal.

34. While the change in "prime hours" to 6–10 p.m. m.t. will eliminate many of the problems which have arisen this past year (such as sports or movie "runovers" which occur after 11 p.m. e.t.), and others will be taken care of by the NBC proposal as adopted, it may be that further extension along these lines will be appropriate. Comments are invited on whether the note to § 73.658(k) adopted recently should be extended to include complete sports events where there has been a "pre-game show", or "runovers" of events which are not live, simultaneous material, such as movies. Comments are also invited on whether this principle should also extend to additional programing presented by networks on the same evening in the east before the particular event but which mountain zone stations wish to present after the event.[19] Comments are also invited on whether the same principle should be extended to the top 50 markets in the Pacific zone, not so much in connection with "runovers" (which are not a problem since the sports event occurs quite early) but for network programing presented before the game in the east but which these stations may wish to present after the game in the West (or material programed especially for the West).[20] The Commission does not have any views at this time as to whether changes along these lines should be adopted: we have recognized before the problems which stations in these time zones face in integrating "simultaneous" material into the usual pattern of delayed broadcasting which prevails there. One important consideration, here

[16] This is probably more of a problem in the central and mountain zones, where prime time begins at 6 p.m. rather than 7, than elsewhere. According to ARB February–March 1972 audience survey data, about two-thirds of the "top 50 market" stations in those zones carry news in the early part of prime time, compared to only about one-third of the rest of the United States.

[17] This has come up largely in connection with local sports events, such as basketball, in which cases the station is probably going to go for the preemption, whether it can "make up" the network program later or must forego it entirely. However, there could be desirable local material for which the choice would not be so clear.

[18] One problem with adopting a flat "21 hours a week" standard is that there are a number of stations which regularly present less network prime-time material than that, most often where they preempt a network movie, or other network material on one evening, to present their own local movie. If these stations were permitted to apply this noncarriage to the whole week, it could result in their keeping very little time open for new nonnetwork material. Comments on this type of situation are invited.

[19] See KOOL–TV (Phoenix, Ariz.), FCC 72–735 (Aug. 16, 1972).

[20] See Academy Award and Miss America programs, 33 FCC 2d 743, 23 R.R. 2d 987 (Feb. 1972); and the waiver granted NBC affiliates on Aug. 29, 1972 (FCC 72–782).

and elsewhere, is to what extent relaxation along these lines actually will impinge on the availability of prime time on these stations to non-network sources. Comments on this point are solicited. These are examples of changes that will be made at an early date if it appears that the public interest will be served thereby.

35. Rules designed to deal with sports event situations. One of the most common subject of waiver requests, and Commission consideration of them, has been in connection with sports events. The following rules are proposed to deal with these situations for the future; the first three below are alternatives, and the fourth, involving a somewhat different concept, is a separate matter which may be adopted with or without one of the others.

(a) With respect to "runovers" into prime time of late-afternoon events (and possibly also some events scheduled for prime time) putting the burden of accommodating the "runover" on the networks and stations in the carriage of network programing, by providing that if a late-afternoon event runs over into prime time (i.e., after 7 p.m. e.t., or 6 p.m. c.t.), network evening programs must simply start that much later, so as to leave a full hour for nonnetwork material at the beginning of prime time (e.g., if the event runs until 7:10, the network's evening material could not start until 8:10).[21]

(b) Providing by rule that it is assumed that sports events will last no more than a certain time, and ignoring runovers beyond that time. (Comments are invited on what are appropriate time allotments for various types of events; it presently appears that 3 hours for baseball and football, and 2¼ hours for basketball, should be sufficient, at least in the absence of a "pre-game show" or post-game material.) Comments are also invited on the matter of pre-game shows and post-game shows generally; to what should any assumed fixed period for sports telecasts permit these? We are presently of the view that it should be only in connection with games of unusual importance—playoffs or championship games—and not regular season contests, and not for more than 15 minutes (see our action of August 29, 1972, FCC 72–782, 25 R.R. 2d 228, granting waiver to NBC affiliates).

(c) Providing that if an event runs more than a few minutes over the allotted period—say more than 5 minutes, or more than 10 minutes—the network or its affiliate will have to "give back" a half-hour of time on some evening during the following few days.

(d) Designating by rule a certain number of unusually important sports events, which, along with related material, may be presented without observing the § 73.658(k) limitations. These might include the summer and winter Olympics, the World Series, New Year's Day and other year-end bowl games, the Super Bowl, and possibly a few others; but we are certainly of the view that it should not extend beyond a small number of events.

36. Considering that sports events involving possible prime-time problems occur on only a limited number of days of the year—probably no more than 50 for each network—it appears that this subject may have aroused more concern, and required more action, than it is worth. It appears eminently desirable to adopt a definite rule, or at least an overall policy, in this area. Comments are particularly desired on what actually is the impact from a relatively small and occasional "runover" on the availability of prime time to nonnetwork sources. In other words, what do stations do if the event runs until 7:10 p.m. e.t.? Do they simply carry the same material they would have carried if the event had ended at 7, "clipping" it slightly, or do they substitute other, shorter material, and, if so, what? One thing which should be borne in mind, also, is that while the networks often put their requests in terms of being able to carry the event to completion, this is not usually true. Rather, it is a question of whether, if they do, they may still carry their full complement of evening material.[22]

37. Relaxation of the "off-network" restrictions of the rule. Comment is invited on the following changes in the "off-network" restrictions of the rule, contained in § 73.658(k)(3). One or more of the first four changes in the "off-network" restrictions set forth below may be adopted, with or without the fifth, which is really a somewhat different concept. The possible changes are as follows:

(a) Providing that the "off-network" restrictions do not apply to material which was not part of a regular network program series, i.e., an individual "special" program or a small series of material, say no more than six programs;[23] or providing that while the rule imposes a general restriction on all material, stations in the top 50 markets may present up to _____ hours per year of off-network material coming in the above categories (comments are invited on what this figure should be).

(b) Providing that a "package" of material may be presented including some, but no more than 25 percent, or some smaller percentage, of off-network material (e.g., special Christmas programs in the "Lassie" or other series).

(c) Providing that stations may present without restriction (or up to _____ hours a year) of "off-network" material, provided the material itself was not shown on a network within a certain number of years (e.g., 5) and the series of which the particular material is a part has not been on the network for a less number of years (e.g., 2).

(d) Continuing the 1972 arrangement of considering waivers of this restriction, on an ad hoc basis, but providing for more orderly treatment, including public notice of such waiver requests, and more or less simultaneous consideration of all such requests well in advance of the year for which waiver is sought (e.g., requests would have to be in by March 1, 1973 for the 1973–74 season, and decision would be reached by May 1). Comments are invited on whether, if such an approach is to be adopted, a certain total number of hours of off-network material should be permitted, and if so, what that figure should be.[24]

(e) Adoption of a rule looking toward the type of relaxation urged by MCA, Inc. in RM–1929, permitting any off-network material to be presented as part of a package of which at least 25 percent is new material. We also raise the question of whether, assuming such a relaxation is to be made, a higher percentage of new material, e.g. 50 percent, should be required.

38. The "off-network" restriction is potentially one of the most troublesome areas of the rule. It represents, not the objective of the rule to lessen network control of television programing (which is taken care of by the basic "three-hour" limitation plus the "syndication" and "financial interest" rules) but, rather, that of protecting the newly "cleared" portion of prime time for access by nonnetwork sources of program material. As such, it obviously serves a needed purpose; but, at the same time, it is also a significant restriction, including in its present form a bar on the presentation of some highly worthwhile material, sometimes—as with "one-time" material, and probably short program series—material which if presented during prime time would not have a very substantial impact on the availability of time to nonnetwork sources. The latter was one of our chief reasons for the grant of waiver to the six-program "Six Wives of Henry VIII" series (Time-Life Films, 35 FCC 2d 773). For this reason, we raise the issue of whether relaxation should be considered along the lines of the first two approaches set forth above, or, alternatively, approaches (c) or (d), which

[21] This type of scheduling, while unusual, is certainly not unknown, for example following Presidential messages early in prime time. It may be that this is the simplest way of dealing with the matter, particularly if the incidence of sports event "overruns" is as small as the networks say it is.

[22] The discussion here, except for the fourth proposal mentioned above, relates largely to the late-afternoon situations. Sports events actually scheduled for prime time do not raise any great number of problems, and it appears that these may be handled by adjustments in time-computation along the lines mentioned in pars. 32–34, above.

[23] The rule as adopted in May 1970 actually read in terms of excluding only material which was "off-network syndicated series programs." The change to restrict off-network material generally was made in the August 1970 decision on reconsideration.

[24] Parties may wish to comment on this subject in light of the four decisions referred to in paragraph 48 below, concerning "off-network" material, and on the matter of objective standards which might be appropriate in this connection (see paragraph 40).

would probably mean more relaxation. As elsewhere herein, parties opposing relaxation are urged to discuss the impact and effect of any such relaxation, by rule or waiver, on the availability of prime time to non-network sources of new material, with specific examples of actual or potential preclusion.

39. Item (e), above, inviting comments essentially on the MCA request or a modification of it, represents a somewhat different concept: whether, in view of the very high cost of and asserted risk involved in producing new material, it might not be desirable to permit a "mix" of new and off-network programs in a package, and, if so, what percentage of new material should be required. Parties supporting such a change should discuss in detail the impact it would have on station purchase and presentation of truly new material.

40. In connection with this subject generally, and particularly the approach set forth as item (d), above, comments should discuss to what extent the judgments involved here can appropriately reflect program quality determinations, and, if they can or must, what objective standards can be formulated in this connection so as to avoid subjective judgments. With respect to items (a) and (b), above, comments are invited on whether this type of exemption should be granted only in the news and public affairs area, and what is the availability of this highly important type of material from nonnetwork sources.

41. *Feature film.* Section 73.658 (k) (3) also contains restrictions on the use of movies during the cleared portion of prime time; as the rule reads, there is an ambiguity as to whether a film previously shown as a network program is thereafter "an off-network" program, permanently barred from these hours, or is a "feature film" which can be used in them after 2 years from its previous showing. It appears that other changes may also be appropriate. Comments are invited on one or more of the following changes:

(a) Clarification of whether a movie previously shown on a network is an "off-network program" or a "feature film" for purposes of § 73.658(k) (3), and which of these two alternative constructions would most serve the public interest.[25]

(b) Whether, in this respect, there should be any difference between movies originally made primarily for theatre exhibition, and those primarily made for television (e.g., treating the former as "feature films" but the latter as "off-network" programs); and if there is to be a difference, what test should be applied if there is any question (e.g., where the film first appeared).

(c) Whether it is really in the public interest and consistent with the basic objectives of the rule to permit during "cleared" time the use of feature films shown in the market as recently as 2 years ago, or whether instead this period of prohibition should be longer, such as 5 years, or perhaps permanently with respect to a previous showing on the station itself.

(d) Whether, on the other hand, in view of the economic structure of the film-buying business, the "two year" period should be shortened, say to 1 year, at least as to feature films bought by the station up to mid-October 1972 (this is essentially what is urged in a pending request by a Salt Lake City station).

42. Aside from the obvious desirability of removing the ambiguity mentioned, this subject presents some more basic considerations. As far as the presentation of an individual film is concerned, it probably makes little difference to the viewer if it appeared previously in the market as a network program or a locally shown film, or whether it was created for theater showing or especially for television. From this standpoint a fairly liberal approach might not be inappropriate.

43. But there is also another consideration. The use of "feature films" during early evening hours by network stations in the top 50 markets has not up to now been great, averaging only about 1 hour per week per market of prime time according to ARB audience survey data for February–March 1972. However, there are some indications that this may increase, particularly if the Commission adopts a rather liberal view, so that stations in these markets will devote a considerably larger amount of time to such material. This would, of course, have an impact on the availability of prime time to other kinds of nonnetwork material (local or syndicated). While the rule was not designed to promote any particular type or form of programing, it was certainly intended to promote new nonnetwork material; and presentation of movies already shown looks in the other direction. Comments on this point are invited.

44. The same general considerations might also indicate a lengthening of the "2-year" period for any film, and particularly where the previous showing was on the station itself—a situation in which, normally, there should be no problem in determining whether or not a given movie was or was not run in the past, even years ago. This was the reason for limiting the period to 2 years on reconsideration in August 1970. Comments are invited on whether it would be appropriate to bar permanently from the cleared hours feature films previously run on the same station, as well as on the desirability of lengthening the period generally. On the other hand, the point has been urged recently that the usual basis on which films are bought—such as "5 years and five runs" at a very high price—almost automatically requires that more than one of the runs be in prime time, if the station is to be able to recover its investment. It is urged that therefore a lesser restriction should be adopted, as to the station's reuse of its own material. Comments are invited.

45. Exemption for regular network news following an hour of local news, and for one-time (or other) network news and public affairs programs. Comments are invited on adoption of one or more of the following, as a matter of rule or at least of fixed policy:

(a) Continuing for the future (and putting into the rule) the policy adopted for 1971–72, and recently for 1972–73, concerning a waiver for network news at the beginning of prime time where it follows a full hour of local news (e.g., from 6–7 e.t.). Under this policy, such network news does not count against the permissible 3 hours.

(b) Continuing, for 1973–74 and later years, the waiver or exemption granted for one-time network news and public affairs programs (documentaries).

(c) Affording an exemption, for 1973–74 and later, for network news and public affairs programs generally.

46. As to the first matter mentioned, we have favored this policy. As we have noted, the broadcast of in-depth coverage of local news and problems, in major cities, is to be encouraged as definitely in the public interest; and, as a practical matter, stations can avoid the impact of the rule anyhow by splitting their news, so as to present a half-hour of local first, then network (e.g., at 6:30 p.m. e.t.), and then local again at the beginning of prime time. There appears no reason to require this "bracketing" form of scheduling as a matter of rule, although 19 stations in the top 50 markets do it (25 operate under the waiver). On the other hand, this does represent a substantial impingement into the availability of prime time to nonnetwork sources; and comments should be invited at this time on whether this policy should be made permanent.

47. The second matter is perhaps more difficult. The rule contains an exemption for "special news programs dealing with fast-breaking news events, on-the-spot coverage of news events," etc., but not for news or public affairs "documentaries," although when the rule was adopted there was some thought that the exemption should be broader to include them. (See concurring statement of Commissioner H. Rex Lee in FCC 70–466, 23 FCC 2d 428.) There is, obviously, a high degree of importance to the presentation of such material in quantity, for the better information of the audience, and, at the same time, diversity of viewpoints and sources is probably more important here than it is with entertainment programing which is the main thrust of the rule. There is also a practical consideration: A number of programs presented by the networks during 1971–72 year have involved partly "on-the-spot coverage of fast-breaking events," etc., but partly background material of a documentary nature; and

[25] If network-shown movies are to be treated liberally, comments are invited on a matter which has been raised: how can "feature film" be defined so as to prevent a high percentage of network entertainment programs being classified as "feature film" so as to get this more liberal treatment?

without the waiver, network staffs, and the Commission, might be faced with a fairly knotty problem of what is "on-the-spot coverage," what are "fast-breaking events," etc.[26] Existence of the waiver does serve in this respect to make life simpler. Comments on whether this exemption should be made permanent are invited, including, particularly, the matter of to what extent such material is available from nonnetwork sources. Item (c) above requires little elaboration. As noted, the matter of a general exemption for this type of network material was considered at the time the rule was adopted, and has been raised again; in this general overview parties are free to comment on it.

48. *Comment on waiver actions.* Parties are invited to discuss certain waiver actions of the past year, including, particularly, the four involving "off-network" material (Wild Kingdom, Lassie, National Geographic, and Six Wives of Henry VIII), the ABC Summer Olympics decision, and the decision granting CBS waiver for one-time network news and public affairs material, or documentaries. We do not expect, nor require, that comment will be made separately on these matters; but rather that parties will discuss them in connection with specific changes in the rule, set forth above. They are set forth separately simply to call attention to them as problems which have arisen with the rule in its present form. Inviting comment on them does not represent a Commission view that they were wrong, but, rather, that to some extent they were reached on the basis of rather limited information, early or at least fairly early in the administration and application of the rule; and comment should be entertained before we decide whether the policies involved in these decisions (or the reverse of these policies, as some may argue) should be adopted as a permanent matter.[27]

49. *Repeal of the rule.* Repeal or rescission of the rule will be considered herein, for the reasons and subject to the limitations set forth in paragraphs 13–15, above. Parties may also wish to discuss—if they urge such rescission—alternative approaches to the problem of network control over television programing. As to the latter, obviously this is an inquiry proceeding only.

50. *The cumulative impact of the relaxations mentioned above.* We have set forth above possible relaxations of the rule in a number of different areas. It is realized that the various changes, if made in the different areas, might have a cumulative impact on the availability of prime time to nonnetwork sources, even though the impact from some of them individually might not be significant. Comments on this aspect of the matter are invited, along with views as to which are the particular "problem" areas from this standpoint.

C. *Inquiry into other possible changes in the rule* (extensions of its scope, etc.).

51. This portion of the notice—an inquiry only, with changes along these lines to be adopted, if at all, only after further rulemaking proceedings—is designed to invite comments on some changes in the rule of a more fundamental nature than those mentioned in subsection B, above. As discussed in the following paragraphs, these include: (1) Extensions of the scope of the rule, either as to time or as to markets covered; and possibly extending the "off-network" and "feature film" provisions of the rule to independent stations at least in some circumstances; (2) imposing certain requirements on stations as to use of the "access period," e.g., for local programing, children's or "minority group" programs, etc.; (3) exemptions from the rule to encourage the presentation of certain types of material on either a network or "off-network" basis (children's programs, etc.)[28] and (4) changing the form of the rule so as to specify a definite hour as the "access period," which might be a later hour than the first hour of prime time which is now generally "cleared" under the rule as it operates in practice. Setting these concepts forth, and inviting comments on them, does not by any means represent a Commission view that they should be adopted, now or ultimately, and in fact some Commissioners have doubts as to whether some of them are either realistically feasible or otherwise desirable; but they have been suggested and appear to have enough relationship to public-interest objectives to warrant opportunity for exploration in this overall proceeding. One other matter should be pointed out: As indicated elsewhere, we regard expeditious resolution of the present proceeding as highly important; and if the time frame established does not permit thorough exploration of the various concepts set forth in this subsection, that will have to wait until later, to the extent it is appropriate.

52. The following are the concepts on which comment is invited:

(a) Possible extensions of the scope of the rule. (1) Limiting network prime-time programing to 2½ rather than 3 hours per night, so as to clear 1½ hours for nonnetwork use (or at least providing for this in the case of stations presenting local or network news at the beginning of prime time, so that they would have a full hour cleared for other nonnetwork material).

(2) Extending the coverage of the rule to markets beyond the top 50, possibly to all markets having three or more network affiliated stations.

(3) Having the "off-network" and "feature film" restrictions apply to independent stations (or at least independent VHF stations), to the extent of 1 hour at least per night.

(b) Required local uses of the access period. A requirement that some (or conceivably all) of the cleared "access period" time be devoted by affiliated stations covered by the rule to certain types of nonnetwork material; including:

(i) Local "live" programing (comments are invited on whether this should be required to be actually "live" or could include filmed material treated as live under the Commission's rules).

(ii) Programing designed for particular groups, such as minority groups (for example, the four specified in § 73.680 of the rules, and other "ethnic" groups), or children.

(iii) Programing specifically designed to deal with the important problems in the station's community and coverage area as indicated by the licensee's survey to ascertain the needs, interest, and problems of its community and area (generally this would be local material, but conceivably it could include syndicated programing of certain types).

(c) Encouraging, by way of exemption from the rule's restrictions on network and "off-network" material, the presentation of the same general types of material mentioned in (b), above (similar to the general exemption for network news and public affairs material covered under subsection B, above). Under such an approach, network or "off-network" material falling into these categories would not be counted for the purpose of computing the permissible amount of such material.

(d) Specifying a particular hour as the "access period," for example the third hour of prime time (9–10 p.m., e.t. and P.t., 8–9 p.m., c.t. and m.t.).

53. The first two matters mentioned above—extensions of the rule either as to time or as to markets covered—has been suggested by various persons largely on the basis that if "cleared time" in major markets is a good thing, why is not more such time in more markets even better? As to the matter of time, this of course would mean more prime-time availability to alternative program sources; in particular, for the stations which present news at the beginning of prime time—about half of those in the

[26] If an exemption or waiver policy for "one-time" network programs of these types (or more generally for such network material) is not adopted, it may well be desirable to adopt more definite standards as to what are programs falling within the exemptions now specified, for "on-the-spot coverage" and "fast-breaking news events." Comments on possible standards are invited, for example a requirement that the program must contain a high percentage (e.g., 75 percent) of "live" coverage, or film shot within the last 24 hours, rather than being substantially background material.

[27] The citations to these six decisions are, respectively: Mutual Insurance Co., of Omaha, 33 FCC 2d 583 "Wild Kingdom"; Campbell Soup Co., 35 FCC 2d 758, 24 R.R. 2d 856 "Lassie"; Storer Broadcasting Co., 35 FCC 2d 889, 24 R.R. 2d 868 "National Geographic"; Time Life Films, 35 FCC 2d 773, 24 R.R. 2d 849 "Six Wives of Henry VIII"; American Broadcasting Co., Inc. 35 FCC 2d 340 and 765, 24 R.R. 2d 628 and 862 "Olympics"; and Columbia Broadcasting System, Inc., 32 FCC 2d 55 and (for 1972) FCC 72-906 (October 11, 1972).

[28] This is the same type of concept involved in the general exemption for network news and public affairs programs set forth in subsection B, above.

top 50 markets—it would mean a full hour of nonnetwork programs. As to the matter of geographic extension, one specific suggestion has been made as follows: While access to major markets is almost indispensable to the success of syndicated material, general access is also significant. One index of the success of a syndicated program is a percentage figure, shown in ARB and Nielsen reports: The percentage of the Nation's TV homes which are in the "areas of dominant influence" (ADI's) of stations carrying the program. It is said that, as a very rough rule of thumb, a program producer is justified in spending $1,000 per episode on the production of a program, for every percentage point the program has, or is expected to have. It is asserted that extending the "prime time access rule" would tend to increase this percentage figure somewhat, with respect to clearance in the smaller markets, and therefore would mean more production expenditure and—perhaps, to some extent—better programs.

54. As to independent stations, it is sometimes claimed that it is unfair for independent stations in the top 50 markets to be free of all restrictions under the rule, for example being able to present "off-network" material during prime time in unlimited quantity. This argument is particularly made as to VHF independents, most of which in the top 50 markets are profitable, and sometimes highly so. Comments are invited on whether the "off-network" restrictions should be extended to such stations, for example so as to require an hour of prime time each night to be devoted to material which is neither network, off-network, nor feature film recently shown in the market. Comments are also invited on whether such an extension, if adopted, should be only to VHF stations, recognizing the particular problems which UHF stations still have.[29]

55. The second general area of inquiry is whether the public interest would be better served by requiring certain uses to be made by stations of the nonnetwork portion of prime time, for example local programing, children's programing, or programing of particular significance to minority groups or meeting important local problems. To a degree, perhaps, this represents a shift in emphasis away from the matters stressed in the report and order adopting the rule, particularly insofar as this would encourage local rather than nonnetwork syndicated material. A number of parties have expressed the view that this would be a good idea, more in accord with long-standing Commission objectives. It warrants exploration here, for one reason because of assertions (by the rule's critics such as NBC in its petition) that the rule in its present form produces mostly continuations and revivals of network series, often daytime material such as "game shows", whose proliferation does not necessarily warrant encouragement. Comments on these concepts are invited.

56. The same general type of consideration is the basis for the third general area—whether the presentation of certain types of programs should be encouraged, from network or "off-network sources," by granting them exemption from the 3-hour limitation.

57. The last matter mentioned above—changing the rule so as to provide a definite, and probably later, cleared portion of prime time—is one which has been suggested by certain syndicator parties. The argument is that, as the rule now works, the "cleared" portion of prime time is generally the first hour, 7–8 p.m. e.t., a time when the audience is somewhat smaller than it is later, and also when many children are watching. It is said that if the time were made later, such as 9–10 p.m., the audience would be larger, and, also, it would be more entirely an adult audience. The latter, it is said, would permit more "innovative" programing than that appropriate earlier, when a substantial part of the audience is young people. Comments are invited on whether such a change would be appropriate, and, if so, what form of rule could be devised to reach this result.

III. Summary

58. In view of the considerations set forth above, comments are solicited on the various matters mentioned, which in summary are the following:

(a) *Gathering information as to the effect and impact of the rule and possible changes in it,* particularly on the programing being and to be presented, and the economic consequences on stations (particularly in small markets) and the TV production industry, and the economics of program production and distribution. See paragraphs 16–25 above.

(b) *To what extent*—in practice as well as in theory—the rule promotes real diversity in program sources, program ideas, and programing itself. See paragraph 18 above.

(c) *Possible adoption of a "21 hours a week" standard, or some partial move in that direction.* See paragraphs 29–31 above.

(d) *Other possible changes in computation of permissible programing during prime time*—a change to take care of the few "nondaylight saving time" markets, and a possible change to increase the extent to which programing arrangements acceptable for eastern and central time zone stations will be acceptable for mountain and possibly Pacific, zone stations. See paragraphs 32–34 above.

(e) *Rules to deal with sports events,* in particular late-afternoon "runover" situations and "pregame" shows; and also a possible rule listing a few important events (the Olympics, the World Series, etc.) which might be suitable for presentation without regard to the basic limitation of the rule. See paragraphs 35–36, above.

(f) *Relaxation of the "off-network" restrictions; and modification of the "feature film" restrictions,* in § 73.658(k)(3), in the former respect to permit a limited amount of off-network material and, possibly, a rule to permit generally the use of off-network and new material in a "package," along the lines urged by MCA, Inc. Clarification of the "feature film" provision, as to feature films shown as network material and feature films produced primarily for TV rather than theatre exhibition, is also proposed. See paragraphs 37–44 above.

(g) *Continuation of waiver or exemption with respect to news and public affairs programs,* after October 1, 1973: The waiver for network news following a full hour of local news, and for "one-time" network news or public affairs programs, or documentaries, or a more general exemption for this type of network material. See paragraphs 45–47 above.

(h) *Repeal of the rule.*

(i) *The possible cumulative effect of relaxation* in various areas mentioned (paragraph 50, above).

(j) *Possible extensions of the rule or further exemptions,* as to which this is an inquiry proceeding only. See paragraphs 51–57 above.

59. This inquiry and rule making proceeding is instituted pursuant to authority contained in section 403 and sections 4(i) and 303 (b), (g), (f), (i), and (r); 307(d); 308(b); 309(a); 313, 314, and 315 of the Communications Act of 1934, as amended.

60. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 22, 1972, and reply comments on or before January 29, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken herewith. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. For reasons stated in paragraphs 13–15, above, parties are herewith notified that the above timetable, which appears adequate, will be adhered to.

61. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Material filed will be available for public inspection during regular business hours in the Commission's Broadcast and Docket

[29] It appears likely that such a change, if adopted, would not have any marked consequences. Probably few independent stations present off-network syndicated material for more than 3 hours of prime time, since usually a movie is inserted into the schedule somewhere during the evening. However, the movie would be subject to the "two-year" restrictions of § 73.658(k)(3), if such a change were made.

Comments are invited on whether another change mentioned in above, specifying a particular hour as the access period, should be applied to independent stations.

Reference Room at its headquarters in Washington, D.C.

Adopted: October 26, 1972.

Released: October 30, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[30]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-18777 Filed 11-1-72;8:56 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-454]

ELECTRIC ENERGY CONVERSION AND CONSUMPTION PROCESSES IN THE CONSERVATION OF NATURAL RESOURCES

Proposed Policy Statement; Extension of Time for Comments

OCTOBER 26, 1972.

On October 24, 1972, the Edison Electric Institute and the Montana Power Co. filed requests for a 30-day extension of time within which to file comments concerning the "Notice of Proposed Policy Statement and Request for Comments" issued on September 14, 1972.[1]

Upon consideration, notice is hereby given that the time is extended to and including November 29, 1972, within which any interested person may submit data, views, comments, or suggestions, in writing, concerning all or part of the amendment proposed in the above-designated notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18685 Filed 11-1-72;8:45 am]

[18 CFR Parts 2, 4]

[Docket No. R-398]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation and Submission

OCTOBER 30, 1972.

On December 4, 1970, the Commission issued Order No. 415 (35 F.R. 18958, December 15, 1970) which prescribed §§ 2.80–2.82 of its general policy and interpretations (18 CFR 2.80–2.82) and various related amendments to the Commission's regulations under the Federal Power and Natural Gas Acts. Experience in applying these regulations, as amended, and the guidelines for preparation of statements on proposed Federal actions affecting the environment (guidelines) of the Council on Environmental Quality (36 F.R. 7724) demonstrated the desirability of revising the Commission's regulations for implementation of the National Environmental Policy Act of 1969 (83 Stat. 852) (NEPA).

Accordingly, on November 19, 1971, the Commission issued Order No. 415–B, amending §§ 2.80, 2.81, 2.82 of the general rules and § 4.41 of the regulations under the Federal Power Act. (36 F.R. 22738, November 30, 1971). Because of petitions filed in this docket, Order No. 415–B was amended for clarification, and rehearing was granted for the purpose of further consideration, by order issued January 19, 1972 (37 F.R. 1162).

In Order No. 415–B, the Commission required, among other things, that certain specified applications be accompanied by an environmental impact statement prepared by applicant. Staff independently analyzed the statement, and required applicant to make any corrections necessary to meet staff's criteria. The amended statement—deemed information comparable to an agency draft statement pursuant to the guidelines of CEQ—was circulated to interested governmental bodies and to the public to solicit the comments required by NEPA.

The application, the applicant's statement, as amended, and the comments, served to delineate the environmental issues which were to be thoroughly aired at hearing.

All parties to the proceeding analyzed environmental evidence in their briefs. The Presiding Administrative Law Judge was required to do the same in his initial decision. If the Commission issued a certificate or license, its final order would contain a final detailed environmental impact statement.

On January 17, 1972, the Court of Appeals for the Second Circuit ruled directly on the validity of these procedures.[1] Having been unsuccessful in seeking a Petition for Rehearing En Banc from the Second Circuit, on June 8, 1972, the Commission filed a Petition for Writ of Certiorari with the Supreme Court. On October 10, 1972, the Supreme Court denied certiorari.[2]

The Second Circuit found, among other things, that section 102(2) of NEPA mandates a consideration of "environmental values at every stage of the (agency's) process."[3] and, even though specifically permitted to do so by the guidelines, that the Commission abdicated a significant part of its responsibility "by substituting the statement of (the applicant) for its own."[4]

The Court then said:

> * * * we deem it essential that the Commission's staff should prepare a detailed statement before the Presiding Examiner issues his initial decision. Moreover, the intervenors must have a reasonable opportunity to comment on the statement. But since the statement may well go to waste unless it is subject to the full scrutiny of the hearing process, we also believe that the intervenors must be given the opportunity to cross-examine * * * Commission witnesses in light of the statement.[5]

The practical effect of this mandate is to require circulation of a staff statement in advance of hearing, thereby establishing an affirmative duty on the part of Commission staff to collect, analyze, and prepare comprehensive environmental data in advance of the evidentiary hearing.

The Commission therefore gives notice, pursuant to 5 U.S.C. 553, that it proposes to amend §§ 2.80–2.82 of "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969," and § 4.41 of the Commission's regulations under the Federal Power Act.

The revisions which are proposed result primarily from the mandate in Greene County. However, the Commission has taken this opportunity to propose several additional amendments to its regulations for the implementation of NEPA. These amendments are proposed both as the result of certain judicial interpretations of NEPA and from experience gained by staff in its work with Order Nos. 415 and 415–B. A discussion of each of the proposed changes, with its text, appears below.

Because of the vital importance of the Commission's regulatory responsibilities and the great importance and urgency of environmental problems, it is essential that the Commission finalize its amended procedures respecting compliance with NEPA as soon as possible. Therefore, the Commission has determined that the time for public comment on these proposals will be 15 days from the date this notice is published in the FEDERAL REGISTER.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 17, 1972, views and comments in writing concerning all or part of the amendments 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. An original and 14 conformed copies should be filed with the Secretary of the Commission. 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

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[30] Commissioners Robert E. Lee and H. Rex Lee concurring and issuing statements; Commissioners Johnson and Hooks concurring in part and dissenting in part and issuing statements. While the statement of Commissioner Hooks will be issued at a later date, the other three statements are filed as part of this original document.

[1] Published at 37 F.R. 20045, September 23, 1972.

[1] Greene County Planning Board v. F.P.C., 455 F.2d 412 (CA2, 1972).

[2] F.P.C. v. Greene County Planning Board, No. 71-1597 (——— U.S. ———) 1972.

[3] Id. at 420.

[4] Id. at 420.

[5] Id. at 422.

with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all written submittals and responses before issuing an order in this proceeding.

The Commission proposed to establish procedures by which each applicant, in certain specified instances, must submit a detailed environmental report with its application. Commission staff will conduct an independent analysis of the filings and require applicant to make any corrections necessary to meet the applicable criteria. After corrections have been made, it will be determined whether the proposed action is a "major Federal action" within the meaning of NEPA.

Staff will then prepare and circulate for comment a draft environmental impact statement. Comments will be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. After expiration of the time for comment, and after consideration of the comments received, staff will revise as necessary and finalize its environmental impact statement which, together with the comments received, will accompany the application through the agency review and decisionmaking process. If hearings are held on the application, the staff's environmental impact statement will be offered in evidence at that hearing.

In each contested application briefs by all parties to the proceeding taking a position on environmental matters must specifically analyze and evaluate the evidence in light of certain criteria specified in the proposed regulations. The Initial Decision of the Presiding Administrative Law Judge must include an evaluation of specified environmental factors. In all cases, contested and uncontested, the final order of the Commission, if it approves the application, shall also contain an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of these proposals.

Each proposed change is discussed below.

(1) *Section 2.80(b)*. Several minor wording changes are proposed to provide clarification and more definite guidance in the preparation of statements.

An amendment is also proposed to conform to the decision in the Morton case,[6] which stated, inter alia, that not only must all reasonable alternatives to an action be considered, but also the environmental consequences of such alternative courses of action.

It is further noted that the Second Circuit, commenting on the Commission's planning function under section 10(a) of the Federal Power Act,[7] feels that the Commission cannot "disregard impending plans for future development" of a project when considering an application.[8] Therefore, it is proposed to amend § 2.80 (b) to read as set forth below.

(2) *Section 2.80(c)(i)*. The Guidelines of CEQ stated, among other things, that no agency administrative action was to be taken sooner than 90 days after circulation of a draft statement or 30 days after availability of a final statement. As the Commission, under 415–B, did not issue a final statement until it issued its final order, to adopt the strict language of the Guidelines would have interfered with the integrity of the Commission's procedures. Because of this, the Commission adopted language which placed the same delay on construction of a facility after a certificate or license was granted. However, under the revised procedures herein proposed, staff's environmental impact statement will be issued prior to hearing or final Commission action. Therefore, it is proposed to amend § 2.80 (c)(i) to read as set forth below.

(3) *Sections 2.81(a) and 2.82(a)*. The Commission provided, in both Orders Nos. 415 and 415–B, that notice of specified applications be sent to certain Federal, State, and local governmental entities for comment. Experience has shown that at the time this notice is sent, substantive information on the application is lacking, and consequently, there is not enough information transmitted by the notice to allow the receiving entity to offer meaningful comments. Therefore, it is proposed to amend both §§ 2.81(a) and 2.82 (a) to remove the requirement that notice of the application be circulated for comment as a part of our NEPA procedures. Notice of application pursuant to other statutory requirements will continue, however.

It is proposed to further amend § 2.81(a). Experience has shown there is no need to have applications for certain license amendments accompanied by a formal exhibit. Those applications need only be accompanied by the applicant's detailed environmental report.

It has also become apparent that certain applications for surrender of a license should be accompanied by the applicant's detailed environmental report and an amendment reflecting this fact is proposed.

Finally, Order No. 415–B specified that applications for amendment of a license which proposed construction or change in operation of the project works was to be accompanied by the applicant's detailed statement. Experience has shown the restriction imposed by the term "project works" is too narrow, therefore, we also propose to broaden this section to require any application for a change in project operation, as opposed to project works, be accompanied by the applicant's detailed environmental report.

It is proposed to amend §§ 2.81(a) and 2.82(a) to read as set forth below.

(4) *Sections 2.81(b) and 2.82(b)*. It is proposed to substantially amend these sections. Briefly, staff would be required to utilize applicant's filings and its own environmental expertise to prepare and circulate for comment a staff draft environmental impact statement. Upon expiration of the time for comment, staff then would consider all comments and revise as necessary and finalize its environmental impact statement which, together with the comments, shall accompany the proposal through the agency review and decision-making process. If hearings are held, staff's environmental impact statement will be offered in evidence at that hearing.

It is proposed to amend §§ 2.81(b) and 2.82(b) to read as set forth below.

(5) *Sections 2.81(e) and 2.82(e)*. It is proposed to amend these sections to require that parties taking a position on environmental matters in all contested cases analyze and evaluate the evidence in their briefs in light of the factors expressed in § 2.80. The initial decision of the Presiding Administrative Law Judge shall also include an evaluation of the same environmental factors and the views on those factors expressed by all those making formal comment. In all cases, contested and uncontested, the final order of the Commission, if it approves the application, shall contain an environmental evaluation of the action to be taken.

It is proposed to amend §§ 2.81(e) and 2.82(e) to read as set forth below.

(6) In light of the amendments proposed, §§ 2.81(f) and 2.82(f) would become superfluous. It is proposed that each of the sections be deleted.

(7) It is proposed to amend § 4.41 of the regulations under the Federal Power Act to reflect certain changes in terminology in § 2.81, to read as set forth below.

The proposed amendments to §§ 2.80, 2.81, and 2.82 of the general rules and § 4.41 of the regulations under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311 and 312 (41 Stat. 1065, 1066, 1068, 1069, 1070; 46 Stat. 798, 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717o), and the Environmental Policy Act of 1969, Public Law 91–190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854).

(1) The Commission proposes to amend Part 2 of Chapter 1, Title 18 of the Code of Federal Regulations by revising §§ 2.80–2.82 to read as follows:

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy

[6] Natural Resources Defense Council v. Morton 458 F.2d 827 (CADC, 1972).

[7] 16 U.S.C. 803(a)

[8] Greene County at 423, 424.

Act of 1969 (NEPA) in its regulations under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969, the Commission staff shall make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have a significant environmental impact. A "detailed statement" prepared in compliance with the requriements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context of such considerations as the proposed activity's direct and indirect effect on the air and water environment of the project or natural gas pipeline facility; on the land, air, and water biota; on established park and recreational areas; and on sites of natural, historic, and scenic values and resources of the area. The statement shall discuss the extent of the conformity of the proposed activity with all applicable environmental standards. The statement shall also fully deal with alternative courses of action to the proposal and, to the maximum extent practicable, the environmental effects of each alternative. Further, it shall specifically discuss plans for future development related to the application under consideration. The above factors are listed to merely illustrate the kinds of values that must be considered in that statement. In no respect is this listing to be construed as covering all relevant factors. The five factors which must be specifically discussed in the detailed statement are:

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

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

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

(c)(1) To the maximum extent practicable no final administrative action is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment or 30 days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(2) Upon a finding that it is necessary and appropriate in the public interest the Commission may dispense with any time period specified in §§ 2.80–2.82.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, shall be accompanied by Exhibit W, the applicant's detailed report of the environmental factors specified in § 2.80 and § 4.41 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

(b) The staff shall make an initial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other appropriate governmental bodies, and to the public, for comment. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability of the staff's draft environmental statement. All comments shall be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. All entities filing comments with the Commission shall submit ten copies of such comments to the Council on Environmental Quality. If any governmental entity, Federal, State, or local, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity has no comment to make. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decision-making process and shall be made available to the Council on Environmental Quality and to the public. In the event the proposal is the subject of a hearing the staff's environmental statement will be offered in evidence at that hearing.

(c) All interveners taking a position on environmental matters shall file comments on the environmental impact statement with the Commission including an analysis of their environmental position, specifying any difference with the statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Administrative Law Judge. All interveners shall be responsible for filing ten copies of their filing with the Council on Environmental Quality, and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The comments of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission Secretary and all parties of record.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the Initial Decision of the Presiding Administrative Law Judge in such cases and the final order of the Commission, if it approves the application, in all cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) All certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717(c)) for the construction of pipeline facilities, except abbreviated application filed pursuant to §§ 157.7(b), (c), (d), and (e) of Commission regulations in Subchapter E of this chapter and producer applications for the sale of gas filed pursuant to §§ 157.23–29 of Commission regulations in Subchapter E of this chapter, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80. Notice of all such applications shall continue to be made as prescribed by law.

(b) The staff shall make an initial review of the applicant's report and, if necessary, require applicant to correct deficiencies in the report. If the proposed action is determined to be a major Federal action significantly affecting the quality of the human environment, the staff shall conduct a detailed independent analysis of the action and prepare a draft environmental impact statement which shall be made available to the Council on Environmental Quality, the Environmental Protection Agency, other

appropriate governmental bodies, and to the public, for comment. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of the availability of the staff's draft environmental statement. All comments shall be made within 45 days of the date the notice of availability appears in the FEDERAL REGISTER. All entities filing comments with the Commission shall submit 10 copies of such comments to the Council on Environmental Quality. If any governmental entity, Federal, State, or local, fails to comment within the time provided, it shall be assumed, absent a request for a specific extension of time, that such entity has no comment to make. Upon expiration of the time for comment the staff shall consider all comments received and revise as necessary and finalize its environmental impact statement which, together with the comments received, shall accompany the proposal through the agency review and decision-making process and shall be made available to the Council on Environmental Quality and to the public. In the event the proposal is the subject of a hearing the staff's environmental statement will be offered in evidence at that hearing.

(c) All interveners taking a position on environmental matters shall file comments on the environmental impact statement with the Commission including an analysis of their environmental position, specifying any difference with the statement upon which intervenor wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Administrative Law Judge. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality, and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The comments of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission Secretary and all parties of record.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application, the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters must specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the Initial Decision of the Presiding Administrative Law Judge in such cases and the final order of the Commission, if it approves the application, in all cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section.

(2) The Commission further proposes to amend § 4.41, *Required Exhibits* in Part 4, Subchapter B, Regulations under the Federal Power Act, Chapter 1, Title 18 of the Code of Federal Regulations as follows:

§ 4.41 Required exhibits.

Exhibit W. Applications covered by § 2.81 (a) of this chapter shall be accompanied by an applicant's environmental report. Such report shall comply with the detailed requirements set down in §§ 2.80–2.81 of this chapter, and shall include a one-page summary of the report. Furthermore, such report with its supporting papers shall be self-contained.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18158 Filed 11-1-72;8:54 am]

[18 CFR Parts 101, 104, 201, 204]

[Docket No. R-456]

UNIFORM SYSTEM OF ACCOUNTS

Specialized Training Costs; Extension of Time

OCTOBER 27, 1972.

On October 12, 1972, the American Gas Association filed a request for an extension of time within which to file comments covering the notice of proposed rule making issued October 2, 1972 (37 F.R. 21181), in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including February 14, 1973, within which any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, data, views, comments or suggestions in writing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18759 Filed 11-1-72;8:54 am]

[18 CFR Parts 154, 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS FOR GAS DEVELOPMENT AND PRODUCTION

Notice of Comment Period on Summary of Responses To Renotice

OCTOBER 24, 1972.

On July 3, 1972, the Commission issued a renotice of its proposed rule making and request for comments in Docket No. R-411 (37 F.R. 13559, July 11, 1972) proposing to amend its regulations under the Natural Gas Act so as to change its provisions for accounting and rate treatment of advance payments made to producers by pipelines for gas to be delivered at a future date. Pursuant to the renotice, the Commission staff sent out questionnaires to all pipeline companies that had filed advance payment agreements with the Commission with responses due by September 15, 1972.

All of the responses to the questionnaires have been summarized and the summary is now in a public file and available for inspection in the Commission's Office of Public Information. Comments on or suggested modifications of the Commission's proposed rule making based on review of the summary of responses should be filed on or before November 3, 1972.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-18657 Filed 11-1-72;8:47 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 434]

DETERGENTS

Availability of Public Record for Comments Regarding Labeling and Advertising

The public record in this matter will again be open and will remain open until further notice for the receipt and filing of any additional information or data developed by other government agencies and concerned groups regarding the role of phosphate in eutrophication and the particular bodies of water, if any, where phosphate in detergents may have an adverse effect.

All comments regarding above proposed trade regulation rule received from interested parties to date and not already on the public record will now be placed on such record which is available for public inspection in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C.

Approved: October 17, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-18673 Filed 11-1-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

MILK AND CREAM

Proposed Standards of Identity; Extension of Time for Filing Comments

In the matter of revising existing standards and establishing new identity

standards for milk and cream (21 CFR Part 18):

A notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of September 9, 1972 (37 F.R. 18392), provided for the filing of comments within 60 days following its publication date.

The Commissioner of Food and Drugs has received a request for extension of such time and, good reason therefor appearing, the time for filing comments in this matter is extended to February 6, 1973.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–18922 Filed 11–1–72;11:55 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

CARD CLOTHING FROM THE UNITED KINGDOM

Notice of Tentative Negative Determination

Information was received on January 24, 1972, that card clothing from the United Kingdom 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 the notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 15, 1972, on page 5397.

I hereby make a tentative determination that card clothing from the United Kingdom is not being, nor 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 tentative determination is based. The investigation revealed that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the resale price to unrelated purchasers in the United States, ocean freight and insurance, U.S. duty, U.S. inland freight and delivery charges, cash discount, selling commission, and foreign inland freight, and f.o.b. charges, as appropriate.

Adjusted home market price was calculated by deducting from the ex-factory price, applicable cash and quantity discounts. Where applicable, adjustments were made for differences in the merchandise and packing.

Comparison of exporter's sales price with the adjusted home market price indicated that adjusted home market price was not higher than exporter's sales price.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), 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 requests 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 10 calendar 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 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-18698 Filed 11-1-72;8:46 am]

RECORD CHANGERS FROM THE UNITED KINGDOM

Notice of Tentative Negative Determination

OCTOBER 27, 1972.

Information was received on March 17, 1972, that record changers from the United Kingdom were 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 April 15, 1972, on page 7534.

I hereby make a tentative determination that record changers from the United Kingdom are not being, nor 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 tentative determination is based. The information currently before the Bureau indicates that the basis of comparison is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the landed duty paid price, the included duty, brokerage charges, ocean freight, insurance, United Kingdom inland freight, and selling and advertising expenses, as appropriate.

Adjusted home market price was based on the price delivered to customer's premises. Deductions were made from this price for cash discount, transportation, and insurance.

Comparisons between exporter's sales price and adjusted home market price revealed that exporter's sales price was not lower than adjusted home market price.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), 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 10 calendar 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 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-18699 Filed 11-1-72;8:46 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Notice of Meeting

In accordance with Executive Order No. 11671, dated June 5, 1972, 37 F.R. 11307, as amended by Executive Order No. 11686, dated October 7, 1972, 37 F.R. 21421, announcement is made of the following committee meeting:

Name of committee: Army Advisory Panel on ROTC Affairs.

Date of meeting: November 9, 1972.

Place: Room 2E-687, the Pentagon.

Time: The meeting will be held from 0830-1145 hours and 1400-1630 hours.

Proposed agenda:

0830-0845—Opening remarks and introduction, Chairman.

0845-0925—Presentation of ROTC Status Report, DA Briefer.

0925-0940—Discussion of ROTC Status Report, Chairman.

0940-1145—General Discussion on selected topics, Chairman.

1145-1400—Adjournment for lunch.

1400-1630—General discussion on selected topics, Chairman.

1630—Panel adjourns.

Proposed discussion topics:

1. Appropriate academic credit for ROTC courses.

2. What can be done by college officials to provide more support for ROTC and the ROTC recruiting effort.

3. ROTC advertisement on campus; what is being done; how can it be improved.

4. Should the membership of the Army Advisory Panel on ROTC Affairs be expanded.

5. NOTE: Two brief reports will be given; one relating to a conference of Professors of Military Science held in August; the other to a conference of Military Colleges held in October.

NOTE: For the convenience of persons interested in attending the meeting, it is suggested that commercial transportation be utilized and the Pentagon be entered through

the mall entrance. Room 2E–687 is just inside this entrance. Please note that seating space is limited.

E. W. GANNON,
Lieutenant Colonel, U.S. Army,
Chief, Plans Office, TAGO.

OCTOBER 27, 1972.

[FR Doc.72–18661 Filed 11–1–72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 16379]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 27, 1972.

The Bureau of Land Management of the Department of the Interior has filed an application for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for protection of the archaeological and scientific values and the natural beauty of the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing or potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 17 W.
Sec. 30, Lots 1, 2, 3 and 4, E½W½.
T. 36 N., R. 18 W.
Sec. 12, N½NE¼, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13, W½E½, W½;
Sec. 14, S½SW¼, SE¼;
Sec. 15, S½SE¼;
Sec. 22, E½, E½W½;
Sec. 23, All;
Sec. 24, W½E½, W½;
Sec. 25, All;
Sec. 26, N½, N½SW¼, SE¼;
Sec. 27, E½, E½W½;
Sec. 36, N½NE¼.

The areas described aggregate approximately 4,926.24 acres.

DALE R. ANDRUS,
State Director.

[FR Doc.72–18720 Filed 11–1–72;8:51 am]

National Park Service

CAPE HATTERAS NATIONAL SEASHORE, N.C.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Cape Hatteras Fishing Pier, Inc., authorizing it to provide concession facilities and services for the public at Cape Hatteras National Seashore, for a period of five (5) years from January 1, 1973, through December 31, 1977.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 25, 1972.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72–18722 Filed 11–1–72;8:51 am]

POINT REYES NATIONAL SEASHORE, CALIF.

Establishment

Notice is given pursuant to section 5 of the Act of September 13, 1962 (76 Stat. 538, 540; 16 U.S.C. 459c), of the acquisition of an acreage within the area described in section 2 of such Act that is deemed efficiently administrable to carry out the purposes of the Point Reyes National Seashore, and, therefore, such national seashore is hereby established.

The Point Reyes National Seashore, Marin County, Calif., as established, encompasses an area that, as nearly as practicable conforms to the area described in section 2 of the aforesaid Act, as amended by the Act of October 15, 1966 (16 U.S.C. 459c–11). A detailed description of the boundaries of the seashore follows:

Beginning at a point, not monumented, where the boundary line common to Rancho Punta de los Reyes (Sobrante) and Rancho Las Baulines (as said boundary line was surveyed by Oglesby, Jacobs, and Wickham, civil engineers, during the months of June through November, 1963), meets the line of average high tide of the Pacific Ocean; thence southwesterly from said point 1,320 feet offshore on a prolongation of said boundary line; thence in a northerly and westerly direction paralleling the average high tide line of the Pacific Ocean; along Drakes Bay, and around Point Reyes; thence in a northerly direction around Tomales Point, offshore a distance of 1,320 feet from the average high tide line; thence southeasterly along a line 1,320 feet offshore and parallel to the line of average high tide along the west shore of Bodega Bay and Tomales Bay to the intersection of this line with a prolongation of the most northerly tangent of the boundary of Tomales Bay State Park, as said boundary was surveyed by Timothy S. Train, licensed land surveyor in the State of California, during the months of November 1952 through April 1953 (a record of said survey being on file with the State of California, Division of Beaches and Parks); thence S. 56°41'35" W. 1,320 feet, along the prolongation of said tangent to the line of average high tide of Tomales Bay;

Thence along said boundary of Tomales Bay State Park as surveyed by Train, by bearings and distances based on the California State Plane Coordinate System, Zone Three, S. 56°41'35" W. 400 feet, more or less to a found 2-inch-diameter iron pipe monument bearing a copper tag stamped "L. S. 2457"; thence continuing along said boundary as surveyed by Train, S. 33°18'25" E. 616.12 feet, S. 26°35'35" W. 3,263.85 feet, S. 05°02'11" W. 2,664.87 feet, and S. 02°02'20" E. 300.73 feet to a 1-inch-diameter iron pipe monument bearing a copper tag stamped "RCE 3230", found on the northwesterly line of that certain parcel of land conveyed to Burton E. Mills, et ux., by deed recorded October 10, 1952, in volume 769, page 44, Official Records of Marin County, State of California; thence along the southwesterly and southerly line of said parcel convyed to Mills, S. 43°47'53" W. 105.39 feet, S. 54°53'07" E. 68.09 feet, S. 80°36'07" E. 250.13 feet, and S. 66°11'37" E. 241.67 feet to a point which bears S. 59°01'30" W. 24.43 feet from a found 2-inch-diameter galvanized iron pipe monument bearing a copper tag stamped "L.S. 2457"; thence S. 66°13'00" E. 82.95 feet to a point on the northerly right-of-way line of Pierce Point Road, as said right-of-way was conveyed to the County of Marin by deed recorded in volume 420, page 119, Marin County records; thence along said northerly right-of-way line, on a nontangent curve to the right having a radius of 219.99 feet, whose center bears S. 13°58'32" W., through an angle of 03°44'28", a distance of 14.36 feet; thence S. 72°17'00" E. 7141 feet;

Thence on a tangent curve to the left having a radius of 2,979.82, through an angle of 08°20'00", a distance of 433.23 feet; thence S. 80°37'00" E. 779.75 feet; thence on a tangent curve to the right having a radius of 269.80 feet, through an angle of 83°02'30", a distance of 391.03 feet; thence S. 02°25'30" W. 246.01 feet; thence on a tangent curve to the left having a radius of 2,979.82 feet, through an angle of 09°40'00", a distance of 502.92 feet; thence S. 07°14'30" E. 655.48 feet; thence on a tangent curve to the left having a radius of 579.75 feet, through an angle of 36°16'38", a distance of

367.10 feet; thence S. 43°31'08" E. 394.11 feet; thence on a tangent curve to the right having a radius of 519.87 feet, through an angle of 26°00'21", a distance of 235.91 feet; thence S. 17°30'47" E. 160.08 feet; thence on a tangent curve to the right having a radius of 319.84 feet, through an angle of 27°40'47", a distance of 154.46 feet; thence S. 10°10'00" W. 101.51 feet; thence on a tangent curve to the left having a radius of 255.17 feet, through an angle of 97°17'40", a distance of 433.29 feet; thence S. 87°07'40" E. 172.80 feet; thence on a tangent curve to the right having a radius of 270.26 feet, through an angle of 71°16'20", a distance of 336.17 feet; thence S. 15°51'20" E. 237.84 feet;

Thence on a tangent curve to the left having a radius of 479.97 feet, through an angle of 34°40'00", a distance of 290.43 feet; thence S. 50°31'20" E. 471.32 feet; thence on a tangent curve to the left having a radius of 979.94 feet, through an angle of 18°22'00", a distance of 313.84 feet; thence S. 68°53'20" E. 253.80 feet to a round 2-inch-diameter iron pipe monument bearing a State of California, Division of Beaches and Parks, 2-inch brass cap stamped "L.S. 2457"; thence leaving said northerly right-of-way line of Pierce Point Road, S. 00°08'06" W. 83.16 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 1, RCE 13639", set on the southerly right-of-way line of Sir Francis Drake Boulevard; thence along said southerly right-of-way line on a curve to the right having a radius of 469.95 feet, whose center bears S. 01°26'45" W., through an angle of 20°59'55", a distance of 172.23 feet; thence S. 67°33'15" E. 79.22 feet; thence on a tangent curve to the left having a radius of 4,984.56 feet, through an angle of 04°08'30", a distance of 360.31 feet; thence S. 71°41'45" E. 147.30 feet; thence on a tangent curve to the right having a radius of 1,970.39 feet, through an angle of 09°27'10", a distance of 325.08 feet; thence S. 62°14'35" E. 169.24 feet; thence on a tangent curve to the right having a radius of 969.44 feet, through an angle of 19°50'44", a distance of 335.78 feet;

Thence S. 42°23'51" E. 224.98 feet; thence on a tangent curve to the left having a radius of 529.88 feet, through an angle of 28°39'54", a distance of 265.10 feet; thence S. 71°03'45" E. 520.51 feet; thence on a tangent curve to the left having a radius of 517.29 feet, through an angle of 21°20'40", a distance of 192.71 feet; thence N. 87°35'35" E. 171.14 feet; thence on a tangent curve to the left having a radius of 969.47 feet, through an angle of 04°40'54", a distance of 79.22 feet to a set 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 2, RCE 13639"; thence leaving said southerly right-of-way line of Sir Francis Drake Boulevard, S. 37°15'45" W. 297.04 feet, S. 17°46'39" E. 389.96 feet, and S. 20°06'21" W. 1,521.74 feet to a round 6-inch by 6-inch concrete monument accepted as concrete monument "7" referred to in that certain boundary line agreement between the O. L. Shafter Estate Co. and Julia Shafter Hamilton, recorded in book 99 of deeds, page 5, Marin County records; thence S. 05°58'10" W. 59.45 feet to a set 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 3, RCE 13639"; thence S. 18°20'04" W. 272.12 feet; thence N. 26°59'29" W. 57.00 feet; thence S. 34°07'04" W. 142.99 feet; thence on a tangent curve to the right having a radius of 164.98 feet, through an angle of 34°30'00", a distance of 99.34 feet; thence S. 68°37'04" W. 202.98 feet;

Thence on a tangent curve to the left having a radius of 229.98 feet, through an angle of 29°40'00", a distance of 119.08 feet; thence S. 20°52'56" E. 449.96 feet, N. 68°35'04" E. 94.58 feet, S. 18°20'04" W. 286.90 feet, S. 17°58'12" E. 1963.59 feet, S. 38°08'21" E. 1719.52 feet, S. 50°15'43" E. 3018.90 feet, N. 85°16'42" E. 522.92 feet, N. 74°26'59" E. 473.14 feet, S. 01°59'17" W. 176.42 feet, S. 08°24'47" W. 127.23 feet, S. 20°42'37" W. 73.59 feet, S. 34°33'57" W. 85.12 feet, S. 45°27'34" W. 121.68 feet, S. 41°23'53" W. 139.68 feet, S. 54°40'25" E. 118.79 feet, S. 07°59'15" E. 51.18 feet, S. 18°02'35" W. 64.96 feet, S. 41°29'03" W. 142.28 feet, S. 10°41'20" W. 216.04 feet, S. 40°43'54" E. 152.01 feet, S. 52°16'26" E. 106.00 feet, S. 49°12'47" E. 174.50 feet, S. 36°52'24" E. 557.23 feet, S. 62°22'55" E. 164.83 feet and N. 82°52'41" E. 243.67 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 4, RCE 13639", set as a replacement of a found 2 inch by 2 inch redwood stake accepted as marking a point on the northerly line of that parcel of land conveyed to Gordon Onslow-Ford, et ux, by deed recorded in Book 1025, page 615, Marin County Records, said parcel being referred to as "Parcel Two" in said deed;

Thence N. 69°59'30" E. 152.27 feet, N. 62°39'09" E. 112.67 feet, N. 63°21'28" E. 99.50 feet, S. 86°16'10" E. 132.79 feet, N. 73°52'29" E. 90.55 feet, S. 86°35'59" E. 130.95 feet, S. 55°14'15" E. 1299.38 feet, N. 67°20'51" E. 65.78 feet, N. 68°38'13" E. 166.83 feet, S. 71°50'45" E. 284.98 feet, S. 38°58'56" E. 277.85 feet, S. 21°34'47" E. 221.54 feet, S. 27°04'35" E. 127.42 feet, S. 09°19'59" W. 744.40 feet, S. 12°13'19" E. 913.73 feet, S. 14°35'02" W. 1249.26 feet, and S. 15°44'06" E. 410.51 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI NPS 5, RCE 13639", set as a replacement of a found 4-inch by 6-inch wood post bearing a copper tag stamped "RCE 3230" accepted as marking a point on the easterly line of the lands conveyed to the Drakes Bay Land Co. by deed recorded March 31, 1960, in Book 1356, page 312, Marin County Records; thence N. 74°32'11" E. 209.92 feet to a found 6-inch by 6-inch concrete monument bearing a copper tag stamped "RCE 3230", accepted as concrete monument "19" referred to in that certain conveyance from Julia Shafter Hamilton to L. S. Murphy, recorded December 2, 1929, in Book 186, page 332, Marin County Records; thence S. 01°47'28" W. 60.15 feet, S. 11°06'49" W. 309.37 feet, S. 27°57'54" W. 82.52 feet, S. 24°57'56" W. 190.22 feet, S. 27°50'46" E. 242.98 feet, and S. 65°57'27" E. 92.99 feet to a found 6-inch by 6-inch concrete monument accepted as concrete monument "12" referred to in said conveyance;

Thence S. 64°11'55" E. 261.96 feet, S. 33° 39'23" E. 177.23 feet, S. 11°26'18" E. 245.80 feet, S. 39°30'40" E. 628.10 feet, S. 74°34'23" E. 379.79 feet, S. 44°50'56" E. 109.99 feet, S. 13°37'24" E. 326.22 feet, S. 45°40'59" E. 162.64 feet, S. 40°49'45" E. 236.27 feet, S. 34°47'26" E. 211.60 feet, S. 87°10'55" E. 141.20 feet, N. 38°31'19" E. 124.61 feet, N. 82°52'48" E. 48.08 feet, S. 31°26'16" E. 123.29 feet, S. 24° 58'56" E. 314.61 feet, S. 64°53'58" E. 23.48 feet, S. 84°10'47" E. 515.52 feet, S. 83°49'52" E. 102.43 feet, S. 79°13'34" E. 156..38 feet, S. 52°10'19" E. 190.12 feet, S. 71°43'18" E. 28.48 feet, and S. 26°16'00" E. 898.26 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 6, RCE 13639", set to mark a point on the westerly line of the lands conveyed to G. Grannucci by deed recorded in Book 202 of Deeds, page 8, Marin County Records; thence S. 05°48'24" W. 628.57 feet, to a gate post, said gate post being the "Left hand gate post" referred to in that certain conveyance from Point Reyes Land and Dairy Co. to Julia Shafter Hamilton, recorded March 8, 1906, in Book 98 of Deeds, page 264, Marin County Records; thence S. 77°02'40" E. 221.07 feet to the center of the stream which runs down Haggerty Gulch; thence along the center of said stream N. 61°52'54" E. 719.15 feet to a point in the center of said stream which bears N. 30°17'00" W. 1680.25 feet from a galvanized nail and copper tag stamped "RCE 13639" set in a rock to mark a point on the northeasterly line of the lands conveyed to Grace Hamilton Kelham by deed recorded February 28, 1949 in Book 607, page 372, Marin County Records;

Thence S. 30°17'00" E. 1680.25 feet to said nail; thence S. 62°32'00" E. 185.75 feet, S. 81°01'00" E. 135.49 feet, S. 71°29'00" E. 158.59 feet, S. 73°31'00" E. 90.59 feet, S. 68°-17'00" E. 238.17 feet, S. 29°00'00" E. 241.77 feet, S. 35°25'00" E. 196.08 feet, S. 59°21'00" E. 186.58 feet, S. 64°10'00" E. 349.58 feet, N. 84°18'00" E. 598.47 feet, S. 65°40'00" E. 1442.-37 feet, S. 80°47'00" E. 245.48 feet, N. 28°-50'00" E. 136.99 feet, S. 56°42'00" E. 369.37 feet, N. 87°13'00" E. 104.89 feet, N. 63°29'00" E. 136.49 feet, N. 31°52'00" E. 130.19 feet, N. 06°54'00" E. 128.09 feet, N. 48°03'00" E. 103.-32 feet, N. 33°32'00" E. 93.29 feet, N. 23°09'-00" E. 76.09 feet, N. 32°16'00" E. 168.78 feet, N. 41°38'00" E. 67.59 feet, S. 83°12'00" E. 86.59 feet, N. 54°05'00" E. 117.89 feet, N. 03°07'00" W. 112.89 feet, N. 25°23'00" E. 88.19 feet, N. 62°43'00" E. 56.99 feet, and N. 74°31'00" E. 155.78 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 7, RCE 13639", set to mark a point on the northeasterly line of said lands conveyed to Kelham;

Thence N. 35°25'00" E. 67.79 feet, N. 54°19'00" W. 121.49 feet, N. 35°53'00" W. 115.39 feet, N. 39°45'00" E. 284.87 feet, N. 82°20'00" E. 172.68 feet, S. 85°01'00" E. 122.39 feet, N. 06°24'00" E. 60.19 feet, N. 38°35'00" W. 111.09 feet, N. 17°23'00" W. 61.19 feet, N. 29°41'00" W. 216.98 feet, N. 22°45'00" W. 140.19 feet, N. 09°56'00" W. 76.39 feet, N. 84°20'00" E. 181.08 feet, N. 81°52'00" E. 549.45 feet, N. 05°37'00" W. 674.94 feet, N. 06°59'00" W. 248.08 feet, N. 54°56'00" W. 273.07 feet, and N. 40°29'00" W. 574.75 feet to a 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 8, RCE 13639", set on the southerly right-of-way line of a 60-foot roadway known as "Bear Valley Road", as said road was conveyed to the county of Marin, State of California, by deed recorded April 6, 1921, in Book 224 of Deeds, page 431 Marin County Records; thence along said southerly right-of-way line N. 89°07'48" E. 197.18 feet, S. 80°10'12" E. 489.58 feet, S. 75°38'12" E. 353.90 feet, S. 84°07'12" E. 418.75 feet, S. 20°57'12" E. 367.56 feet, S. 37°00'12" E. 315.50 feet, S. 31°48'12" E. 324.21 feet, S. 26°33'12" E. 392.18 feet, S. 29°31'12" E. 289.71 feet, S. 42°43'12" E. 210.09 feet, S. 15°52'12" E. 203.87 feet, S. 52°13'12" E. 263.33 feet, S. 43°10'12" E. 296.30 feet, S. 34°43'12" E. 574.73 feet, S. 32°43'12" E. 854.58 feet, S. 17°43'12" E. 253.60 feet, S. 40°57'12" E. 375.85 feet, S. 22°03'12" E. 1190.35 feet, and S. 50°18'12" E. 200.93 feet to a set 6-inch-diameter concrete monument bearing a 2-inch brass cap stamped "USDI, NPS 9, RCE 13639";

Thence continuing along said southerly right-of-way line, S. 34°22'12" E. 446.49 feet, S. 63°38'12" E. 329.65 feet, S. 86°49'12" E. 117.93 feet, N. 58°43'48" E. 249.45 feet, S. 55°57'12" E. 655.95 feet, and N. 89°49'48" E. 80 feet to a set 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 10, RCE 13639"; thence leaving said southerly right-of-way line due south 1,384.23 feet to a ¾-inch-diameter galvanized iron pipe bearing a cooper tag stamped "RCE 13639" set on the common boundary line of the lands of Grace Hamilton Kelham and the Vedanta Society of northern California, as said line is described in that certain boundary line agreement between Grace Hamilton Kelham and said Vedanta Society recorded November 29, 1963, in book 1754, page 443, Marin County records; thence along said line, S. 71°18'04" E.

1,175.38 feet to a found 1-inch-diameter iron pipe bearing a cooper tag stamped "LS 2926"; thence N. 51°00'27" E. 899.85 feet to a found 2-inch-diameter iron pipe with a brass cap and punch mark; thence N. 51°00'27" E. 8 feet to a 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 11–A, RCE 13639" set on said agreed common boundary line; thence N. 51°00'27" E. 53 feet, more or less, to a point in the center of Olema Creek;

Thence southeasterly along the centerline of said Olema Creek, S. 31°24'55" E. 38.08 feet, S. 19°58'56" E. 104.59 feet, S. 25°12'14" E. 188.08 feet, S. 35°29'31" E. 66.43 feet, S. 02°44'56" W. 118.08 feet, S. 44°37'52" E. 156.30 feet, N. 89°06'03" E. 125.74 feet, S. 49°27'34" E. 147.54 feet, S. 08°12'22" E. 301.89 feet, S. 24°59'15" E. 141.43 feet, S. 17°20'44" E. 84.09 feet, S. 42°27'31" E. 140.23 feet, S. 24°23'49" W. 439.71 feet, S. 04°56'06" E. 160.92 feet, S. 23°07'53" W. 156.75 feet, S. 08°12'36" W. 121.15 feet, S. 69°48'04" W. 117.53 feet, S. 23°57'51" W. 132.43 feet, S. 64°17'01" W. 116.61 feet, S. 06°29'13" W. 179.49 feet, S. 78°47'40" W. 142.35 feet, S. 21°35'26" W. 108.55 feet, S. 45°47'10" W. 161.72 feet, S. 21°30'59" E. 299.15 feet, S. 09°09'35" W. 189.58 feet, S. 43°44'26" E. 150.57 feet, S. 56°12'37" E. 238.37 feet, S. 39°11'14" E. 161.92 feet, S. 58°06'32" E. 298.87 feet, S. 09°13'48" E. 153.01 feet, S. 03°29'40" E. 370.83 feet, S. 49°19'04" E. 172.09 feet, S. 36°02'58" E. 250.42 feet, S. 54°31'32" W. 227.17 feet, S. 02°31'12" W. 119.11 feet, S. 70°27'05" E. 107.29 feet, S. 89°13'15" E. 172.16 feet, S. 67°09'45" E. 231.71 feet, S. 10°07'16" W. 299.99 feet, S. 09°47'17" W. 210.16 feet, S. 00°41'06" E. 187.30 feet, S. 74°31'52" E. 152.77 feet, S. 67°28'44" E. 415.29 feet, N. 79°00'34" E. 209.66 feet, S. 01°54'44" W. 236.24 feet, S. 64°01'55" E. 220.19 feet, S. 46°46'29" E. 70.07 feet, S. 25°31'26" E. 176.16 feet, S. 25°38'57" E. 141.49 feet, N. 76°24'07" E. 165.82 feet, S. 67°31'14" E. 260.31 feet, S. 40°45'53" E. 267.01 feet, S. 32°11'14" W. 66.27 feet, S. 65°24'46" W. 106.08 feet, S. 19°05'48" W. 196.97 feet, S. 40°11'55" E. 240.26 feet, S. 78°22'12" E. 283.19 feet, S. 21°07'15" E. 168.10 feet, S. 04°56'49" W. 200.22 feet, S. 35°09'03" E. 115.73 feet, S. 50°01'46" E. 424.41 feet, S. 66°18'49" E. 115.91 feet, S. 33°17'24" E. 245.40 feet, S. 80°07'06" E. 206.35 feet, S. 01°40'03" E. 286.52 feet, S. 16°59'32" E. 305.46 feet, S. 56°59'50" E. 101.22 feet, N. 75°42'52" E. 191.86 feet, S. 13°09'02" E. 203.45 feet, S. 18°03'06" W. 181.12 feet, S. 17°58'43" E. 220.22 feet, S. 68°29'27" E. 90.50 feet, N. 68°47'27" E. 405.15 feet, S. 05°40'40" E. 445.85 feet, S. 24°22'37" E. 326.37 feet, S. 37°36'24" E. 185.69 feet, S. 08°10'35" E. 321.95 feet, S. 48°07'46" E. 250.62 feet, S. 11°58'41" W. 98.95 feet, S. 10°20'57" E. 174.73 feet, S. 59°25'36" E. 208.79 feet, S. 00°16'52" E. 151.31 feet, S. 48°18'40" E. 127.26 feet, S. 62°12'13" E. 198.50 feet, S. 08°37'39" E. 160.74 feet, S. 30°27'20" E. 178.79 feet, S. 20°56'43" E. 195.56 feet, S. 41°43'15" E. 119.15 feet, S. 07°23'31" E. 236.65 feet, S. 18°36'58" E. 329.63 feet, S. 36°43'52" E. 271.07 feet, S. 39°46'04" E. 127.11 feet, S. 38°35'09" E. 250.83 feet, S. 07°35'43" E. 123.48 feet, S. 20°34'59" E. 301.07 feet, S. 56°59'15" E. 220.05 feet, S. 12°31'13" E. 139.05 feet, S. 56°31'19" E. 59.55 feet, S. 50°12'54" E. 107.36 feet, S. 45°35'55" E. 204.67 feet, S. 59°57'24" E. 100.77 feet, S. 27°58'12" E. 92.52 feet, S. 12°43'43" W. 152.31 feet, S. 47°08'43" E. 157.07 feet, S. 77°39'14" E. 218.75 feet, S. 88°21'49" E. 283.70 feet, and S. 52°23'12" E. 298.38 feet;

Thence leaving said centerline of Olema Creek, S. 08°57'29" W. 133.19 feet to a point on the westerly right-of-way line of California State Highway No. 1, as said right-of-way line was established by a survey conducted by the Division of Highways, State of California, during the months of June through August 1963 (a record of said survey being on file with said Division of Highways); thence along said westerly right-of-way line, S. 47°16'13" E. 83.26 feet and S. 34°35'52" E. 58.79 feet to a 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 13, RCE 13639"; thence continuing along said surveyed westerly right-of-way line, in a southeasterly direction, to a 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 17, RCE 13639", set at the point of intersection of said westerly right-of-way line with a prolongation of the boundary line common to Rancho Punta de los Reyes (Sobrante) and Rancho Las Baulines; thence leaving said westerly right-of-way line, S. 48°37'00" W. 706.78 feet, S. 47°33'57" W. 1639.33 feet, and S. 47°30'35" W. 1484.15 feet to a found 1½-inch-diameter from pipe monument with a wood plug and nail accepted as marking a point on the southerly boundary line of Rancho Punta de los Reyes (Sobrante);

Thence leaving said southerly boundary line S. 42°50'51" E. 1332.66 feet to a found 1½-inch-diameter iron pipe monument bearing a copper tag stamped "RCE 1904", accepted as marking a point on the easterly line of the lands conveyed to the Golden Rule Church Association by deed recorded August 17, 1950, in book 653, page 347, Marin County records; thence S. 42°50'51" E. 20 feet, more or less, to the center of Pine Gulch Creek; thence along the centerline of Pine Gulch Creek, in a southerly direction, 1,000 feet, more or less, to the point of intersection of said centerline with the centerline of a side creek flowing from the west known as the "Westerly Branch of Pine Gulch Creek"; thence along the centerline of said side creek, in a northwesterly direction, 3,000 feet, more or less, to a point which bears N. 47°23'53" E. 900 feet, more or less, from a 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 18, RCE 13639", set as a replacement of a found 1½-inch-iron pipe monument bearing a copper tag stamped "L.S. 3089" accepted as marking a point on said southerly boundary line of Rancho Punta de los Reyes (Sobrante); thence S. 47°23'53" W. 900 feet, more or less, to said concrete monument; thence S. 48°00'35" W. 461.63 feet, S. 47°54'18" W. 1080.76 feet; and S. 47°55'34" W. 2158.59 feet to a 6-inch-diameter concrete monument bearing a 2-inch-brass cap stamped "USDI, NPS 19, RCE 13639" set to mark a point on said southerly boundary line of said Rancho Punta de los Reyes (Sobrante);

Thence S. 47°55'34" W. 140 feet, more or less, to the point of beginning. Also those portions of Rancho Punto de Los Reyes (Sobrante) that include the right-of-way for an access road as authorized in paragraph (a) of the Act of October 15, 1966 (Public Law 89–666), being described as follows:

PARCEL I

Beginning at a point on the boundary line of Point Reyes National Seashore (as said boundary is shown on "Record of Survey, Point Reyes National Seashore" recorded December 20, 1963, in Book 3 of Surveys at page 56, Marin County Records, California,) said point being located N. 29°41' W., 200 feet from a 2 inch by 2 inch redwood hub tagged RCE 13639, said redwood hub being known as monument N.P.S. 5–H–34 of the aforesaid boundary survey; thence in a southwesterly direction on a curve to the left having a radius of 600 feet, the initial tangent of which bears S. 88°19' W., an arc distance of 377 feet; thence S. 37°41' E., 100 feet; thence S. 52°19' W., 232 feet; thence in a westerly direction on a curve to the right having a radius of 450 feet, an arc distance of 317 feet; thence N. 87°19' W., 184.20 feet; thence in a southwesterly direction on a curve to the left having a radius of 650 feet, an arc distance of 169 feet; thence S. 77°45' W., 205 feet; thence N. 12°15' W., 65 feet; thence in a westerly and northerly direction on a curve to the right having a radius of 150 feet, the initial tangent of which bears S. 77°45' W., an arc distance of 333 feet;

Thence N. 24°41' E., 190.03 feet; thence in a northwesterly and southwesterly direction on a curve to the left having a radius of 500 feet, an arc distance of 1,404.25 feet; thence S. 43°44' W., 448.45 feet; thence in a westerly direction on a curve to the right having a radius of 150 feet, an arc distance of 126.77 feet; thence N. 87°50' W., 193.00 feet; thence in a southwesterly direction on a curve to the left having a radius of 450 feet, an arc distance of 173.16 feet; thence S. 70°08' W., 155 feet; thence along the line of lands formerly of Stockstill the following six courses, the following bearings being referred to the conveyance from the said Stockstill; N. 1°14' E., 185.99 feet; N. 3°45' W., 35 feet; N. 88°30' W., 200 feet; S. 1°34' W., 250 feet; N. 88°30' W., 495 feet; and S. 10°40' W., 52.99 feet; thence along the line of lands formerly of Stewart the following seven courses, the following bearings being referred to the conveyance from the said Stewart; N. 88°28' W., 191.87 feet; thence in a southwesterly direction on a curve to the left having a radius of 550 feet, an arc distance of 373.89 feet; thence S. 52°35' W., 100 feet; thence N. 37° 25' W., 25 feet; thence S. 52°35' W., 315 feet, more or less, to a point which bears S. 32° 30' E. from the point of intersection of the two courses "S. 29°33' W., 255.43 feet and N. 32°30' W., 1,551.70 feet" as contained in that certain deed from the Sherwood Building Co. to Frederick L. Miehle et ux recorded in Book 352, page 469, Marin County Records;

Thence N. 32°30' W., 100 feet, more or less, to the point above described; thence N. 32°30' W., 1,551.70 feet to the center of the creek in Haggerty's Gulch; thence along said creek, S. 64°15' W., 380 feet to the boundary line of the Point Reyes National Seashore as surveyed and monumented; thence in a generally southeasterly, easterly, and northeasterly direction along said boundary to the point of beginning.

PARCEL II

Beginning at the left-hand gate post as described in Book 202 of Deeds, page 8 (6- by 6-inch center post) being a point common to lands formerly of Gilchrist, the Laguna Ranch, and the Bear Valley Ranch, being also a point on the boundary of the Point Reyes National Seashore (as said boundary is shown on "Record of Survey, Point Reyes National Seashore" recorded December 20, 1963, in Book 3 of Surveys at page 56, Marin County Records, California) said point being therein referred to as N.P.S. 4–F–40; thence in a northeasterly direction along said boundary, 100.0 feet; thence in a southeasterly direction to a point on said boundary, said point being 50.0 feet southeasterly of the point of beginning; thence in a northwesterly direction along said boundary, 50.0 feet to the point of beginning.

The Point Reyes National Seashore, as described, contains a total of 64,546 acres, more or less.

The boundary herein described is depicted on a boundary map of Point Reyes National Seashore, dated June 1, 1960, and designated NS–PR–7001 and on map No. 612–30,008, dated May, 1972 (entrance road section). The boundary is also shown in greater detail on the Survey plats recorded December 20, 1963,

in the Marin County Recorder's Office, in book 3 of Surveys at page 56. All such maps are available for public inspection in the Office of the Superintendent, Point Reyes National Seashore, the Western Regional Office of the National Park Service in San Francisco, Calif., and the Offices of the National Park Service, Department of the Interior, Washington, D.C.

The Seashore boundary is subject to revision if minor adjustments are necessary to cause it to follow, as nearly as practicable, the boundary described in section 3 of the said Act of September 13, 1962, as amended.

Copies of this notice and of the maps depicting the boundaries of the Point Reyes National Seashore, described herein, will be distributed, published and recorded as required under section 5(b) of the above Act of September 13, 1962.

Dated: October 20, 1972.

RICHARD S. BODMAN,
Assistant Secretary of the Interior.

[FR Doc.72-18676 Filed 11-1-72;8:48 am]

WHISKEYTOWN UNIT, WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA, CALIF.

Establishment

The Act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q), provides that when sufficient lands, waters, or interest therein are owned or have been acquired by the United States within the Whiskeytown unit of the Whiskeytown-Shasta-Trinity National Recreation Area to permit efficient initial development and administration for the purposes of that Act, there shall be published in the FEDERAL REGISTER a notice to that effect and a detailed description of the boundaries of the unit.

Notice is given that the lands, waters, or interest therein owned or acquired by the United States in the Whiskeytown unit are sufficient to permit efficient initial development and administration thereof for the purposes of the aforesaid Act and, therefore, the said unit is hereby established. There follows a detailed description of the boundaries of this unit, which are shown on Map No. BOR-WST-1004, dated July 1963, and more detailed Drawing No. 611-30000A, dated December 17, 1968, and in the description of the west and southwest boundary of Whiskeytown "Reservoir" (National) Recreation Area by Hammon, Jensen, and Wallen Mapping and Forestry Service, corrected copy dated May 12, 1969:

Beginning at the west quarter corner section 8, T. 31 N., R. 6 W., Mount Diablo meridian;

Thence easterly along the south line of the NW¼ of sec. 8 to the southeast corner of the NW¼;

Thence southerly along the west line of the N½SE¼ to the southwest corner of the said N½SE¼;

Thence easterly along the south line of the N½SE¼ to the southeast corner of the N½SE¼ of said section;

Thence northerly along the east section line of section 8, to the southwest corner of sec. 4;

Thence easterly along the south section line of section 4, to the northwest corner of section 10;

Thence southerly along the west section line of section 10, to the southwest corner of the N½ of section 10;

Thence easterly along the south line of the N½ of section 10 and the south line of the N½ of section 11, to the southeast corner of the NW¼ of section 11;

Thence northerly along the east line of the NW¼ of section 11, to the northeast corner of the NW¼ of section 11;

Thence easterly along the south section line of sec. 2, to the southeast corner of sec. 2;

Thence northerly along the east section line of sec. 2, T. 31 N., R. 6 W., and secs. 35 and 26, T. 32 N., R. 6 W., to the northeast corner of the S½ of sec. 26;

Thence westerly along the north line of the S½ of sec. 26, to the southeast corner of the SW¼NE¼ of said section;

Thence northerly along the east line of the SW¼NE¼ of sec. 26, to the northeast corner of the SW¼NE¼ of said section;

Thence westerly along the north line of the SW¼NE¼ of sec. 26, to the southeast corner of the NE¼NW¼ of said section;

Thence northerly along the east line of the NE¼NW¼ of sec. 26 and the east line of the W½ of sec. 23 to the southwest corner of the N½NW¼NE¼, sec. 23;

Thence easterly along the south line of the N½NW¼NE¼ of sec. 23 to the southeast corner of the N½NW¼NE¼ of said section;

Thence northerly along the east line of the N½NW¼NE¼ of sec. 23 to the northeast corner of the N½NW¼NE¼ of said section;

Thence westerly along the north section line of sec. 23, to the southeast corner of the SW¼ of sec. 14;

Thence northerly along the east line of the SW¼ of sec. 14, to the northeast corner of the SW¼ of said section;

Thence westerly along the north line of the SW¼ of sec. 14 to the southeast corner of the NE¼ of sec. 15;

Thence northerly along the east section line of secs. 15 and 10, to the northeast corner of sec. 10;

Thence westerly along the north section line of sec. 10, to the southeast corner of sec. 4;

Thence northerly along the east section line of sec. 4, to the northeast corner of said section;

Thence westerly along the north section line of secs. 4 and 5, to the northwest corner of lot 1 of sec. 5;

Thence southerly along the west line of lot 1 of sec. 5, to the northeast corner of the SW¼NE¼ of sec. 5;

Thence westerly along the north line of the S½N½ of sec. 5 and the north line of the S½N½ of sec. 6, to the northwest corner of the S½N½ of sec. 6, T. 32 N., R. 6 W.;

Thence northerly along the east section line of sec. 1, T. 32 N., R. 7 W., to a point 660 feet north of the southeast corner of lot 1 of said section;

Thence westerly along a line 660 feet north of and parallel to the south line of lots 1, 2, 3, and 4 of sec. 1, to a point 660 feet north of the southeast corner of lot 1 of sec. 2;

Thence northerly along the east section line of sec. 2 to the northeast corner of sec. 2;

Thence westerly along the north section line of sec. 2, T. 32 N., R. 7 W., to the southeast corner of the S½SW¼ of sec. 35, T. 33 N., R. 7 W.;

Thence northerly along the east line of the S½SW¼ of sec. 35, to the northeast corner of said S½SW¼;

Thence westerly along the north line of the S½SW¼ of sec. 35, to the northeast corner of the SE¼SE¼ of sec. 34;

Thence northerly along the east section line of sec. 34, to the northeast corner of sec. 34;

Thence westerly along the north section line of sec. 34, to the northwest corner of said section;

Thence southerly along the west section line of sec. 34, T. 33 N., R. 7 W., to the northeast corner of sec. 4, T. 32 N., R. 7 W.;

Thence N. 88°33'16" W., 4,987.613 feet along the north section line of sec. 4, to the northwest corner of said section;

Thence S. 33°26'03" W., 313.431 feet to a brass monument, 2NO3A;

Thence S. 30°40'11" W., 691.385 feet to angle point 1;

Thence S. 83°08'27" W., 917.366 feet to angle point 2;

Thence S. 44°37'01" W., 977.272 feet to angle point 3;

Thence S. 62°44'41" W., 196.000 feet to angle point 4;

Thence S. 13°20'55" E., 240.130 feet to angle point 5;

Thence S. 19°42'59" W., 1,017.300 feet to angle point 6;

Thence S. 51°41'04" W., 429.010 feet to angle point 7;

Thence S. 27°30'56" W., 391.440 feet to angle point 8;

Thence S. 05°21'36" W., 579.370 feet to angle point 9;

Thence S. 55°38'26" W., 470.110 feet to angle point 10;

Thence S. 00°40'11" W., 1,016.470 feet to angle point 11;

Thence S. 27°49'27" W., 429.860 feet to angle point 12;

Thence S. 06°21'29" W., 697.290 feet to angle point 13;

Thence S. 08°19'29" E., 545.520 feet to a brass monument, 103D;

Thence S. 31°17'30" E., 517.600 feet to angle point 14;

Thence S. 41°54'47" W., 303.320 feet to angle point 15;

Thence S. 17°56'52" W., 1,595.650 feet to angle point 16;

Thence S. 57°01'59" W., 667.090 feet to angle point 17;

Thence S. 81°53'16" W., 598.670 feet to angle point 18;

Thence S. 58°41'00" W., 503.100 feet to a brass monument, 103C;

Thence N. 40°17'21" W., 337.620 feet to angle point 19;

Thence S. 28°16'13" W., 337.220 feet to angle point 20;

Thence S. 69°55'00" W., 580.460 feet to angle point 21;

Thence S. 88°57'50" W., 510.920 feet to angle point 22;

Thence N. 63°22'01" W., 497.640 feet to angle point 23;

Thence S. 77°23'34" W., 731.760 feet to angle point 24;

Thence S. 04°39'21" E., 699.270 feet to angle point 25;

Thence S. 46°28'26" W., 1,088.680 feet to angle point 26;

Thence S. 05°32'24" W., 571.950 to a brass monument, 103B;

Thence S. 75°56'29" W., 2,253.640 feet to angle point 27;

Thence S. 11°51'57" W., 853.800 feet to angle point 28;

Thence S. 16°23'41" E., 809.060 feet to angle point 29;

Thence S. 19°25'06" W., 1,349.930 feet to angle point 30;

Thence S. 40°11'24" E., 239.320 feet to angle point 31;

Thence S. 06°52'58" E., 649.520 feet to a brass monument, 103A;

Thence S. 14°06'49" W., 1,277.360 feet to angle point 32;
Thence S. 09°49'30" E., 1,268.640 feet to angle point 33;
Thence S. 16°49'40" W., 788.820 feet to angle point 34;
Thence S. 74°47'40" E., 1,207.850 feet to angle point 35;
Thence S. 26°45'54" E., 677.100 feet to angle point 36;
Thence S. 35°41'56" W., 490.880 feet to angle point 37;
Thence S. 09°21'39" E., 1,225.440 feet to angle point 38;
Thence S. 65°21'25" E., 305.390 feet to a brass monument, 105A;
Thence S. 17°34'28" E., 261.050 feet to angle point 39;
Thence S. 04°46'56" W., 1,345.810 feet to angle point 40;
Thence S. 33°52'31" E., 793.350 feet to angle point 41;
Thence S. 01°24'01" W., 594.180 feet to angle point 42;
Thence S. 48°23'19" E., 852.730 feet to angle point 43;
Thence S. 05°49'22" W., 871.740 feet to angle point 44;
Thence S. 58°41'02" E., 441.900 feet to angle point 45;
Thence S. 01°25'07" W., 347.360 feet to a brass monument, 107A;
Thence S. 18°16'26" E., 650.470 feet to Angle Point 46;
Thence S. 18°50'50" W., 870.350 feet to angle point 47;
Thence S. 34°38'27" E., 264.730 feet to angle point 48;
Thence S. 14°08'55" E., 653.420 feet to angle point 49;
Thence S. 49°38'18" E., 957.990 feet to angle point 50;
Thence S. 37°25'13" E., 714.680 feet to angle point 51;
Thence S. 56°03'32" E., 1,002.400 feet to the west section line of sec. 32, T. 32 N., R. 7 W.;
Thence S. 01°09'08" W., 918.910 feet along the west section line of sec. 32 to the southwest corner of said section;
Thence S. 89°01'34" E., 2,562.490 feet along the south section line of sec. 32 to the south quarter corner of said section;
Thence S. 89°10'05" E., 2,545.230 feet along the south section line of sec. 32 to the southeast corner of said section;
Thence N. 05°02'09" E., 2,676.730 feet along the east section line of sec. 32 to the east quarter corner of said section;
Thence N. 05°07'02" E., 915.760 feet along the east section line of sec. 32 to a brass monument, 2S13A;
Thence N. 84°28'46" E., 1,783.830 feet to angle point 57;
Thence N. 59°52'36" E., 817.990 feet to angle point 58;
Thence S. 61°09'11" E., 459.640 feet to angle point 59;
Thence S. 28°32'49" E., 665.690 feet to angle point 60;
Thence S. 07°38'06" W., 496.760 feet to angle point 61;
Thence S. 39°49'29" E., 507.030 feet to angle point 62;
Thence S. 87°16'26" E., 1,136.230 feet to a brass monument, 2S13B;
Thence S. 42°56'24" E., 515.800 feet to the west section line of sec. 34, T. 32 N., R. 7 W.;
Thence S. 01°00'40" W., 2,019.910 feet along the west section line of sec. 34 to the southwest corner of said section;
Thence S. 89°41'12" E., 2,172.750 feet along the south section line of sec. 34;
Thence S. 14°27'17" E., 1,052.350 feet to angle point 66;
Thence S. 55°49'27" E., 690.860 feet to angle point 67;
Thence S. 28°18'26" E., 1,553.260 feet to angle point 68;
Thence N. 46°35'28" E., 201.690 feet to angle point 69;
Thence S. 76°37'12" E., 279.510 feet to angle point 70;
Thence N. 44°42'21" E., 465.840 feet to a brass monument, 3S13A;
Thence N. 44°26'11" E., 231.380 feet to angle point 71;
Thence S. 60°13'12" E., 799.970 feet to the west section line of sec. 2, T. 31 N., R. 7 W.;
Thence S. 01°46'22" W., 1,237.430 feet along the west section line of sec. 2, to the southwest corner of the NW¼SW¼ of sec. 2;
Thence S. 88°13'33" E., 2,558.070 feet to the southeast corner of the NE¼SW¼ of sec. 2;
Thence S. 88°10'47" E., 2,576.620 feet to the southeast corner of the NE¼SE¼ of sec. 2;
Thence N. 01°47'53" E., 294.510 feet along the east line of sec. 2;
Thence S. 65°26'49" E., 1,1141.660 feet to a brass monument, 4S13A;
Thence N. 88°11'05" E., 1,058.260 to angle point 77;
Thence S. 59°25'25" E., 1,037.960 feet to angle point 78;
Thence S. 72°30'00" E., 1,790.970 feet to angle point 79;
Thence N. 49°47'27" E., 584.920 feet to a brass monument, 509A;
Thence N. 46°16'06" E., 702.560 feet to angle point 80;
Thence N. 69°13'11" E., 907.810 feet to angle point 81;
Thence S. 52°52'40" E., 1,198.570 feet to angle point 82;
Thence S. 11°10'49" E., 571.850 feet to angle point 83;
Thence S. 22°39'19" E., 822.460 feet to angle point 84;
Thence S. 09°01'10" E., 842.010 feet to angle point 85;
Thence S. 72°07'55" E., 1097.040 feet to angle point 86;
Thence S. 52°40'16" E., 230.740 feet to angle point 87;
Thence S. 86°44'45" E., 790.640 feet to angle point 88;
Thence S. 41°34'34" E., 328.200 feet to the west section line of sec. 8, T. 31 N., R. 6 W.;
Thence S. 00°10'08" E., 896.280 feet along the west section line of sec. 8, to the W¼ corner of sec. 8, being the point of beginning.

Dated: October 20, 1972.

GEORGE HARTZOG, JR.,
Director, National Park Service.

[FR Doc.72-18675 Filed 11-1-72;8:48 am]

Office of the Secretary

[Order No. 2508, Amdt. 99]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. Authority under specific acts. (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(55) The Act of December 17, 1970 (84 Stat. 1465), which authorizes the Secretary to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California, and Eastern Municipal Water District, Calif., and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation and which authorizes long-term leases of land on the reservation except that the Secretary must approve the release agreement and the annexation and water service agreement as to form prior to signature of the agreements by the Commissioner or his designee.

MITCHELL MELICH,
Acting Secretary of the Interior.

OCTOBER 26, 1972.

[FR Doc.72-18680 Filed 11-1-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, AND COMMODITY ONLY SCHOOLS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Meals

On May 18, 1972, there were published in the FEDERAL REGISTER (37 F.R. 10013) income poverty guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals during the fiscal year beginning July 1, 1972. The guidelines were published pursuant to section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758), and section 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(e)). Subsequent to the publication of the guidelines, Public Law 92-433 (86 Stat. 724) was enacted. That Act requires schools to serve free lunches to all children from families whose income is at or below the applicable family-size income level in the income poverty guidelines prescribed by the Secretary. Public Law 92-433 also requires each State educational agency to prescribe income guidelines, for both free and reduced price meals by family size, for use by schools in the State. The State guidelines may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent, in the case of free meals, or 50 percent, in the case of reduced price meals.

For the convenience of the State educational agencies, the Secretary's guidelines are hereby republished with the addition of tables showing the levels when increased by 25 percent and when

increased by 50 percent. The increased figures represent the maximum levels to be used by State educational agencies in determining eligibility for free and reduced price meals, respectively. The Secretary's guidelines remain the minimum level; all children from families at or below such levels shall be served a free meal.

INCOME POVERTY GUIDELINES, FY 1973 (48 STATES, D.C. AND TERRITORIES)

Family size	Secretary's guidelines FY 1973	Guideline levels when increased by: 25 Percent	50 Percent
	Dollars	*Dollars*	
1	2,130	2,660	3,190
2	2,790	3,490	4,180
3	3,450	4,320	5,170
4	4,110	5,140	6,160
5	4,720	5,900	7,080
6	5,330	6,660	8,000
7	5,880	7,350	8,820
8	6,430	8,040	9,640
9	6,930	8,670	10,400
10	7,430	9,290	11,150
11	7,930	9,910	11,900
12	8,430	10,530	12,650
Each additional family member	500	620	750

INCOME POVERTY GUIDELINES, FY 1973 (ALASKA AND HAWAII)

Family size	Secretary's guidelines FY 1973	Guideline levels when increased by: 25 Percent	50 Percent
	Dollars	*Dollars*	
Alaska:			
1	2,570	3,210	3,860
2	3,370	4,210	5,060
3	4,170	5,210	6,260
4	4,970	6,210	7,460
5	5,710	7,140	8,560
6	6,440	8,050	9,660
7	7,110	8,890	10,670
8	7,780	9,720	11,670
9	8,380	10,480	12,570
10	8,980	11,230	13,470
11	9,580	11,980	14,370
12	10,180	12,730	15,270
Each additional family member	600	750	900
Hawaii:			
1	2,420	3,020	3,630
2	3,180	3,970	4,770
3	3,940	4,920	5,910
4	4,680	5,850	7,020
5	5,380	6,720	8,070
6	6,070	7,590	9,100
7	6,700	8,380	10,050
8	7,330	9,160	11,000
9	7,900	9,880	11,850
10	8,470	10,590	12,700
11	9,040	11,300	13,550
12	9,610	12,010	14,400
Each additional family member	570	710	850

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the year-to-year change in the Consumer Price Index. This procedure is consistent with the basic procedure used by the Bureau of the Census in updating its latest statistics on poverty levels. The Secretary's guidelines for Hawaii and Alaska are consistent with variations established by the Office of Economic Opportunity in its Income Poverty Guidelines (37 F.R. 444, January 12, 1972), with appropriate adjustments.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of Census report, "Characteristics of the Low-Income Population: 1970", Consumer Income, Current Population Reports, Series P–60, No. 81, November 1971. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) Monetary compensation for services, including wages, salary, commission, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts or net rental income; (6) public assistance or welfare payments; (7) unemployment compensations; (8) Government civilian employee or military retirement, or pensions, or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source, including savings, investments, trust accounts, and other resources, which would be available to pay the price of a child's meal.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced price meals. Any school food authority having income guidelines for free or reduced price meals which exceed those specified in this notice may continue to use such guidelines for determining eligibility until July 1, 1973, if such guidelines were established prior to July 1, 1972.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER (11–2–72).

Dated: October 30, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–18787 Filed 11–1–72;8:46 am]

Office of the Secretary

EMERGENCY AND RURAL HOUSING DISASTER LOANS

Designation of Areas

It has been determined that property loss or damage or injury in certain counties in Ohio has resulted from natural disasters caused by heavy rainfall and flash flooding from July through September 1972. The following counties of Ohio are affected by such natural disasters:

Defiance. Paulding.
Henry.

It has further been determined that in the above counties of Ohio a general need for credit exists. Therefore, these counties are declared eligible for low-interest rate disaster loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, the Disaster Relief Act of 1970, title V of the Housing Act of 1949, and Public Law 92–385. Applications for such loans must be received by this Department prior to July 1, 1973, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for 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 27th day of October 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72–18700 Filed 11–1–72;8:46 am]

VENEZUELAN EQUINE ENCEPHALOMYELITIS

Termination of Emergency

On July 21, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 13410) declaring that an emergency arising out of the existence and spread of Venezuelan equine encephalomyelitis existed in the United States. Extensive measures were instituted to control and eradicate the disease wherever found, including immunization of susceptible animals, and extensive vector control measures. The last known case of Venezuelan equine encephalomyelitis occurred in the United States, November 7, 1971. During 1972 an extensive surveillance program involving horses, other animals, and mosquitoes has revealed no evidence of the disease in the United States. Therefore, I hereby declare that the emergency due to Venezuelan equine encephalomyelitis is terminated effective October 31, 1972.

RICHARD E. LYNG,
Acting Secretary of Agriculture.

OCTOBER 31, 1972.

[FR Doc.72–18770 Filed 11–1–72;8:55 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

OHIO UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 21546 in the FEDERAL REGISTER of Thursday, October 12, 1972, the following docket should be deleted:

Docket No. 72–00304–33–19000. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, MA 02118. Article: Digital Precision Density Meter. Date of denial without prejudice to resubmission: June 19, 1972.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–18742 Filed 11–1–72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2847]

ALLIED CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2847) has been filed by Keller and Heckman, 1150 17th Street NW., Suite 1000, Washington, DC 20036, on behalf of Allied Chemical Corp., Post Office Box 1057R, Morristown, NJ 07960, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of cuprous iodide as a stabilizer in the manufacture of nylon 6 resin articles intended for holding food during oven-baking or oven-cooking temperatures above 250° F.

Dated: October 19, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-18689 Filed 11-1-72;8:45 am]

[FAP 3H2838]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H2838) has been filed by The Dow Chemical Co., Bennett Building, 2030 Dow Center, Midland, MI 48640, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a slimicide in the manufacture of paper and paperboard that contact food.

Dated: October 25, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-18688 Filed 11-1-72;8:45 am]

[FAP 3A2839]

PFIZER CENTRAL RESEARCH, PFIZER, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3A2839) has been filed by Pfizer Central Research, Pfizer, Inc., 235 East 42d Street, New York, NY 10017, proposing the issuance of a regulation to provide for the safe use of sorbitol modified polydextrose polymerized by the use of tartaric or citric acid in food as a bulking agent and/or for its reduced caloric value.

Dated: October 25, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-18691 Filed 11-1-72;8:45 am]

[FAP 3B2848]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2848) has been filed by Union Carbide Corp., Tarrytown Technical Center, Old Saw Mill River Road, Tarrytown, N.Y. 10591, proposing the §121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of poly(oxycaproyl) diols and triols as components of food packaging adhesives.

Dated: October 19, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-18690 Filed 11-1-72;8:45 am]

[FAP 3B2830]

WITCO CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2830) has been filed by Witco Chemical Corp., Organic Division, 400 North Michigan Avenue, Chicago, IL 60611, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of 3-(aminomethyl)-3,5,5-trimethyl cyclohexylamine; 3-(triethoxysilyl) propylamine; diethylamine; and 2(2-hydroxy-3,5 di-*tert*-amyl phenyl) benzotriazole in the manufacture of food packaging adhesives.

Dated: October 19, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-18692 Filed 11-1-72;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Adult Education will be held on November 9, 10, 11, 1972. On November 9, 1972, the Council meeting will be held at the Friendship International Hotel, Friendship Airport, Baltimore, Md., commencing at 11:30 a.m., and terminating at 4 p.m. On November 10–11, 1972, the Council meeting will be held in the Council offices located in Room 1144, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. On November 10, 1972, the meeting will be held from 9 a.m. to 5 p.m. On November 11, 1972, the meeting will be held from 8:30 a.m. to 2:30 p.m.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

Maryland adult/continuing education.
Legislative priorities for fiscal year 1973 bill.
Annual report format.
Research committee project on USOE.
FICE report.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 1144, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004).

Signed at Washington, D.C., on October 26, 1972.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.72-18860 Filed 11-1-72;8:47 am]

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Committee on Handicapped Children will be held on November 13–15, 1972, at 9 a.m., local

time, in the Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue NW., Washington, DC.

The National Advisory Committee on Handicapped Children was established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda includes discussion of reports of Directors of State Departments of Special Education and from interested groups. Records will be kept of all committee proceedings (and shall be available for public inspection at the office of the Associate Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, Seventh and D Streets SW., Washington, DC 20202).

Signed at Washington, D.C., on October 26, 1972.

EDWIN W. MARTIN,
Associate Commissioner, Bureau of Education for the Handicapped.

[FR Doc.72-18719 Filed 11-1-72;8:51 am]

Social and Rehabilitation Service

MEDICAL ASSISTANCE ADVISORY COMMITTEE

Notice of Meeting

The Medical Assistance Advisory Committee will hold a regular meeting on Friday, November 17, and Saturday, November 18, 1972, in Room 5169, North Building, 330 Independence Avenue SW., Washington, DC. The committee will consider a variety of topics related to the Medicaid program; health research for the poor; and a statement regarding Federal policy on health care for the poor. The meeting is open to the public.

The Council was created by section 1906 of the Social Security Act and serves to advise the Secretary of Health, Education, and Welfare, on the administration of the title XIX program (Medicaid) and related matters.

OCTOBER 26, 1972.

BARNEY SELLERS,
Staff Director.

[FR Doc.72-18672 Filed 11-1-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On November 9 and 10, 1972, the National Motor Vehicle Safety Advisory Council will hold open meetings in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings will be held:

The Executive Committee of the National Motor Vehicle Safety Advisory Council will meet at 9 a.m., on November 9 in room 4238, with the following agenda:

Discussion of proposed Council priorities.
Formulation of plans for future meeting with domestic automobile manufacturers.
New business.

The full Advisory Council will meet in regular session from 1:30 p.m. to 4 p.m., on November 9 in Room 4238, with the following agenda:

Report of executive committee.
Briefing on energy management structures.
New business.

Three committees of the Advisory Council will meet on November 10, as follows:

The Accident Avoidance and Operating Systems Committee will meet from 9 a.m. to 3 p.m., in Room 10234, with the following agenda:

Structure of the committee.
Review of priorities for committee.
Review of proposed direct and indirect visibility standard.
Discussion of vehicle handling program.
New business.

The Crashworthiness Committee will meet jointly with the Passive Restraint Implementation Committee from 9 a.m. to 3 p.m., in Room 10236, with the following agenda:

Discussion of crash involving air bag equipped vehicle.
Discussion of human volunteer sled tests at Holloman Air Force Base.
Discussion of air belt.
Discussion of mandatory seatbelt usage laws.
Determination of priorities for future committee activities.
New business.

This notice is given pursuant to section 13 of Executive Order 11671, June 5, 1972.

Issued on October 26, 1972.

CHARLES H. HARTMAN,
Acting Administrator.

[FR Doc.72-18658 Filed 11-1-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-315, 50-316]

INDIANA & MICHIGAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Order Extending Completion Dates

Indiana & Michigan Electric Co., and Indiana & Michigan Power Co., are the holders of Provisional Construction Permits issued by the Commission on March 25, 1969, for the construction of the Donald C. Cook Nuclear Plant, Units 1 and 2, two 3250 megawatt (thermal) pressurized water nuclear reactors, presently under construction at the companies' site in Lake Township, Berrien County, Mich.

On October 10, 1972, the companies requested an extension of completion dates because of construction delays due to bad weather, redesign of reactor components, labor difficulties, and the renegotiation of certain construction contracts. Good cause having been shown as required by section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of 10 CFR Part 50 of the Commission's regulations:

It is hereby ordered, That the latest completion date for CPPR-60 (as amended) is extended from November 1, 1972, to November 1, 1974, and CPPR-61 (as amended) from January 1, 1974, to December 1, 1975.

Date of issuance: October 26, 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-18655 Filed 11-1-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24869; Order 72-10-91]

BAGGAGE ALLOWANCE TARIFF RULES IN OVERSEAS AND FOREIGN AIR TRANSPORTATION

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1972.

By a petition filed on August 14, 1972, Donald L. Pevsner, Esq., requests the Board to order an investigation of the lawfulness of various existing tariffs which set forth the free baggage allowances and charges for excess baggage in foreign air transportation. Mr. Pevsner alleges that the existing tariff rules, which establish a free baggage allowance for first-class passengers of 30 kilograms and for economy passengers of 20 kilograms with excess weight charged at the rate of 1 percent of the first-class fare per kilogram, effectively deter passengers from exceeding the established weight limitations by virtue of the high costs of excess baggage. Further, he asserts that these charges

provide a handsome source of additional revenue to the carriers resulting in excess profits from those passengers having excess baggage. The relief sought by Mr. Pevsner is the institution of an investigation of these allegedly unjust and unreasonable charges and practices consistent with the Board's statutory authority under Public Law 92–259 and a finding emanating from such an investigation that the charges at issue are unjust or unreasonable with the subsequent cancellation of the offending tariffs.

Responses to the Pevsner petition have been received from Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA). Pan American states that the petition amounts to no more than an unsupported assertion that the tariff rules are unlawful and as such the petition should be dismissed; that the existing rules can be justified on economic grounds; that in view of the large losses experienced by Pan American it can hardly be said that its revenues received for carrying passengers and baggage are unreasonable; that a Board investigation at the present time would be inappropriate and duplicative since the entire matter of baggage allowances is to be considered at the IATA conference presently being held at Torremolinos, Spain, and that the Board has evidenced a desire to have the matter dealt with, at least initially, within IATA.

The thrust of TWA's arguments for dismissal of the petition and denial of the relief requested goes to the alleged liability of the Board to either suspend or investigate the tariff provisions at issue because, it asserts, the authority of the Board under section 1002(j) was adopted as a special measure to enable the Board to deal with the chaotic type of fare situation which existed last summer. As the existing tariffs do not constitute a similar condition in that there is no immediate threat to the well-being of the public or any carrier, the Board's power under section 1002(j) cannot be invoked and a grant of the petitioner's request would be a misuse of the Board's authority.

TWA further alleges that the petition has not made a sufficient showing that the present baggage allowance rules may be unreasonable; that a liberalization of the rules would increase problems associated with aircraft capability limitations, and increase handling costs in addition to costs for extra fuel consumed associated with increased weight; and that an investigation at this time would be an inappropriate and undue burden on both the Board and the carriers in light of the consideration of this matter at the IATA conferences.

Upon consideration of the baggage charges and provisions complained against and in light of the complaint and the answers thereto and all relevant matters, the Board finds that such tariff charges and provisions applicable in foreign air transportation on behalf of the various air carriers and foreign air carriers participating therein[1] may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.

In concluding to initiate this investigation, we have considered that the present rules date back to the time when operations of aircraft were severely weight limited, that the yield from excess baggage charges is significantly greater than the yield for practically all other categories of traffic and may not be reasonably related to the costs properly associated with such transportation and, accordingly, we believe that such rules, if they are maintained, must bear the scrutiny of an investigation.

While we are aware that the issue of baggage provisions is currently being considered at the Torremolinos Traffic Conference of IATA carriers, there are no assurances that any satisfactory solution will be reached by the carriers at that conference. We are further not swayed by the carriers' attempts to justify the existing-baggage rules on the grounds that they are not making excessive profits from the carriage of passengers and their baggage. The carriers' overall profit position is the result of many factors and cannot justify an otherwise unreasonable charge for excess baggage.

We reject out of hand TWA's contention that the institution of an investigation based on the reasonableness standards under section 1002(j) is a misuse of the Board's authority. A similar argument by TWA in a different proceeding has properly been disposed of by Order 72–9–2, which states that there is nothing in the legislative history of section 1002(j) that would indicate a congressional intention to limit the section as TWA suggests. The authority Congress has granted the Board is clearly appropriate to this case, and while the Board has the authority under section 1002(j)(2) of the Federal Aviation Act to suspend the tariffs at issue, such an action is not warranted at the present time because of the possibility of resolving this issue through the IATA machinery.

The free-baggage allowance and the charges for excess baggage complained against are currently contained in IATA Resolutions 310 and 311 (Free Baggage Allowance and Baggage Excess Weight Charges) which were revalidated by a standard revalidation resolution (002) approved by the Board in Orders 72–3–104, 72–3–105, and 72–3–106 for effectiveness through March 31, 1973, Agreement CAB 22663 (R–62). The issues will therefore include the further question of whether these IATA resolutions are adverse to the public interest or in violation of the Act and, if so, what order or condition should the Board enter with respect to such resolutions pursuant to section 412 of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958 as amended and particularly sections 204(a), 404(b), 412, 414, and 1002 thereof, *It is ordered*, That:

1. An investigation is instituted to determine whether the baggage charges and provisions which establish a free baggage allowance of 30 kilograms for first-class passengers and 20 kilograms for economy-class passengers (or the equivalent of 66 and 44 pounds, respectively) with excess weight charged at the rate of 1 percent of the first-class fare per kilogram applicable to those carriers listed in Appendix B hereto,[2] and set forth in tariffs listed in Appendix A hereto,[2] including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take such action to prescribe the lawful charges and provisions, or remove unjust discrimination, undue preference, or prejudice, or to cancel such tariffs, and prevent the use of such charges, classifications, regulations, or practices, as may be appropriate;

2. The investigation herein will include the issue as to whether resolutions of the International Air Transport Association which establish or provide for the establishment of the free-baggage allowance and excess-baggage charges described above, are adverse to the public interest or in violation of the Federal Aviation Act of 1958;

3. Except to the extent granted herein, the complaint in Docket 24667 is dismissed;

4. 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

5. Copies of this order shall be served upon the carriers named in Appendix B hereto[2] and upon Donald L. Pevsner, which are hereby made parties to this proceeding.

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[1] The tariffs setting forth the free-baggage allowance for fist-class passengers of 30 kilograms per passenger, and 20 kilograms per passenger for economy passengers, with excess weight charged at the rate of 1 percent of the first-class fare per kilogram are listed in Appendix A hereto, which is filed as part of the original document. The respondent carrier parties to this investigation are set forth in Appendix B, also filed as part of the original document, and will include those carriers which participate in such rules and provisions with respect to either local or joint tariffs in foreign air transportation.

There are limited situations where the baggage tariff rules in question are applicable in overseas air transportation, and the investigation initiated herein will also encompass such tariff rules.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-18774 Filed 11-1-72;8:55 am]

[Docket No. 24387]

CLUB INTERNATIONAL ET AL.

Notice of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 5, 1972, at 10 a.m. (local time), in Room 1057 of the Federal Office Building, 909 First Avenue, Seattle, WA 98124, before the undersigned Administrative Law Judge.

Dated at Washington, D.C., October 30, 1972.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.72-18775 Filed 11-1-72;8:55 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 1, 1972.

On December 18, 1971, there was published in the FEDERAL REGISTER (36 F.R. 24098), a letter dated December 13, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States during the 12-month period beginning January 1, 1972. As set forth in that letter the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 15 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide respectively (1) that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; and (2) for the limited carryover of shortfalls in certain categories to the following agreement year.

Accordingly, at the request of the Government of the Socialist Federal Republic of Yugoslavia and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of November 1, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 49 for the 12-month period which began on January 1, 1972.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

NOVEMBER 1, 1972.

DEAR MR. COMMISSIONER: On December 13, 1971, the Chairman, President's Cabinet Textile Advisory Committee, directed you to prohibit entry during the 12-month period beginning January 1, 1972, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Federal Republic of Yugoslavia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs 5 and 15 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of December 13, 1971, for cotton textile products in Category 49 to 31,924 dozen for the 12-month period beginning January 1, 1972.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.72-18907 Filed 11-1-72;10:50 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of Dec. 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1321) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities cherries at 10 parts per million and tomatoes at 2 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a gas chromatographic procedure with a flame photometric detector for phosphorus.

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18704 Filed 11-1-72;8:49 am]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 3F1306) has been filed by the Dow Chemical Co., Post Office Box 1706, Midland, MI 48640, proposing establishment of tolerances (21 CFR Part 180) for combined residues of the insecticide *O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities fat and (on fat basis) meat and meat byproducts of cattle at 1 part per million; meat, fat, and meat byproducts of turkeys at 0.2 part per million; and field corn fodder, forage, and grain and peaches at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining combined residues of the insecticide and its metabolite is a gas chromatographic procedure using a hydrogen flame ionization detector.

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18705 Filed 11-1-72;8:49 am]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition

(PP 3F1317) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the herbicide 3,5 - dichloro - *N* - (1,1 - dimethyl - 2 - propynyl) benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities alfalfa, clover, crown vetch, sainfoin, trefoil at 15 parts per million; kidney and liver of cattle and poultry at 1 part per million; and eggs, milk, and meat, fat, and meat byproducts (except kidney and liver of cattle and poultry) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the sample is refluxed with sulfuric acid and methanol to form the ester methyl 3,5-dichlorobenzoate. The latter is determined by electron capture gas chromatography.

Dated: October 24, 1972.

LOWELL MILLER,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-18706 Filed 11-1-72;8:49 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210-19, among the member lines of the above named conference deletes the self-policing provisions enumerated in Article 13 of the basic agreement and incorporates by reference the self-policing provisions contained in Articles 7 through 20 of the Associated North Atlantic Freight Conferences Agreement No. 9978 pursuant to the Commission's order of March 9, 1972.

By order of the Federal Maritime Commission.

Dated: October 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18751 Filed 11-1-72;8:53 am]

[Independent Ocean Freight Forwarder License]

LOH ENTERPRISES AND ACASA, INC.

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Leo L. Loh d.b.a. Loh Enterprises, 112 Adeline Street, Oakland, CA 94607.

Acasa, Inc., 201 East 75th Street, New York, NY 10021.

Officers:
Letty A. Walshe, president.
Roberto M. Ordonez, treasurer.
Raul Alvarado, secretary/vice president.

By the Commission.

Dated: October 27, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18750 Filed 11-1-72;8:53 am]

JAPAN LINE, LTD., AND MATSON NAVIGATION CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. 10020 is an agreement between Japan Line, Ltd. and Matson Navigation Co., permitting Matson to lease Japan Line containers and container equipment used to transport cargoes moving pursuant to transshipping agreements between the parties.

Dated: October 30, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18749 Filed 11-1-72;8:53 am]

OCEANIC SUN LINE SPECIAL SHIPPING CO., INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oceanic Sun Line Special Shipping Co., Inc. (Sun Line), Karageorgi Servias 2, Athens, Greece.

Dated: October 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-18748 Filed 11-1-72;8:53 am]

OCEANIC SUN LINE SPECIAL SHIPPING CO., INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet lia-

bility incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oceanic Sun Line Special Shipping Co., Inc. (Sun Line), Karageorgi Servias 2, Athens, Greece.

Dated: October 30, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–18746 Filed 11–1–72;8:53 am]

U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Baldvin Einarson, Esq., Kirlin, Campbell, & Keating, 120 Broadway, New York, NY 10005.

Agreement No. 6200–17 modifies the basic agreement of the U.S. Atlantic and Gulf/Australia-New Zealand Conference by amending Article 9(a) to permit an increase in the entrance fee from five thousand dollars ($5,000) to ten thousand dollars ($10,000).

Dated: October 30, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–18747 Filed 11–1–72;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. E–7792]

BOSTON EDISON CO. AND BOSTON GAS CO.

Notice of Application

OCTOBER 30, 1972.

Take notice that on October 17, 1972, Boston Edison Co. (Boston Edison) and Boston Gas Co. (Boston Gas) filed a joint application pursuant to section 203 of the Federal Power Act for approval of an authority for the purchase by Boston Edison and the sale by Boston Gas of the latter's electric distribution facilities in the Charlestown District of the city of Boston, County of Suffolk, Mass.

The applicants are incorporated under the laws of the Commonwealth of Massachusetts, Boston Edison being engaged in the electric utility business and Boston Gas being engaged in the gas utility business except that it also distributes electricity in the Charlestown district of the city of Boston.

Virtually all of the electricity so distributed by Boston Gas has for many years been purchased from Boston Edison. Boston Edison serves 40 cities and towns including the remainder of the city of Boston. The said Charlestown section of Boston is approximately 1 square mile in area and approximately 4,500 electric customers within such area are now serviced by Boston Gas.

Boston Gas and Boston Edison have entered into an agreement for purchase and sale of assets, approved by their respective stockholders and directors, under which Boston Gas will sell and Boston Edison will purchase substantially all of the assets owned by Boston Gas that are used by it solely in the distribution and sale of electricity in said Charlestown section of Boston. The purchase price will be approximately the net asset value of the assets to be sold, less $400,000. At December 31, 1971, the assets proposed to be sold had a net asset value of approximately $3,625,000. Following the purchase of such assets Boston Edison will operate said assets and continue the distribution of electricity at retail.

Applicants have filed a joint petition with the Massachusetts Department of Public Utilities for approval of such transaction in accordance with the laws of the Commonwealth of Massachusetts.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 13, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18755 Filed 11–1–72;8:53 am]

[Dockets Nos. RP66–4, RP68–1]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Tariff

OCTOBER 27, 1972.

Florida Gas Transmission Co. (Florida Gas), on October 16, 1972, submitted proposed changes in its FPC Gas Tariff, Original Volume No. 1. The changes are contained in two separate submittals which are both made pursuant to the Commission's Opinion No. 611 and accompanying order, issued in the above-captioned proceedings on February 16, 1972.

The first submittal is a filing consisting of revisions in Florida Gas' Rate Schedule I, tendered to comply with ordering paragraph (F) of Opinion No. 611 in which Florida Gas was ordered to file a revised Rate Schedule I deleting the restrictive provisions therein discussed in the opinion, with a volume limitation on sales, and containing a revised definition of "commercial service" in accordance with the opinion. Florida Gas says that these proposed tariff revisions constitute an overall plan for operating Florida Gas' pipeline at least for the next 3 years and that they take into consideration the directives which the Commission prescribed for service limitations in Opinion No. 611 plus changes in conditions which have occurred since the record in Docket No. RP66–4, et al., was closed. Florida Gas proposes an effective date of November 15, 1972, for these revised tariff provisions.

The second submittal is a proposal consisting of pro forma tariff sheets containing two alternative zoning plans and a two-part rate proposal, including a small volume optional rate, made to comply with ordering paragraph (E) of Opinion No. 611 which required Florida Gas to file a proposal for two-part demand-commodity rates under its Rate Schedule G and a small general service rate (SGS), applicable to such zones as Florida Gas

considers appropriate in accordance with the discussion in the opinion. The opinion provides that such rates shall not be effective until a rate filing is made upon further order of the Commission after completion of any necessary proceedings.

Copies of each of the two filings were served upon Florida Gas' customers receiving service under Original Volume 1 of its FPC Gas Tariff, all intervenors in Dockets Nos. RP66–4 and RP68–1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filings should file a protest or, if not previously granted intervention in Dockets Nos. RP66–4 and/or RP68–1, file a petition to intervene with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 6, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18762 Filed 11-1-72;8:54 am]

[Docket No. CI73-291]

GETTY OIL CO.

Notice of Application

OCTOBER 30, 1972.

Take notice that on October 24, 1972, Getty Oil Co. (applicant), Post Office Box 1404, Houston, TX 77001, filed in Docket No. CI73-291 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 Natural Gas Pipeline Company of America (Natural) from the tailgate of the Old Ocean Field Plant, Brazoria 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 up to 15,000 Mcf of gas per day at 40 cents per Mcf at 14.65 p.s.i.a. for a period commencing as of the date of authorization and acceptance, however, not prior to January 1, 1973, and ending 12 months later, all 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 November 10, 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.72-18757 Filed 11-1-72;8:53 am]

[Docket No. CP73-106]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

OCTOBER 27, 1972.

Take notice that on October 18, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP73-106 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a 3,000 horsepower compressor engine in New Mexico, all as more fully set forth in the application which is on file with the Commission open to public inspection.

Applicant proposes to abandon a 3,000 horsepower compressor unit located in Lea County, N. Mex., so that it can relocate it.[1] Applicant states that this 3,000 horsepower compressor engine and a 4,000 horsepower compressor engine are used to purchase quantities of residue gas from Warren Petroleum Co. at the outlet of Warren's Bough processing plant in Lea County. Applicant further states that due to the decrease of estimated reserves, it no longer needs the 3,000 horsepower engine at this location.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18761 Filed 11-1-72;8:54 am]

[1] Authorization for the installation of the relocated 3,000 horsepower unit has been requested in applicant's petition to amend filed Sept. 27, 1972, in Docket No. CP71-50.

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing, Suspending Revised Tariff Sheets, Providing for Hearing Procedures, and Permitting Interventions; Extension of Time

OCTOBER 27, 1972.

On October 10, 1972, Commission staff counsel filed a motion to amend prior motion filed September 26, 1972, for an extension of all procedural dates fixed by the Commission order issued on June 30, 1972 (37 F.R. 13579). On October 10, 1972, the administrative law judge issued an order granting staff counsel's motion filed September 26, 1972, for extensions of time. No answers to staff counsel's motion of October 10, 1972, have been filed.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service staff evidence, November 14, 1972.
Service intervener evidence, November 28, 1972.
Service company rebuttal, December 18, 1972.
Prehearing conference date, December 5, 1972, 10 a.m., e.s.t.
Cross-examination commence, January 9, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18760 Filed 11-1-72;8:54 am]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Non-Project Use of Project Lands and Waters

OCTOBER 30, 1972.

Public notice is hereby given that application for approval of non-project use of project lands and waters has been filed under the Federal Power Act (16 USC 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, Santee-Cooper, Moncks Corner, S.C. 29461) in Project No. 199 located on the Santee River and the Cooper River.

Applicant has requested Commission approval of a raw water intake structure in Lake Moultrie of Project No. 199 by the South Carolina Wildlife Resources Department. The intake would furnish water for operation of the Bonneau Fish Hatchery. It is estimated that 0.61 acre-feet per day or about 200,000 gallons per day would be withdrawn from and not returned to the reservoir.

Applicant states that the hatchery would have rearing ponds to raise striped bass to fingerling size.

A permit to construct the subject intake was issued by the Corps of Engineers, Charleston, S.C. on April 21, 1972. The facility has also been approved by the U.S. Forest Service, the Fish and Wildlife Service of the U.S. Department of the Interior and appropriate State and local agencies.

Any person desiring to be heard or to make protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18763 Filed 11-1-72;8:54 am]

[Docket No. CS72-1053]

TRAVIS H. DAVIS GAS ACCOUNT

Petition of Waiver of Regulations

OCTOBER 27, 1972.

Take notice that by letter filed October 10, 1972, Travis H. Davis Gas Account (Petitioner), Post Office Box 1709, Borger, TX 79007, % Roy Gurley, Esq., certificate holder in Docket No. CS72-1053, requests that the Commission waive in part paragraph (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under its small producer certificate from reserves acquired in place from Sun Oil Co., a large producer.

Section 157.40(c) provides in part that sales of natural gas may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that the lease which it has acquired from Sun, produces approximately 2,200 Mcf of natural gas per month and would like it to be covered under its small producer certificate. Petitioner further states that it will not accept a gas purchase rate in excess of the area ceiling rate. The subject lease, the Mitchell Gas Unit, Morton County, Kans., is presently covered under Sun Oil Co., FPC Gas Rate Schedule No. 236.

This letter by Petitioner is being construed as a petition for waiver of Commission regulations under paragraph (b) of § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7(b)). Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 27, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18764 Filed 11-1-72;8:54 am]

[Docket No. RP72-103]

UNION TEXAS PETROLEUM ET AL.

Order Modifying Order on Rehearing

OCTOBER 24, 1972.

On September 28, 1972, Stephens & Cass (Respondent) filed a motion for rehearing of our order issued September 25, 1972, granting relief to Union Texas Petroleum, a Division of Allied Chemical Corp. (Complainant) and terminating this proceeding. Complainant had alleged that Respondent has violated the provisions of a gas purchase contract with Complainant by failing to deliver gas as required by the contract. The purchaser, El Paso Natural Gas Co., states that upon review of the facts, it appears that the properties remain subject to a prior dedication under Complainants' contract.

In support of its motion, Respondent correctly asserts that the Commission inadvertently failed to recognize its answer filed herein on February 22, 1972. Respondent's answer alleges that its contract with Complainant was never valid or in force, that the Complainant abandoned the leases in 1961, and urges certain contractural provisions and Complainant's alleged noncompliance with other terms of the contract in support of its position. Respondent's answer thus places in issue the validity of the contract under the laws applicable thereto.

The pleadings reflect divergent views on that issue. Complainant and El Paso Natural Gas Co. assert the validity of the contract, while Respondent urges its invalidity. It was our view, as expressed in the order of September 25, that, while the Commission has jurisdiction to ascertain the validity of the contract, it would not exercise that jurisdiction, but would defer such determination to the local courts. In taking that position, we recognized that the issue involved was not one where Federal law conflicts with or supersedes State law. Thus, the issue is one of local law and, as such, must be decided under State law. When so determined, we are then obligated to follow that State ruling. See, "Pan American Petroleum Corp., et al.", 32 FPC 966, rehearing denied, 32 FPC 1394. Respondent's answer has not altered our view on that action, and, consequently, we affirm the September 25 order in this respect.

Upon further consideration, however, we conclude that we were in error in granting relief to Complainant pending action by the local courts on these contractual issues. We shall therefore modify the September 25 order so as to allow Stephens & Cass to continue deliveries to El Paso pending determination of these questions. Such action will assure adequate protection for the position of Stephens & Cass. Complainant is adequately protected by its right to seek damages in court in the event its position is upheld by the local courts. There is thus no need to require Stephens & Cass to deliver the gas in question to Complainant.

The Commission orders:

(A) Ordering paragraphs (A) and (B) of the September 25, 1972, order in the above-entitled proceedings are rescinded.

(B) Further action in this proceeding is deferred, pending resolution of the contractual issues involved in this proceeding.

(C) Except to the extent provided in ordering paragraphs (A) and (B) above, the application for rehearing filed by Stephens & Cass is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18656 Filed 11-1-72;8:47 am]

[Docket No. CI73-290]

W. F. COOKE, JR., ET AL.

Notice of Application

OCTOBER 30, 1972.

Take notice that on October 24, 1972, W. F. Cooke, Jr., et al. (Applicants), 1 Briar Dale Court, Houston, TX 77027, filed in Docket No. CI73-290 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 Trunkline Gas Co. (Trunkline) from the Goff Field Area, Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that they proposed to continue said sale for 1 year from December 9, 1972, the end of the 60-day emergency period, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant's propose to sell approximately 30,000 Mcf of gas per month at 35.0 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 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.72-18756 Filed 11-1-72;8:53 am]

NATIONAL GAS SURVEY

Meeting Agenda for Distribution-Technical Advisory Task Force-General

Agenda of meeting:

Distribution-Technical Advisory Task Force-General, to be held in Conference Room 4454-A of the Federal Power Commission, 441 G Street NW., Washington, DC, November 20, 1972,[1] 10 a.m., November 21, 1972,[1] 9 a.m.

Presiding: Mr. Charles A. Gallagher, FPC survey coordinating representative and secretary.

1. Call to order and introductory remarks—Mr. Gallagher.
2. Review and discussion on initial draft of Final Report of the Task Force—Mr. Ralbern H. Murray.
3. Status of assigned work and estimated date for completion—Mr. Ralbern H. Murray.
4. Other business.
5. Date of next meeting.
6. Adjournment—Mr. Gallagher.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-18687 Filed 11-1-72;8:49 am]

[Docket No. CP73-105]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 26, 1972.

Take notice that on October 16, 1972, Columbia Gas Transmission Corp. (applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP73-105 a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period following issuance of the Commission's order and the operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The cost of the proposed facilities is not to exceed $2 million with no single project to exceed $500,000. Applicant plans to finance such costs from cash on hand or through open account advances from the issuance of promissory notes and/or common stock to its parent company, the Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make that 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.72-18686 Filed 11-1-72;8:49 am]

[Docket No. CP73-102]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 26, 1972.

Take notice that on October 13, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP73-102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor side valve facilities and the transportation of vaporized liquefied nat-

[1] Meeting dates postponed from November 14 and 15, 1972.

ural gas (LNG) for Northern States Power Co. (Northern States), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization under the terms of a vaporized LNG transportation contract dated August 28, 1972, to accept and transport on a best efforts basis volumes of vaporized LNG not to exceed 1,000 Mcf per hour and 24,000 Mcf per day for Northern States during the period commencing November 27, 1972, and continuing through March 26, 1972, and thereafter for nine succeeding periods beginning November 27 and ending March 26. Pursuant to said contract, applicant will receive such vaporized LNG at a proposed point of interconnection on applicant's existing 12-inch line "A" line in Dakota County, Minn., approximately 2,600 feet north of its Rosemount TBS No. 1–A, and redeliver such gas to Northern States at applicant's St. Paul TBS No. 1–C. Applicant also seeks authorization to install minor side valve facilities on its 12-inch "A" line to effectuate such transportation.

Applicant proposes to charge Northern States a rate of 0.5 cent per Mcf for the transportation service.

Applicant states that Northern States intends to utilize the vaporized LNG as peaking service volumes during the 1972–73 heating season and desires that such service be available to its firm and small volume consumers located in and around St. Paul, Minn.

Applicant estimates the cost of the proposed side valve facilities at $15,800.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18684 Filed 11–1–72;8:49 am]

[Project No. 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for Approval of Exhibit R for Constructed Project

OCTOBER 26, 1972.

Public notice is hereby given that application for approval of exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by Sacramento Municipal Utility District (correspondence to: William J. Nolan, Acting General Manager, Sacramento Municipal Utility District, 6201 South Street, Box 2391, Sacramento, CA 95811), for constructed Project 2101 located on Rubicon River and tributaries, Silver Creek, and South Fork American River and tributaries, in the region of Camino and Placerville, Calif., affecting lands of the United States in the Eldorado National Forest.

According to the proposed exhibit R facilities at Loon Lake Reservoir would include a 15-acre, 40-unit campground (eight tenting, 32 trailer sites), and a 19-car trailhead parking area. At Union Valley Reservoir proposed facilities would include: (1) Four campsites containing 260 units (58 tenting, 202 trailer sites) occupying a total of 73 acres; (2) a 25-car parking area; and (3) a boat launching ramp. At Ice House Reservoir proposed facilities would include an 11-acre, 40-unit campground (eight tenting, 32 trailer sites).

Proposed facilities would utilize both project lands and National Forest lands. All construction is to be accomplished by the Forest Service and is due for completion by the summer of 1976.

Any person desiring to be heard or to make protest with reference to said application should on or before December 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–18683 Filed 11–1–72;8:49 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Grandfather Privileges

Correction

In F.R. Doc. 72–17851 appearing at page 22414 of the issue of Thursday, October 19, 1972, that portion of the table which appears on page 22414 should read as set forth below:

Bank holding company	*Activities engaged in, on, and continuously since, June 30, 1968* [1]
Alaska Bancshares, Inc., Anchorage, Alaska	Real estate development. Insurance agency operations. Mortgage financing. Commercial real estate business. Management consultant and adviser. Investment adviser.
World Airways, Inc., Oakland, Calif.	Supplemental air carrier. Lease, purchase, and sale of aircraft. Aircraft fixed base operator.
First Railroad and Banking Company of Georgia, Augusta, Ga.	Owner and lessor of railroad property and securities. Investments in small business investment company, real estate trust, housing, and real estate.
First National Bank Voting Trust, Hollywood, Fla.	None.
Estate of James Millikin, Deceased, Decatur, Ill.	Administration of the Trust of James Millikin, the nonbanking activities of which consist of owning farm and urban property and various securities.

AFFILIATED BANK CORP.

Order Approving Acquisition of Bank

Affiliated Bank Corp., Madison, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Cambridge, Cambridge, Wis. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of approximately $103 million,[1] Bank ($5.3 million in deposits) is the 24th largest of 30 banking organizations operating in the Madison banking market, approximated by the Madison Standard Metropolitan Statistical Area (Dane County), and holds 0.8 percent of total deposits held by commercial banks operating in that market. Applicant's three subsidiary banks also operate in the Madison banking market, and Applicant thereby controls 15.6 percent of total deposits held by banks operating in that market, thereby ranking as the second largest banking organization in that market.

Since the closest banking subsidiary of Applicant to Bank is located approximately 25 miles west of Bank and several banks intervene, it appears that there is no significant existing competition between Applicant, its subsidiary banks, and Bank. There is little probability that Applicant would enter Bank's service area de novo because of the small population growth and the low per capita income of the area, and consummation of the proposal would foreclose no substantial potential competition. The Board concludes that competitive considerations are consistent with approval of the application.

Considerations related to the financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval. Although Bank's financial resources and future prospects are satisfactory, it appears that adequate provision has not been made for succession to Bank's currently satisfactory management. Applicant would serve as a source of successor management as well as of additional capital funds should Bank's continued deposit growth require the infusion of further capital. The banking considerations therefore lend weight toward approval of the application. Considerations relating to the convenience and needs of the community lend some weight for approval, since Applicant proposes to provide, through Bank, trust services not now readily available in the area, and to enable Bank to offer leasing, credit card, computer, and other services. Although these services are presently available in the community, consummation of the proposed transaction would create another alternative source of such services.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18679 Filed 11-1-72;8:48 am]

[1] All banking data are as of Dec. 31, 1971.

BANCSHARES OF NEW JERSEY

Formation of One-Bank Holding Company

Bancshares of New Jersey, Camden, N.J,. has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of The Bank of New Jersey, Camden, N.J. 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 Philadelphia. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 20, 1972.

Board of Governors of the Federal Reserve System, October 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18678 Filed 11-1-72;8:48 am]

CBT CORP.

Order Approving Acquisition of Lazere Financial Corp.

CBT Corp., Hartford, Conn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire not less than 80 percent of the voting shares of Lazere Financial Corp. (Lazere), New York, N.Y.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 17088). The time for filing comments and views has expired, and none has been timely received.

Applicant's banking subsidiary, The Connecticut Bank & Trust Co. (Bank), is the second largest bank in the State of Connecticut, and holds deposits of $1.1 billion representing approximately 18 percent of the total commercial bank deposits in the State.[1] Applicant also has nonbanking subsidiaries engaged principally in data processing, real estate financing, equipment leasing, and acting as a stock transfer agent.

Lazere is a commercial finance company with total assets of $9.2 million, total credits outstanding of $7.3 million, and total capital accounts of $2.1 million.[2] It operates its sole office in New York City and primarily serves the New York metropolitan area. It specializes in secured financing of accounts receivable, which in recent years has accounted for approximately 90 percent of its total credits outstanding.[3] It also finances inventory and the importation of goods, either by direct loans or confirmation of letters of credit issued by other financial institutions. Such activities are consistent with the the kinds of activities determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Although Bank and Lazere compete for commercial loan business in Fairfield County, Conn., consummation of the proposed acquisition would not have any significant adverse effect on existing competition. Bank's branches in Fairfield County have not engaged to any significant extent in financing accounts receivable. Only 2.3 percent of Lazere's total credits outstanding were derived from that county as of June 30, 1972. An insignificant amount of competition is therefore affected. Nor does it appear that consummation of the proposed acquisition would have any adverse effect on potential competition or on credit availability to independent finance companies in any relevant area.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, unsound banking practices, or other adverse effects on the public interest. It is anticipated that Lazere's affiliation with applicant will give Lazere access to the greater capital resources of applicant, will enhance its ability to provide larger loans, and will thereby enable it to compete more effectively in the highly competitive markets which it serves.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

[1] Data regarding Bank are as of Dec. 31, 1971.

[2] Data regarding Lazere are as of May 31, 1972, except as otherwise noted.

[3] The latest figures as of May 31, 1972, reflect that accounts receivable financing represents approximately 80 percent of total credits outstanding.

Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective October 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18714 Filed 11-1-72;8:50 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, 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 49,400 of the voting shares of Exchange Bank of Dunedin, Dunedin, 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 November 22, 1972.

Board of Governors of the Federal Reserve System, October 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-18677 Filed 11-1-72;8:48 am]

FARMERS ENTERPRISES, INC.

Order Denying Formation of Bank Holding Company and Retention of Insurance Agency

Farmers Enterprises, Inc., La Crosse, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 81 percent or more of the voting shares of The Farmers State Bank, Albert, Kans. (Bank).

At the same time applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to engage in insurance agency activities through the retention of the insurance agency activities formerly conducted by the Albert Insurance Agency, Albert, Kans. (Agency). Agency would engage in the activities of a general insurance agency in a community of less than 300 people. The Board has previously determined such activity to be permissible for bank holding companies (12 CFR 225.4(a)(9)).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act (37 F.R. 12751), and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the facts set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant was formed for the purpose of acquiring Bank and Agency, and has operated Agency since October 1971. Bank, with deposits of approximately $4.5 million, controls 4.5 percent of deposits in commercial banks in the Barton County area, and is the eighth largest of nine banks in that area.[1] The proposed president and a proposed director of Bank are executive officers of Home State Bank, La Crosse, Kans.; Bank and Home State Bank, however, are separated by more than 20 miles and neither bank appears to derive significant business from the other's banking area. Accordingly, the Board concludes that no significant existing or potential competition would be eliminated upon consummation of this proposal.

During July and August 1971, applicant's organizer and sole shareholder acquired 2,430 of 3,000 shares of Bank with the intention of transferring such shares to applicant. A majority interest in Bank was acquired from officers and directors of Bank for $250 per share. A second group of shareholders received $200 per share and a third group $135 per share. In its consideration of the public interest aspects of this application the Board finds, as it previously has in similar cases, that the failure to make an equivalent offer to all shareholders of Bank is an adverse circumstance weighing against approval of the application (e.g., 1971 Federal Reserve Bulletins 415 and 688).

The Board is also concerned with another aspect of applicant's proposal. In applications to form one-bank holding companies the Board has considered significant debt in acquiring a bank as an adverse circumstance (e.g., 1971 Federal Reserve Bulletin 1003). Significant acquisition debt may adversely affect the prospects of an applicant's ability to meet any emergency capital needs of its subsidiary bank. The amount and maturity of the debt, therefore, must be considered in relation to the ability of the holding company to service the debt, and the likelihood that Bank will need capital. The debt factor is then balanced with other considerations in determining whether the acquisition would be in the public interest.

Applicant proposes to assume debt of $325,250 which would result in a debt-to-equity ratio of 2,288 percent. Taking into account the actual growth of assets and deposits of Bank since 1967, and the range of percentage of net income to total assets for all Kansas member banks in a comparable deposit size group, it appears that, even under a reasonable projection of Bank's earnings, amortization of the debt will require applicant's total projected income from Bank and Agency for a period of approximately 18 years. During this period the projected growth of Bank could require additional capital that applicant would not likely be able to provide. Considerations relating to the financial and managerial resources of applicant therefore weigh against approval. These considerations, it should be clear, in no way reflect adversely on the financial soundness of Bank at the present time. On the contrary, the financial and managerial resources of Bank are sound and its prospects for the future favorable.

Under all of the circumstances in this case, the Board concludes that the unequal treatment of shareholders of Bank and the acquisition debt involved in this proposal present adverse circumstances bearing on the financial condition and prospects of applicant and Bank which weigh against approval of the application. Such circumstances are not outweighed by any procompetitive factors or by the convenience and needs of the communities to be served. On the basis of the record, the Board finds that approval of the section 3 application would not be in the public interest and it is accordingly denied.[2]

By order of the Board of Governors,[3] effective October 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18715 Filed 11-1-72;8:50 am]

MERCANTILE BANKSHARES CORP.

Order Approving Acquisition of Bank

Mercantile Bankshares Corp., Baltimore, Md., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Bank of Somerset, Princess Anne, Md. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[4] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

[1] All banking data are as of Dec. 31, 1971.

[2] Denial of Applicant's section 3(a)(1) application requires denial of the attendant section 4(c)(8) proposal.

[3] Voting for this action: Vice Chariman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

Applicant controls five banks with aggregate deposits of approximately $304 million, and is the sixth largest banking organization in Maryland, with 5.1 percent of commercial bank deposits in the State. (All banking data are as of December 31, 1971, unless otherwise indicated, and reflect bank holding company formations and acquisitions approved by the Board through September 30, 1972.) Acquisition of Bank ($18.9 million in deposits) would increase Applicant's share of statewide deposits by only 0.3 percent and its ranking in the State would remain unchanged.

Bank is the fourth largest of 11 banking organizations competing in the Somerset-Wicomico banking market, holding about 12.1 percent of market deposits (as of June 30, 1970). Applicant's office located closest to Bank is about 90 miles northwest of Bank, in Church Hill. It appears that there is no significant existing competition between Bank and Applicant's Church Hill office or any of Applicant's subsidiary banks. Moreover, it appears unlikely that such competition would develop in the future in the light of the facts of record, notably, the distances separating Bank from Applicant's present subsidiary banks, the number of banks located in intervening areas, and the declining population of Somerset County between 1960 and 1970. Affiliation with Applicant should enable Bank to compete more aggressively within its relevant market; thus, approval of this application should have a procompetitive effect on competition in the area. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of Applicant and its subsidiary banks are regarded as satisfactory and consistent with approval of the application. Bank has experienced some management difficulties and affiliation with Applicant should enable Bank to draw upon Applicant's managerial resources to aid Bank in strengthening management and the condition of Bank. Additionally, Applicant has committed itself to increase Bank's capital by $500,000 upon acquisition of Bank. The banking factors lend weight for approval. It appears that the banking needs of the residents of Somerset and Wicomico Counties are being met; however, customers of Bank should benefit from the higher lending limits and additional services that Applicant will be able to provide. Considerations relating to the convenience and needs of the community to be served weigh in favor of approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18717 Filed 11-1-72;8:50 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Gibraltar Corporation of America

United Jersey Banks, Hackensack, N.J., a bank holding company within the meaning of the Bank Holding Company Act, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire 100 percent of the voting and nonvoting shares of Gibraltar Corporation of America, New York, N.Y. (Gibraltar). Notice of the application affording opportunity for interested persons to submit comments and views was duly published (37 F.R. 15534). The time for filing comments and views has expired and none have been received.

Making secured loans to businesses for various business purposes, such as accounts receivable financing, equipment financing, and dealer sales and lease financing, is an activity that the Board has previously determined to be closely related to banking or managing or controlling banks (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the factors specified in section 4(c)(8) of the Act. Gibraltar with total assets of approximately $22 million is a commercial finance company whose major activity is nonnotification accounts receivable financing. Gibraltar also engages to a lesser extent in the other types of commercial financing described above as being "closely related to banking." These types of commercial financing are specialized, serving high risk customers who generally cannot obtain adequate bank financing to meet their credit needs. In fact, it is understood that generally initial customer contacts of a commercial finance company derive from referrals by commercial banks, the particular customer either having exhausted, or been unable to qualify for, a line of credit from the referring bank.

Applicant is the second largest banking organization in New Jersey, controlling 15 banks with aggregate deposits of approximately $1.2 billion. (All banking data are as of December 31, 1971, and reflecting holding company formation and acquistions as of August 31, 1972.) Gibraltar, through its sole office, operates in the New York area market, and competes with over 50 suppliers of accounts receivable financing, including commercial banks located in the New York metropolitan area, certain factoring firms, and commercial finance companies. Of all of Applicant's subsidiary banks, only its lead bank, Peoples Trust of New Jersey, Hackensack, N.J. (Bank), holds a significant amount of loans outstanding secured by accounts receivable (12 loans valued at $1.7 million). Although Bank is located in the New York area market, none of its loans secured by accounts receivable are to borrowers located in Gibraltar's service area (New York City, Nassau County, and part of Suffolk County). Conversely, only five of Gibraltar's accounts receivable loans derive from Applicant's service area. The Board concludes that consummation of the proposed transaction would not have a significant adverse effect on existing competition.

Nor does it apear that consummation would have any significant adverse effect on the development of competition. The proposal in effect represents a foothold entry by applicant into the New York area accounts receivable market. Although data on that market is not available in complete form, the Board understands that the Nation's largest companies engaged in business receivables financing have offices in New York City and that the total net business receivables outstanding (all types) of the two largest such companies amounted to $780.9 million and $608 million, respectively, as of December 31, 1971. As of the same date, the third and fourth largest reported what appear to be net outstanding amounts of factored and nonnotification receivables of $479.6 million and $372.2 million, respectively. These figures compare to Gibraltar's net business receivables outstanding (all types) of $16.5 million as of December 31, 1971. The Board concludes that applicant would not acquire a substantial competitive position upon consummation of the proposal, nor would consummation result in an undue concentration of economic resources. Furthermore, although Applicant possesses the resources to enter the New York area market de novo, the market is characterized by a considerable number of competitors and by relatively low entry barriers.

Although Bank extends credit to competitors of Gibraltar, in view of the availability of credit from other sources, it is unlikely that Bank would have an incentive to terminate its lending relationship with those of its borrowers who compete with Gibraltar.

Applicant predicts that consummation of the proposed transaction will have the ultimate effect of strengthening the capital resources of Gibraltar, thereby strengthening Gibraltar's ability to compete in the New York area market and enabling Gibraltar to extend its operations into new geographic markets, particularly those presently served by applicant's subsidiary banks. Presently New Jersey firms generally are forced to fragment their demands for financial services, turning to New York or Phila-

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

delphia for the kinds of financial services that Gibraltar would provide. To the extent that such services can be conveniently provided in New Jersey (and elsewhere), the public benefits of the proposed affiliation outweigh possible adverse effects. As the Board has indicated in its order of August 22, 1972, approving applicant's application to acquire all of the voting shares of the Dover Trust Co., Dover, N.J., the Board understands that applicant will increase the equity capital of the Dover Trust Co. by $1 million and the equity capital of bank by $15 million. It appears that applicant will be able to generate sufficient income to service debt it may incur to so augment the capital accounts of its subsidiary banks and that its future ability to furnish the increased capital to Gibraltar, necessary to enable Gibraltar to geographically expand its activities, will not be significantly lessened thereby.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) favors approval of the application. Accordingly, the application is hereby approved and applicant is hereby permitted to engage in the activities now conducted by Gibraltar that are authorized by 12 CFR 225.4(a)(1). This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] effective October 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-18716 Filed 11-1-72;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-159]

SECRETARY OF DEFENSE ET AL.

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 31, 1972.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-21	Sept. 12, 1968	Delegation of authority to Secretary of Defense—Regulatory proceeding.
F-54	Sept. 12, 1969	Do.
F-59	Sept. 26, 1969	Delegation of authority to Chairman, Atomic Energy Commission—Regulatory proceeding.
F-63	Jan. 20, 1970	Delegation of authority to Secretary of Defense—Regulatory proceeding.
F-76	Nov. 9, 1970	Do.
F-88	Feb. 17, 1971	Do.
F-99	Apr. 20, 1971	Do.
F-115	Aug. 12, 1971	Do.
F-129	Nov. 12, 1971	Do.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

OCTOBER 27, 1972.

[FR Doc.72-18718 Filed 11-1-72;8:51 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-22]

NASA APPLICATIONS COMMITTEE

Notice of Public Meeting

The NASA Applications Committee will meet on November 16, 1972, at the headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226 of Federal Office Building 10B, 600 Independence Avenue SW., Washington, DC 20546. Members of the public will be admitted to the meeting beginning at 9 a.m., the agenda for which is noted below, on a first come first served basis up to the seating capacity of the room which can accommodate about 35 persons.

The NASA Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. The Committee is chaired by Dr. Brockway McMillan. Currently, there are 11 members, plus a recording secretary, Louis B. C. Fong, who can be contacted for further information at 202—755-8606.

The following is the approved agenda and schedule for the November 16 meeting of the Applications Committee:

Time	Topic
9:00 a.m.	*ERTS-1.* (Purpose: To brief the Committee on significant preliminary findings and analyses of data from the first Earth Resources Technology Satellite, ERTS-1, launched on July 23, 1972.)
10:00 a.m.	*Follow-on Nimbus Program.* (Purpose: To get the Committee's advice on the following): a. What direction should the Applications Program take in environmental quality related to the potential capability of space systems? b. To what degree should the current Meteorological Program be involved? c. What emphasis should NASA place on the Global Environmental Monitoring System? d. With what aspects of environmental quality in local and regional activities should NASA be concerned? e. Based upon the current state of the art, what new areas of remote sensing should be concentrated on by NASA?)
10:45 a.m.	*ATS C-2* (Purpose: To seek the Committee's advice on the utilization of an experimental L-band satellite for experiments in communications and position location with mobile users of the maritime and aeronautical agencies.)
11:15 a.m.	*Future Applications Technology Satellite (ATS) Missions* (Purpose: To provide the Committee with an updated report on users' requirements and experiments on the ATS family of satellites and to get the Committee's recommendations on new user experiments in the educational, industrial, and public sectors which NASA has not yet covered. This information is required to assist NASA in its planning for future ATS missions.)
1:30 p.m.	*Earth and Ocean Physics Applications Program* (Purpose: To review the proposed new Earth and Ocean Physics Applications Program Plan and to obtain the Committee's views on its content, balance, quality, and relevance.)
4:30 p.m.	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-18743 Filed 11-1-72;8:53 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

OFFICE OF ECONOMIC OPPORTUNITY

PUBLICATION OF ISSUANCES

Responsibilities and Procedures

In implementing the recently enacted section 623 of the Economic Opportunity Act of 1964, as amended (section 22 of Public Law 92–424) which requires that certain OEO directives be published in the FEDERAL REGISTER at least 30 days prior to their effective date, the Office of Economic Opportunity (OEO) has prepared, and is in the process of distributing the issuance set forth below.

While this issuance itself is not the type which would be required by section 623 to be printed in the FEDERAL REGISTER, it is nevertheless being published here on OEO's own initiative because it is considered to be of public interest.

OEO STAFF INSTRUCTION

PUBLICATION OF OEO ISSUANCES IN THE FEDERAL REGISTER

1. *Purpose.* This staff instruction advises of the requirements of section 623 of the Economic Opportunity Act which was added to the Act by section 22 of the Economic Opportunity Amendments of 1972 (Public Law 92–424). It also outlines the responsibilities and procedures for implementing the provisions of section 623 which are as follows:

All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the FEDERAL REGISTER at least 30 days prior to their effective date.

It is not the intent of this staff instruction to prevent or inhibit the circulation of draft issuances among grantees and others for comments prior to their formal promulgation.

2. *Applicability.* This staff instruction applies to all headquarters and regional offices.

3. *Effective date.* This directive is effective immediately.

4. *Background and effect.* Prior to the enactment of the above provisions on September 19, 1972, OEO published certain documents in the FEDERAL REGISTER as a way of giving formal public notice and in keeping with the spirit of the Federal Register Act (44 U.S.C. 305; 1 CFR 11.2) and the Administrative Procedure Act (5 U.S.C. 522(a)(1)). The new section 623 imposes the additional requirement that the documents to which it pertains must be published in the FEDERAL REGISTER "at least 30 days prior to their effective date." The report of the House Committee on Education and Labor on the 1972 EOA Amendments (report No. 92–815) states with respect to section 623:

It is not intended to use this as a veto process but rather the committee seeks a systematic method to keep abreast of the programs and to keep informed of the kinds of "red tape" that the local grantees and communities are being asked to live with.

While the prepublication requirements of section 623 are broad, it is apparent, in the light of the above expression of congressional intent, that OEO staff instructions and OEO staff notices which pertain to the agency's internal administration generally would not be subject to section 623's requirements. Accordingly, such issuances will be published in the FEDERAL REGISTER only if General Counsel determines that they contain subject matter of such a nature as to necessitate FEDERAL REGISTER publication.

5. *Procedures and responsibilities for implementing section 623.* (a) Except as noted below, in each instance in which a project officer executes an OEO Form 85 requesting the issuance of a new or revised directive or publication (other than an OEO staff instruction or staff notice) he shall check the "Yes" column in item B of paragraph 5 (Relevant Data) thereby indicating that the document contains information to be inserted in the FEDERAL REGISTER. The only instances in which a notation may be inserted in the OEO Form 85 indicating that the document does not contain information to be published in the FEDERAL REGISTER shall be those in which a written opinion has been obtained from General Counsel advising that FEDERAL REGISTER publication is not required, and such opinion shall be attached to the OEO Form 85. (The legislative history of section 623 indicates that in some instances FEDERAL REGISTER prepublication will not be required because the issuance is of limited applicability or is designed to deal with an emergency situation. However, the question of whether exceptions to the requirements of section 623 may be made in specific instances is a matter which General Counsel must determine.)

(b) Each issuance which is to be published in the FEDERAL REGISTER shall specify its effective date by day, month, and year. This date will be inserted in the document by the Director (or other OEO official acting pursuant to a delegation of authority by the Director). The effective date specified in the issuance shall be at least 35 days after the document's approval by the Director (or his delegate). In any case in which other provision is not made, the Federal Register Certifying Officer is authorized to fill in the effective date as here prescribed. The document, following its certification by the Federal Register Certifying Officer, shall be promptly transmitted by him to the Office of the Federal Register, so that it may be received in sufficient time for it to be published at least 30 days before it becomes effective.

(c) Following publication of the issuance in the FEDERAL REGISTER, General Counsel shall advise the Office of Primary Responsibility of the date on which it was published in the FEDERAL REGISTER and the place of publication (i.e. FEDERAL REGISTER volume and page number(s)). The Office of Primary Responsibility prior to transmitting the issuance to the Office of Administration for printing and distribution shall note this information on the issuance.

Additional copies of the issuance will be available from:

OEO Publications and Distribution Center, 5458 Third Street NE., Washington, DC 20011

WESLEY L. HJORNEVIK,
Deputy Director.

[FR Doc.72–18765 Filed 11–1–72;8:54 am]

PRICE COMMISSION

[Order 11A]

RECLASSIFIED LUMBER FIRMS

Reports Requirements

On October 5, 1972 (37 F.R. 21019), the Price Commission published Order No. 11 relating to reclassified lumber firms. On October 13, 1972 (37 F.R. 21673), a minor correction to that order was made. Since that date, the Commission has found that certain confusion exists concerning the interpretation of the requirements of independent public accountants under the order. It was not the Commission's intent that those requirements be interpreted to be more comprehensive than those set forth in § 300.221 of the Commission's regulations, and they have therefore been revised to accord with that section. It is the purpose of this revised order to restate Order No. 11 entirely, incorporating the above changes and corrections and adding a new sentence to require the reporting of profit margin calculations for fiscal years subsequent to base period years on Form PC–51.

Pursuant to the amendments to §§ 101.13 and 101.15 of Part 101 of the regulations of the Cost of Living Council, effective October 3, 1972, each firm (other than a firm described in § 101.11) with $5 million or more in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particle board that is not currently classified as a Category II firm is reclassified from Category III to Category II, reporting firms. For the purposes of this order, each such firm shall be referred to as a "reclassified firm." The effect of that amendment is to place certain reporting requirements on those reclassified firms, as required in § 302.52 of the Price Commission regulations. This order establishes the time frames for these particular reporting requirements of § 300.52 and specifies certain additional reporting requirements on a one-time basis.

Section 300.52 requires that each reporting firm provide certain information to the Price Commission on prescribed forms on a quarterly basis. The base period profit margin calculation must be reported once on Form PC–50. Profit margin calculations for fiscal years subsequent to base period years must be reported on Form PC–51. Supporting documents must include audited financial statements for all years reported, if available. The current profit margin is reported quarterly on Form PC–51. Each such report must be supported by the firm's usual quarterly accounting statement. The midyear and yearend PC–51 reports must each contain a letter or report from an independent public accounting firm pursuant to § 300.221 of Price Commission regulations.

Category II manufacturers and service organizations must report quarterly, on Form PC–1, any price increases above base price. This form provides for cost justification for the price increases and must be supported by schedules, as necessary. Category II wholesalers, brokers, and retailers must initially declare their customary initial percentage markups on Form PC–10 and report compliance with those markup limitations on a quarterly basis, also on Form PC–10.

The Price Commission considers that the requirement of having audited financial statements submitted with Forms PC–50 and PC–51 may work an unnecessary hardship on newly reclassified lumber firms that do not customarily have audited statements available. The

Commission has thus determined that, where audited statements are not customarily available, a certificate to that effect shall be an acceptable substitute.

Therefore, in consideration of the foregoing, and notwithstanding any provision of Part 300 of the price stabilization regulations of the Commission (6 CFR 300), it is hereby ordered as follows:

(1) Each reclassified firm shall file with the Price Commission all reports (Forms PC–1, PC–10, and PC–50 and PC–51 or both) required by or pursuant to § 300.52 of the regulations of the Commission (a) with respect to the initial reports due after October 2, 1972, within the time limits prescribed in this order, and (b) with respect to all subsequent reports, within the time limits prescribed by or pursuant to § 300.52 of the regulations of the Commission.

(2) Each reclassified firm that is a manufacturer shall, before November 6, 1972, file with the Commission a Form PC–1, together with supporting documentation, with respect to each product or service for which it charged, at any time after November 13, 1971, a price which exceeded the base price for that product or service.

(3) Each reclassified firm that is a wholesaler or a retailer shall, before November 6, 1972, file with the Commission a Form PC–10, together with supporting documentation, covering the markup base period and latest fiscal quarter ended before October 3, 1972, with respect to any product, products, service, or services for which it charged, at any time during that fiscal quarter, a price or prices which exceeded the base price for the product, products, service or services.

(4) Each reclassified firm that has, at any time after November 13, 1971, charged a price for any product or service which exceeded the base price therefore shall:

(a) Before November 20, 1972, file with the Commission Form PC–50, together with supporting documentation;

(b) Before November 20, 1972, file with the Commission Form PC–51, together with supporting documentation, with respect to the last fiscal quarter ended before October 3, 1972; and

(c) Before January 2, 1973, file with the Commission Form PC–51, together with supporting documentation, with respect to its last complete fiscal year, ended before October 3, 1972.

(5) Any firm filing a PC–50 or PC–51 with the Commission for the first time as a result of this order shall also file a letter or report in accordance with § 300.221 of the Commission's regulations.

(6) Any firm which has not customarily prepared audited financial statements may file in place thereof a certificate to the effect that no such statements are customarily prepared and that the firm has stated all financial data in a consistent manner in accordance with the regulations of the Commission.

(7) A reclassified firm that has not increased any selling price above base price may, in place of complying with this order, file a certificate of no price increase similar to that set forth in the instructions to Form PC–50.

(8) Each form, report, or other document required to be filed with the Price Commission pursuant to this order shall be addressed as follows:

Price Commission, 2000 M Street NW., Washington, DC 20508.
Lumber 72–11
Form No. PC–

(9) Each person who fails, within the time limits prescribed in this order, to file any form, report, or other document required by this order shall be subject to § 300.53 of the regulations of the Price Commission.

(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, Oct. 16, 1971)

Issued in Washington, D.C., on October 31, 1972.

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

[FR Doc.72–18553 Filed 11–1–72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

OCTOBER 26, 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 Accurate Calculator Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 27, 1972, through November 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–18735 Filed 11–1–72;8:52 am]

[File No. 500–1]

CLINTON OIL CO.

Order Suspending Trading

OCTOBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 29, 1972, through November 7, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–18731 Filed 11–1–72;8:52 am]

[File No. 500–1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

OCTOBER 27, 1972.

The common stock, 2 cents par value, of Ecological Science Corp., being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 30, 1972, through November 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–18730 Filed 11–1–72;8:52 am]

[File No. 500–1]

FIRST WORLD CORP.

Order Suspending Trading

OCTOBER 26, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stocks, $0.15 par value, and all other securities of First World Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities

otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 27, 1972, through November 5, 1972.

By the Commission.

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

[FR Doc.72-18734 Filed 11-1-72;8:52 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

OCTOBER 27, 1972.

The common stock, $0.10 par value of Goodway Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 30, 1972, through November 8, 1972.

By the Commission.

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

[FR Doc.72-18732 Filed 11-1-72;8:52 am]

[File No. 500-1]

LDS DENTAL SUPPLIES, INC.

Order Suspending Trading

OCTOBER 27, 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 LDS Dental Supplies, 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 October 28, 1972, through November 6, 1972.

By the Commission.

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

[FR Doc.72-18729 Filed 11-1-72;8:52 am]

[File No. 500-1]

OCEANOGRAPHY MARICULTURE INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 26, 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 Oceanography Mariculture Industries, 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 October 27, 1972, through November 5, 1972.

By the Commission.

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

[FR Doc.72-18728 Filed 11-1-72;8:51 am]

[File No. 500-1]

ROOSEVELT MARINA, INC.

Order Suspending Trading

OCTOBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Roosevelt Marina, 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 October 29, 1972, through November 7, 1972.

By the Commission.

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

[FR Doc.72-18733 Filed 11-1-72;8:52 am]

[811-2053]

FAIRMONT GROWTH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 27, 1972.

Notice is hereby given that Fairmont Growth Fund, Inc. (Fairmont), 9777 Wilshire Boulevard, Los Angeles, CA 90212, registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Fairmont has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Fairmont, which registered under the Act on March 25, 1970, represents that it has no assets or shareholders; that it has applied for the withdrawal of its registration statement filed under the Securities Act of 1933; and that it has no intention of making a public or private offering of its securities.

Section 3(c)(1) of the Act exempts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fairmont 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.72-18727 Filed 11-1-72;8:51 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

OCTOBER 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of First Leisure 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 October 28, 1972, through November 6, 1972.

By the Commission.

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

[FR Doc.72-18738 Filed 11-1-72;8:52 am]

[70-5248]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale by Holding Company of Common Stock at Competitive Bidding

OCTOBER 27, 1972.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,500,000 shares of its authorized but unissued common stock, par value $2.50 per share. The declaration represents that the issue and sale of the additional shares of common stock are not subject to the preemptive rights of GPU's present common stock shareholders. GPU proposes to use the proceeds of the sale of the common stock to make investments in its subsidiaries for construction purposes and to pay a portion of its outstanding short-term promissory notes, the proceeds of which have been used for investment in its subsidiary companies. On January 1, 1972, GPU had 34,186,131 shares of common stock outstanding.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is stated that the fees and expenses to be incurred by GPU in connection with the proposed issue and sale of its common stock are estimated at an aggregate of $110,000, including $40,000 in printing and engraving fees, $30,000 in legal fees, and $21,000 in accountant's fees. The estimated fee of counsel for the prospective purchasers, which is to be paid by the successful bidders, will be supplied by amendment.

Notice is further given that any interested person may, not later than November 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.72-18725 Filed 11-1-72;8:51 am]

[812-3284]

LOEB, RHOADES & CO., AND MITCHUM, JONES & TEMPLETON INC.

Notice of Filing of Application for an Order of Exemption

OCTOBER 27, 1972.

Notice is hereby given that Loeb, Rhodes & Co., 42 Wall Street, New York, NY 10005, and Mitchum, Jones & Templeton Inc. (Applicants), 510 South Spring Street, Los Angeles, CA 90013, prospective representatives of a group of underwriters of a proposed offering of shares of common stock of Transamerica Income Shares, Inc. (Company), a registered closed-end, diversified investment management company, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting applicants and their counderwriters from section 30(f) of the Act to the extent that this section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) in respect of their transactions incident to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of Company are to be purchased by underwriters pursuant to an underwriting agreement to be entered into between Company and the underwriters represented by Applicants. It is intended that the several underwriters will make a public offering of all the shares of Company which such underwriters are to purchase under the underwriting agreement, at the price therein specified, as soon on or after the effective date of Company's registration statement on Form S-4 (the "Form S-4") as the Applicants deem advisable, and such shares are initially to be offered to the public in accordance with the formulae for the determination of the per share public offering price, underwriting commission, and dealer concessions to be specified in the underwriting agreement, at the time the Form S-4 becomes effective under the Securities Act of 1933.

It is quite possible that Applicants and one or more other members of the underwriting group may each acquire, in accordance with the provisions of the underwriting agreement, more than 10 percent of the Company's common stock which will be outstanding at the time of the closing of the initial public offering of the shares.

Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act) such underwriter or underwriters would, upon resale of the shares purchased by them to their customers, become subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicants state that the purpose of the purchase by Applicants and the other underwriters is for resale in connection with the initial distribution of shares of the Company. The purchases and sales will thus be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

It is possible, however, that Applicants and certain of the counderwriters will not be exempted from section 16(b) by the operation of Rule 16b-2, as they may fail to meet the requirement stated in paragraph (a)(3) of Rule 16b-2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the

exemption under Rule 16b–2. It is possible that one or more of the underwriters who, pursuant to the underwriting agreement, will purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of such shares being offered pursuant to the underwriting agreement.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchases or sales incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicants state that to the best of their knowledge no underwriter has any inside information, that there is no possibility of using inside information and, in fact, that there is no inside information in existence. No director, officer, or employee of any underwriter is a director, officer or employee of the Company or the Company's investment adviser, Transamerica Investment Management Co.

Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and 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. The Applicants state that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act was enacted to apply.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 17, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses 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 such 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.72–18726 Filed 11–1–72;8:51 am]

[File No. 500–1]

MARKETING COMMUNICATIONS, INC.

Order Suspending Trading

OCTOBER 26, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Marketing Communications, 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 October 27, 1972, through November 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–18737 Filed 11–1–72;8:52 am]

[70–5238]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

OCTOBER 27, 1972.

Notice is hereby given that New Jersey Power & Light Co. (NJP&L), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L proposes to issue and sell, from time to time not later than December 31, 1973, unsecured notes to banks, the aggregate principal amount of which outstanding at any one time will not exceed $13,700,000. All notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes will be the prime commercial rate in effect at the lending bank on the date of issuance. NJP&L will be required to maintain compensating balances of 10 percent of the line of credit or 20 percent of the loans outstanding, whichever is higher. NJP&L computes its effective rate of interest at 7.19 percent per annum based on a prime rate of 5¾ percent and assuming the full amount of the line of credit is borrowed. There are no commitment fees or closing costs required.

Although no commitments or agreements for such borrowings have been made, NJP&L expects that, as and to the extent that its cash needs require, borrowings will be effected, in the specified maximum amount to be outstanding at any one time, from among the following banks:

The Chase Manhattan Bank NA, New York, N.Y.	$4,000,000
Fidelity Union Trust Co., Newark, N.J.	3,000,000
American National Bank & Trust, Montclair, N.J.	1,000,000
First Merchants National Bank, Asbury Park, N.J.	600,000
First Morris Bank, Morristown, N.J.	100,000
The First National Iron Bank of New Jersey, Morristown, N.J.	1,300,000
The Hunterdon County National Bank, Lambertville, N.J.	400,000
Monmouth County National Bank, Red Bank, N.J.	500,000
The National Union Bank of New Jersey, Dover, N.J.	900,000
New Jersey National Bank, Asbury Park, N.J.	1,300,000
Somerset Hills & County National Bank, Bernardsville, N.J.	300,000
First National Bank of Northwest Jersey, Washington, N.J.	300,000
	13,700,000

NJP&L proposes to utilize the proceeds of the proposed borrowings for financing its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. The estimated cost of NJP&L's 1972 construction program is approximately $15,400,000.

The declaration states that on July 1, 1972, pursuant to an order of this Commission issued June 30, 1972 (Holding Company Act Release No. 17634), an operating agreement between NJP&L and its affiliate Jersey Central Power & Light Co. (JCP&L), was placed into effect providing, in essence, that the combined revenues of the two companies shall first be applied to pay the combined operating expenses, income deductions, and preferred stock dividends of both companies and that any remaining amount shall be shared each month by each company in

proportion to the respective common stock equity accounts existing on the last day of each month.

NJP&L estimates that its expenses incident to the proposed transactions will be approximately $3,000, including counsel fees of $2,500, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for the issue, renewal, extension, or replacement of any notes issued by NJP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than November 21, 1972, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-18724 Filed 11-1-72;8:51 am]

[812-3271]

OLD LINE LIFE INSURANCE COMPANY OF AMERICA ET AL.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates Incident to Proposed Merger and for Order Permitting Transactions

OCTOBER 25, 1972.

Notice is hereby given that Life Insurance Investors, Inc. (Fund), c/o William Waller, Jr., Waller, Landsen, Dortch & Davis, 1200 American Trust Building, Nashville, Tenn. 37201, an open-end, diversified investment company registered under the Investment Company Act of 1940 (Act) and Old Line Life Insurance Company of America (Old Line), c/o Richard K. Sell, 111 East Wisconsin Avenue, Suite 2100, Milwaukee, WI 53233, have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of Old Line and NOL Life Insurance Company of America (NOL), a wholly owned subsidiary of USLIFE Corp. (USLIFE), through the conversion of all of the outstanding capital stock of Old Line into common stock of USLIFE.

Notice is further given that Fund, J. C. Bradford & Co., Bradford Foundation, J. C. Bradford (Bradford, Sr.), James C. Bradford (Bradford, Jr.), Raymond T. Smith, George W. Wells, Einer Nielson, Melville M. Barnes, Clarence W. Haley, David Steine, Charles H. Robinson, Eleanor Bradford, Norris Nielson, Mary T. Smart, John Steele, Herman H. Perry, Allen T. Sullivan, Harold Robinson, James Kiger, Arthur Malone, W. M. Baird, James H. Patton, and Ralph Bornheim (sometimes hereinafter referred to as "Participants") have filed an application pursuant to section 17(d) and Rule 17d-1 thereunder for an order permitting the Participants to participate in the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

THE PARTIES AND HOLDINGS OF OLD LINE STOCK

Old Line, a Wisconsin corporation and a life insurance company, has outstanding 1,296,000 shares of common stock with a par value of $1.33⅓ a share, of which Fund owns 104,510 shares or approximately 8.06 percent. By reason of such holdings, Old Line is an affiliated person of Fund as defined in section 2(a)(3) of the Act. The stock of Old Line is traded in the over-the-counter market.

USLIFE, a New York business corporation, engages through subsidiaries in a variety of financial activities involving the following businesses: Life, accident and health insurance, consumer finance, savings and loan, title insurance, mutual fund management and sales, and investment management. At December 31, 1971, USLIFE had outstanding 104,344 shares of $4.50 Series A Convertible Preferred Stock, 112,090 shares of $5 Series B Convertible Preferred Stock and 7,826,471 shares of common stock, which common stock is listed on the New York, Midwest, and Pacific Coast Stock Exchanges.

Four of the Participants, Bradford, Sr., Bradford, Jr., Smith, and Wells are members of Fund's board of directors which consists of five members; six of the other Participants, Einer Nielson, Eleanor Bradford, Barnes, Haley, Steine, and Charles H. Robinson, are partners of Bradford, Sr. and Bradford, Jr., in the investment banking firm of J. C. Bradford & Co. (Bradford & Co.); the remaining 11 individual Participants, Norris Nielson, Smart, Steele, Perry, Sullivan, Harold Robinson, Kiger, Malone, Baird, Patton, and Bornheim, are employees of Bardford & Co. As a result of their described relationships, Bradford, Sr., Bradford, Jr., Smith, and Wells are each an affiliated person of Fund as defined in section 2(a)(3), and each of the other individual Participants is an affiliated person of an affiliated person (Bradford, Sr. and Bradford, Jr.) of Fund.

Bradford Foundation owns 19 percent of the outstanding common stock of Life Stock Research Corp. (Adviser), the investment adviser to Fund. The remaining 81 percent of Adviser's outstanding common stock is owned by J. C. Bradford & Co., Inc., all of whose outstanding common stock is owned, in turn, by Bradford & Co. Accordingly, Adviser is an affiliated person of Fund and Bradford Foundation and Bradford & Co. are each an affiliated person of an affiliated person (Adviser) of Fund.

The number of shares of Old Line stock which the applications shows is owned by Fund and its affiliated Participants mentioned hereinabove is set forth in the following table:

	Number of Old Line shares owned	Percent of 1,296,000 shares of Old Line stock outstanding
Fund	104,510	8.06
Affiliates of Fund:		
Directors of Fund (Board of five)		
J. C. Bradford [1]	60,601	4.68
J. C. Bradford, Jr. [1]	3,892	.30
R. T. Smith	5,727	.44
G. Wells	6,051	.47
Total	76,271	5.89
Partners in Bradford & Co. [2]		
E. Bradford	[3] 3,600	.28
E. Nielson	3,220	.25
C. H. Robinson	4,300	.33
M. M. Barnes	7,200	.56
C. W. Haley	108	
D. Steine	4,968	.38
Total	23,396	1.81
Employees of Bradford & Co.:		
N. Nielson	4,600	.35
M. T. Smart	144	
J. Steele	240	
H. H. Perry	500	
A. T. Sullivan	1,200	.09
H. Robinson	14	
J. Kiger	960	.07
A. Malone	60	
W. M. Baird	144	
J. H. Patton	300	
R. Bornheim	170	
Total	8,332	.64
Bradford Foundation	600	.05
Total holdings of affiliates of fund	108,599	8.38

[1] Partner in Bradford & Co.
[2] J. C. Bradford and J. C. Bradford, Jr., are partners in Bradford & Co.
[3] Excludes 6,052 shares said to be held for daughter.

On September 8, 1972, Bradford & Co., which makes a primary market in the stock of Old Line, did not hold any stock of Old Line in its investment account but held 5,538 shares of such stock in its trading account as well as 29,301 shares in its own name for the accounts of its customers, other than those mentioned in the preceding table.

THE PROPOSED MERGER

As a result of the proposed merger, Old Line will become a wholly owned subsidiary of USLIFE.

In general, the proposed merger involves the following steps:

1. USLIFE has caused NOL to be organized with an authorized capitalization of 1,296,000 shares of capital stock, par value $1.33⅓ a share, of which only 150,000 shares are outstanding and are held by USLIFE.

2. NOL will be merged into Old Line which shall be the surviving company bearing its present name. Upon the effectiveness of the merger each outstanding share of Old Line common stock will be converted into 0.808 share of USLIFE common stock; and the 150,000 shares of NOL common stock which are held by USLIFE will be converted into 1,296,000 shares of capital stock of Old Line.

3. When the merger becomes effective, each holder of a certificate representing shares of Old Line stock will be entitled to receive a certificate representing the number of whole shares of USLIFE common stock into which his Old Line stock has been converted upon surrender of his Old Line certificate to Chemical Bank, New York (Exchange Agent). Dividends payable to holders of record of USLIFE with respect to shares represented by Old Line certificates will not be paid to the holders of such certificates until they are surrendered. No fractional shares of USLIFE common stock will be issued. Instead, holders of Old Line stock entitled to a fractional interest in USLIFE common stock shall for a specified period following the merger have the right, through the Exchange Agent, to: (1) Sell such interest; or (2) purchase any additional fractional interest required to make up a full share. After the expiration of 3 years following the effective date of the merger, any shares of USLIFE stock which have not been distributed to a shareholder of Old Line and any cash representing dividends on such stock will be retransferred and paid to USLIFE, and, thereafter, the shareholder shall look only to USLIFE for delivery of such shares of USLIFE common stock and payment of such dividends.

The merger agreements, which have already been approved by the boards of directors of Old Line and NOL, and by the board of directors of USLIFE, the sole stockholder of NOL, are to be submitted for approval by the shareholders of Old Line at a special meeting of Old Line's shareholders. The favorable vote of two-thirds of the outstanding shares of Old Line is required to approve the agreement.

Shareholders of Old Line have certain appraisal rights with respect to the proposed merger pursuant to § 180.72 of the Wisconsin Business Corporation Law.

The merger agreements provide that Forrest D. Guynn, president of Old Line, will enter into a written agreement with USLIFE providing for his employment for 5 years, as a full-time executive until his retirement and thereafter as a consultant with compensation during the entire period at the rate of his present salary of about $50,000 a year. Such agreements also provide that Franklin P. Graff and Charles S. Lewis, vice president of Old Line, will each enter into an agreement with USLIFE for his employment for 5 years at not less than his present salary of about $29,500 and $28,500, a year respectively.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered investment company is a participant unless an application regarding such enterprise or arrangement has been filed with the Commission and granted by an order of the Commission; and that in passing upon such application the Commission shall consider whether the participation of such registered investment company is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company any securities or other property. Section 17(b) provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and the general purposes of the Act.

The application indicates that each participant intends to vote its shares of Old Line stock in favor of the merger and to receive USLIFE common stock in exchange for its shares of Old Line; and the participants request that the Commission grant the application pursuant to section 17(d) and Rule 17d–1 with respect to such proposed transaction.

The proposed merger involves the purchase and sale of securities as between Fund and its affiliate Old Line and, accordingly, must meet the requirements of section 17(b).

The application indicates that prior to the latter part of 1971 USLIFE had an interest in acquiring Old Line and states that in the latter part of 1971 it communicated with J. C. Bradford & Co., Inc., through Bradford, Sr., who informed USLIFE that he would not recommend such an acquisition at that time. The application further states that in the spring of 1972 USLIFE again consulted with J. C. Bradford & Co., Inc., with regard to a proposed acquisition of Old Line, as a result of which USLIFE submitted to Old Line on June 29, 1972, a written proposal of USLIFE to acquire Old Line on the basis of converting each share of Old Line stock into 0.8 share of USLIFE common stock. The application shows that on June 26, 1972, prior to the submission of USLIFE's proposal to Old Line, USLIFE entered into an agreement with J.C. Bradford & Co., Inc., providing that, if USLIFE acquired Old Line, the former would pay J. C. Bradford & Co., Inc., for all of its services in connection with the acquisition an amount equal to 1 percent of the fair market value of the USLIFE stock or other compensation paid in connection with such acquisition. Thereafter, according to the application, on July 12, 1972, the board of directors of Old Line approved a proposed merger in principle on the basis of 0.8 share of USLIFE for each share of Old Line; and on August 15, 1972, the board of directors of USLIFE and Old Line approved the proposed forms of agreements for a merger on such basis. In September 1972, J. C. Bradford & Co., Inc., waived the fee which USLIFE had agreed to pay to it, the exchange ratio was increased from 0.8 share of USLIFE common stock for each share of Old Line stock to 0.808 share of USLIFE common stock for each Old Line share, and the merger agreements were revised.

The application states that Bradford, Jr. was a director of Old Line on July 12, 1972, when the board of directors of Old Line agreed to a merger in principle, but that he took no part in these deliberations or the vote on the USLIFE proposal; and that he resigned as a director prior to August 15, 1972, when Old Line approved the original merger agreements.

The board of directors of Old Line did not retain any independent adviser to assist it in appraising the proposal of USLIFE or in developing an exchange ratio for a merger. The application states that the board of directors of Old Line determined not to retain an investment banker because of: "(a) The amount of information already in the board's possession, (b) the cost of an opinion from such a banker, and (c) the objection from USLIFE based on the delay attendant in obtaining such an opinion."

The application also states, that because of the detailed analysis of the proposed transaction made by it which was presented to the directors of Old Line with USLIFE's proposal, USLIFE did not deem it necessary to have a formal analysis and recommendation as

to an exchange ratio by outside independent advisers.

It appears that Fund and certain of the other Participants originally acquired stock of Old Line in 1961 (Investment Company Act Release No. 4316, August 5, 1965); that subsequently some Participants, including Fund, also acquired shares of Old Line; and that some Participants have disposed of shares of Old Line. The application contains information which is represented to show purchases and sales of Old Line shares for a recent specified period by Participants and Adviser and the remaining officers, directors, and employees of Fund and Adviser; by J. C. Bradford & Co., Inc., and its remaining officers, directors, and employees; and by the remaining trustees and employees of Bradford Foundation. The application, as previously noted, requests the Commission to pass upon the proposed conversion of Old Line stock into USLIFE in connection with the proposed merger and the Participants' participation in such merger. The application does not request that the Commission pass upon any of the previous acquisitions or dispositions of Old Line stock by any of the Participants, or by Adviser or any other affiliate of Fund, and such acquisitions or dispositions are not before the Commission except insofar as they may affect the statutory determinations required to be made in connection with the application.

Notice is further given that any interested person may, not later than November 13, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Old Line Life Insurance Co. of America, c/o Richard K. Sell, Whyte, Herschboeck, Minahan, Harding & Harland, 111 East Wisconsin Avenue, Suite 2100, Milwaukee, WI 53202, and upon the Participants, c/o William Waller, Jr., Waller, Lansden, Dortch & Davis, 1200 American Trust Building, Nashville, Tenn. 37201. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be field 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 hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-18740 Filed 11-1-72;8:53 am]

[70-5237]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Service Company of Holding Company

OCTOBER 26, 1972.

Notice is hereby given that the Southern Co. (Southern), a registered holding company, and its wholly owned subsidiary service company, Southern Services, Inc. (Services), Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 6(a), 7, 12(b), and 12(f) of the Act and Rules 45 and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Services has under construction a new office building in Birmingham, Ala., which is expected to be substantially completed by June 30, 1973. To finance the construction costs of this new building, Services was authorized to issue its promissory notes (Construction Notes) maturing June 30, 1973, in an amount not exceeding $11,500,000 (File No. 70–5068; Holding Company Act Release No. 17440, January 31, 1972). In addition, the cost of equipment (including computers and related equipment) for installation in the new office building is being financed by Services through unsecured notes (Equipment Notes) issued and issuable to banks prior to July 1, 1973, in an amount up to $14 million, heretofore authorized by the Commission in File No. 70–5061 (Holding Company Act Release No. 17642, July 12, 1972).

Services now proposes to issue its unsecured promissory notes (New Notes) to Bankers Trust Co., New York, N.Y. (Bankers), from time to time prior to June 30, 1973, in an aggregate amount not exceeding $12 million. The proceeds from the New Notes will be applied to payment of outstanding Construction Notes at or prior to maturity and for payment of remaining construction costs of the new office building. The filing also states that of the $14 million Equipment Notes heretofore authorized in File No. 70–5061, it is now contemplated that no more than $9 million will be issued under that authorization and that issuance of the remaining $5 million will be the subject of an amendment to File No. 70–5061.

The New Notes will be issued pursuant to an agreement (Loan Agreement) between Services, Southern, and Bankers; will be dated as of the date of borrowing; and will mature on June 30, 1980, with acceleration upon the happening of certain specified acts of default. Each of the New Notes will bear interest, payable quarterly, at a rate per annum computed on the basis of the prime rate which Bankers charge from time to time on 90-day unsecured commercial loans (Current Lending Rate) as follows: On or before June 30, 1974, 114 percent of the Current Lending Rate; after June 30, 1974, and on or before June 30, 1976, one-fourth of 1 percent plus 114 percent of the Current Lending Rate; and after June 30, 1976, one-half of 1 percent plus 114 percent of the Current Lending Rate. The Loan Agreement will provide, however, that in the event the aggregate amount received by Bankers on account of interest on the New Notes to their stated maturity shall exceed the amount which would have been received had interest on the principal amount thereof outstanding from time to time been computed at the rate of 7¾ percent per annum, Bankers will pay to Services the amount of such excess, provided that Services shall not have prepaid during any prior 12-month ending on a June 30, more than $480,000 aggregate principal amount of New Notes. Services will pay a commitment fee on the unused portion of the $12 million aggregate available credit at the rate of one-half of 1 percent per annum. The New Notes will be prepayable without premium or penalty at any time, and are to be guaranteed by Southern as to principal and interest. There is no compensating balance requirement.

Services has heretofore represented it will at all times, unless the Commission shall otherwise expressly authorize, maintain the aggregate of the par value of its capital stock, surplus, and principal amount of its notes sold to Southern, at an amount equal to at least 35 percent of Services' total capitalization (Holding Company Act Release Nos. 17276 and 17642).

Fees and expenses to be paid in connection with the proposed transactions are estimated at $4,500, including counsel fees of $4,000. In addition, Services is to reimburse Bankers for its out-of-pocket expenses incurred, as to which the estimated maximum amount will be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A

copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.72-18739 Filed 11-1-72;8:52 am]

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

OCTOBER 26, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from October 27, 1972, through November 5, 1972.

By the Commission.

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

[FR Doc.72-18736 Filed 11-1-72;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 107]

ASSIGNMENT OF HEARINGS

OCTOBER 30, 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-135772, Barrett Transfer & Storage Co., now assigned October 30, 1972, at Seattle, Wash., is postponed indefinitely.

MC-73165 Sub 304, Eagle Motor Lines, Inc., now assigned November 2, 1972 (1 day), is postponed to November 9, 1972 (2 days), at the Parliament House Hotel, 420 South 20th Street, Birmingham AL.

MC-73688 Sub 49, Southern Trucking Corp., now assigned November 27, 1972, at Birmingham, Ala., is canceled and the application is dismissed.

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

[FR Doc.72-18783 Filed 11-1-72;8:56 am]

[Ex Parte 241; Rule 19, Rev. Exemption 22]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.

Exemption From Mandatory Car Service Rules

It appearing, that there are substantial movements of grain and grain products moving in plain, 40-foot, narrow-door boxcars between points on the following railroads:

The Atchison, Topeka & Santa Fe Railway Co.
Chicago, Rock Island & Pacific Railroad Co.
Missouri Pacific Railroad Co.
St. Louis-San Francisco Railway Co.
Union Pacific Railroad Co.

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 385, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co. eliminated.

Effective October 31, 1972.

Expires November 30, 1972.

Issued at Washington, D.C., October 26, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.72-18781 Filed 11-1-72;8:55 am]

[Ex Parte 241; Rule 19, Amdt. 1, Exemption 15]

EXEMPTION FROM MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 15 issued July 27, 1972, and published in the FEDERAL REGISTER, Tuesday, August 8, 1972, page 15962.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 15 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire December 31, 1972.

This amendment shall become effective October 31, 1972.

Issued at Washington, D.C., October 26, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.72-18782 Filed 11-1-72;8:55 am]

[Notice 143]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 27, 1972.

Important Notice: 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 C.F.R. 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.

[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.

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 41406 (Sub-No. 31 TA), filed October 10, 1972. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Post Office Box 2176, Hammond, IN 46323. Applicant's representative: William J. Walsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, dry, in bulk, in tank trailers, from Hammond, Ind., to Benton, Ky., for 180 days. Supporting shipper: Hammond Lead Products, Inc., 5231 Hohman Avenue, Post Office Box 308, Hammond, IN 46325. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 88594 (Sub-No. 24 TA), filed October 10, 1972. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit, N.Y. 13754. Applicant's representatives: Werner & Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from North Lawrence, N.Y. to Cleveland, Ohio, for 180 days. Supporting shipper: Sealtest Foods, Division of Kraftco Corp., 605 Third Avenue, New York, NY 10016. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 107002 (Sub-No. 425 TA), filed October 10, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Mobile, Ala., to points in Michigan, for 180 days. Supporting shipper: Chevron Oil Co., Post Office Box 1446, Louisville, KY 40201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite-Building, Jackson, Miss. 39201.

No. MC 112822 (Sub-No. 248 TA), filed October 16, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Donald E. Marshall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Duluth, Minn., to points in Arkansas, Alabama, Georgia, Louisiana, Missouri, Mississippi, Kansas, Oklahoma, Texas, and Tennessee, for 180 days. Supporting shipper: Paul Nelson, GRM, Jeno's Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 123392 (Sub-No. 44 TA), filed October 16, 1972. Applicant: JACK B. KELLEY, INC., Route 1, Box 444, U.S. 66 West at Kelley Drive, Amarillo, TX 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in bulk, in tube trailers, from Wichita, Kans., to points in California and Texas, for 180 days. Supporting shipper: R. L. Mayer, Manager of Traffic, Vulcan Materials Co., Chemicals Division, Post Office Box 545, Wichita, KS 67201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 126514 (Sub-No. 37 TA), filed October 10, 1972. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. 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: *Envelopes*, from New York, N.Y., to Clinton, Tenn., Anaheim, Calif., from Clinton, Tenn., to Anaheim, Calif., for 180 days. Supporting shipper: Business Envelope Manufactures Inc., 2350 Lafayette Avenue, Bronx, NY 10473. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 128075 (Sub-No. 23 TA), filed October 4, 1972. Applicant: LEON JOHNSRUD, Highway 9 West, Post Office Box 447, Cresco, IA 52136. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and agricultural commodities*, which are otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, when transported with cheese, from Blair, Portage, and Madison, Wis., to points in Arizona and California, for 180 days. Supporting shipper: Associated Milk Producers, Inc., Post Office Box 61, Mason City, IA 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 129516 (Sub-No. 10 TA), filed October 16, 1972. Applicant: PATTONS, INC., Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned goods*, from Prosser, Wash., to points in California, for 180 days. Supporting shipper: Seneca Foods Corp., Post Office Box 71, Prosser, WA 99350. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 134035 (Sub-No. 2 TA), filed October 17, 1972. Applicant: DOUGLAS TRUCKING COMPANY, Route 1, Post Office Box 1024, Corsicana, TX 75110. Applicant's representative: Kenneth A. Douglas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures for such containers, and corrugated boxes or paper containers*, in mixed loads, with glass containers and closures for such containers, from Corsicana, Tex., to points in Arkansas, Mississippi, and New Orleans, La., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Chattanooga Glass Co., 400 West 45th Street, Chattanooga, TN 37410. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 135660 (Sub-No. 4 TA), filed October 13, 1972. Applicant: BROWNSBERGER ENTERPRISES, INC., R.F.D. 1, Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl, and accessories*, from Linn Creek, Mo., to Denver and Colorado Springs, Colo., and Albuquerque, N. Mex., for 180 days. Supporting shipper: Central Missouri Pipe Co., Post Office Box 75, Linn Creek, MO 65052. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136647 (Sub-No. 4 TA), filed October 10, 1972. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material* (as described in 61 M.C.C. 279, Appendix VI), from Rutland, Vt., to points in Ohio; Jacksonville, Ill.; and Gastonia, N.C., for 180 days. Supporting shipper: Rutland Fire Clay Co., Rutland, Vt. 05701. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 136903 (Sub-No. 1 TA), filed October 11, 1972. Applicant: INTERMODAL TRANSPORT, INC., 900 Circle Tower, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk (except fertilizer and fertilizer ingredients), from the site of Bulk Distribution Centers, Inc., at or near Chattanooga, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and Tennessee (except Kingsport and Elizabethtown, Tenn.), restricted to traffic having an immediate prior movement by rail, for 180 days. Supporting shipper: Bulk Distribution Centers, Inc., Post Office Box 19022, Louisville, KY 40219. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Penn Street, Indianapolis, IN 46204.

No. MC 138014 (Sub-No. 1 TA), filed September 29, 1972. Applicant: EDMOND L. BARNES, doing business as BLUE HEN DELIVERY CO., 50 Greenhill Avenue, Dover, DE 19901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated furniture and appliances*, from the warehouse of J. C. Penney Co., Inc., at Thorofare, N.J., to their warehouse at Dover, Del., for the account of J. C. Penney Co., Inc., for 180 days. Supporting shipper: J. C. Penney Co., Inc., Blue Hen Mall, Dover, Del. 19901. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 138079 TA, filed October 13, 1972. Applicant: BARNUM AIR FREIGHT, INC., 1885 Lowell Avenue, Lima, OH 45805. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 the Cox Municipal Airport, located near Dayton, Ohio, on the one hand, and, on the other, Sidney, Leipsic, and Ottawa, Ohio. Restriction: The operations authorized herein are restricted to traffic having an immediately prior or subsequent movement by aircraft, for 180 days. Supporting shippers: Allied-Egry Business Systems, subsidiary of SCM Corp., 68 Vine Street, Leipsic, OH 45856; Le Roi Division Dresser Industries, Inc., North Main Avenue, and Russell Road, Sidney, OH 45365; Monarch Machine Tool Co., Sidney, Ohio 45365. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MOTOR CARRIERS OF PASSENGERS

No. MC 138024 (Sub-No. 1 TA), filed October 6, 1972. Applicant: MAYNARD ROTRUCK, Route No. 3, Box 143D, Rawlings, MD 21597. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Westernport and Cumberland, Md., serving all intermediate points, over the following routes: From Westernport over Maryland Highway 36, across the Potomac River to Piedmont, W. Va., then over West Virginia Highway 46 to Keyser, W. Va., thence over U.S. Highway 220 to Cumberland, Md., and return over the same routes, for 180 days. Supported by: Various residents in the Keyser, W. Va., area. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 138058 R TA, filed October 13, 1972. Applicant: JAMES C. WILSON, 10530 Carson Drive, Baton Rouge, LA 70807. Applicant's representative: Clayton Johnson, Eighth Floor, 451 Florida Boulevard, Baton Rouge, LA 70801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their luggage* in charter and special group movements, from site of Southern University, Baton Rouge, La., to points within the States of Texas, Mississippi, Tennessee, and Arkansas, and return, for 180 days. Supporting shipper: Southern University, Southern Branch Post Office, Baton Rouge, La. 70803, and student university groups. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, 701 Loyola Avenue, New Orleans, LA 70113.

By the Commission.

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

[FR Doc.72-18784 Filed 11-1-72;8:56 am]

[Notice 150]

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 C.F.R. 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-73890. By order of October 27, 1972, the Motor Carrier Board approved the transfer to Riddle Truck Lines, Inc., Springfield, Mo., of the operating rights in Permit No. MC-112972 (Sub-No. 2) issued December 15, 1965, to Hershel A. Riddle, doing business as Riddle Truck Lines, Springfield, Mo., authorizing the transportation of lime, from Springfield, Mo., to points in Kansas located within the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission. The operations authorized above are limited to a transportation service to be performed, under a continuing contract with Ash Grove Lime & Portland Cement Co., of Kansas City, Mo.; and from Springfield, Mo., to points within 300 miles of Springfield, Mo., in Missouri (except Kansas City, Mo.), Kansas (except Kansas City, Kans.), Arkansas, and Oklahoma. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Attorney for applicants.

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

[FR Doc.72-18785 Filed 11-1-72;8:56 am]

[Notice 89]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 27, 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 § 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 con-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

flict 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 § 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 263 (Sub-No. 202), filed September 15, 1972. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over 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 carriers authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 730 (Sub-No. 341), filed October 4, 1972. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Applicant's representative: Earl J. Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Fabricon Products, division of Eagle-Picher Industries, at or near Grabill, Ind., as an off-route point in connection with carrier's otherwise authorized regular route operations. NOTE: Common control may be involved. Applicant states that duplicating authority may exist in certificate No. MC 730 (Sub-No. 203), authorizing the transportation of *frozen foods and potato products*, not frozen, from points in specified western States to points in several midwestern States, including Indiana. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 989 (Sub-No. 19), filed October 9, 1972. Applicant: IDEAL TRUCK LINES, INC., 912 North State, Norton, KS 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's operations via Omaha, Nebr. 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.

No. MC 7832 (Sub-No. 23), filed October 2, 1972. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products* (except in bulk), from Passaic, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (2) *materials, supplies, equipment, and returned shipments* from points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia, to Passaic, N.J. Restriction: The proposed service is to be performed under contract with J. L. Prescott Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 10472 (Sub-No. 28), filed October 4, 1972. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Boulevard, Kansas City, MO 64120. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric Co., Inc., located at or near Underwood, Iowa, as an off-route point in connection with the applicant's operations via Omaha, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 13250 (Sub-No. 119), filed October 2, 1972. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190. Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in cargo containers and/or cargo vans; and (2) *empty cargo containers and empty cargo vans*, between Galveston, Tex., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, Louisiana, Mississippi, Arkansas, 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 Houston, Tex.

No. MC 14552 (Sub-No. 43), filed October 11, 1972. Applicant: J. V. McNICHOLAS TRANSFER CO., a corporation, 555 West Federal Street, Youngstown, OH 44501. Applicant's representative: Paul F. Berry, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles; roofing; eaves troughs and eaves trough end caps; steel pails, cans and/or can covers, tubs, pans, and baskets; coal hods; stovepipe and stovepipe elbows and thimbles; steel stoves and steel stove shovels, conductor pipe and conductor pipe elbows, shoes, cutoffs, and funnels; and wall ties; and parts and accessories thereto*, from the plantsite of Reeves-Bowman Division, Cyclops Corp., at Dover, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the Lower Peninsula of Michigan, and (2) *equipment, material, and supplies used in the manufacture of commodities named in (1) above* (except commodities in bulk), from the points in the destination States in (1) above to the plantsite of Reeves-Bowman Division, Cyclops Corp., Dover, Ohio. Restriction: Parts (1) and (2) above are restricted against traffic originating at and/or destined to the named origins and destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14702 (Sub-No. 44), filed September 27, 1972. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building boards, building board parts, and accessories*, from Kalamazoo, Mich., to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14702 (Sub-No. 45), filed September 27, 1972. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials made of mineral wool, rock wool, slag, or glass wool*, from Huntington, Ind., to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16544 (Sub-No. 135), filed October 4, 1972. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs and materials and supplies used in the manufacturing of foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Miami Margarine Co., at or near Albert Lea, Minn., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Miami Margarine Co., at or near Albert Lea, Minn., and destined to points in the above-named States, and on return from the above-named States to the plantsite and warehouse facilities of Miami Margarine Co., at or near Albert Lea, Minn., restricted to traffic originating in the above-named States and destined to the plantsite facilities of Miami Margarine Co., at or near Albert Lea, Minn. NOTE: Common control may be involved. Applicant states that duplicating authority may exist with certificate No. MC 116544 (Sub-No. 50), authorizing the transportation of *dairy products* from points in Minnesota, to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. Applicant also states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 16550 (Sub-No. 6), filed October 2, 1972. Applicant: ROSCOE V. SMITH, Route 2, Columbia, Tenn. 38104. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, 500 Court Square Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Automotive parts, automotive supplies, and accessories*, between Nashville, Tenn., and Beaver Dam, Ky., serving all intermediate points in Kentucky: (1) From Nashville over U.S. Highway 41 or 41A to their junction with Kentucky Highway 85, thence over Kentucky Highway 85 to its junction with Kentucky Highway 81, thence over Kentucky Highway 81 to its junction with U.S. Highway 431, thence over U.S. Highway 431 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to Beaver Dam, Ky., and return over the same route; (2) from Nashville, Tenn, over U.S. Highway 41 to its junction with Kentucky Highway 181, thence over Kentucky Highway 181 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to Beaver Dam, Ky. and return over the same route; (3) from Nashville, Tenn. over U.S. Highway 41 to its junction with U.S. Highway 431, thence over U.S. Highway 431 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to Beaver Dam, Ky., and return over the same route; and (4) from Nashville, Tenn. over U.S. Highway 31W or Interstate Highway 65 to their junction with U.S. Highway 231, thence over U.S. Highway 231 to Beaver Dam, Ky., and return over the same route. NOTE: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 22195 (Sub-No. 146), filed September 28, 1972. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Sioux Falls, SD 57105. Applicant's representative: J. P. Everist (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, in tank vehicles, from points in Morton County, N. Dak., to points in Minnesota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 29886 (Sub-No. 288), filed October 2, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Flat glass and glass glazing units*, from Clinton and Laurinburg, N.C., to points in Minnesota, Iowa, Wisconsin, Missouri, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has a pending common carrier application of passengers under MC 136990. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 30280 (Sub-No. 63), filed September 28, 1972. Applicant. WATKINS CAROLINA EXPRESS, INC., Post Office Box 10188, Greenville, SC 29603, Applicant's representative: George W. Clapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Clinton and Laurinburg, N.C., to points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. 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 Columbus, Ohio.

No. MC 30844 (Sub-No. 432), filed October 4, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. 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: (1) *Marina and lake resort shelters, piers, wharfs, and flotation systems; barn equipment and farrowing halls; office partitions; vacation homes; conventional houses; and parts and accessories incidental thereto*, from Readlyn, Iowa, to points in the continental United States (except Alaska and Hawaii), and (2) *such materials and supplies* as are used in the manufacturing of the products in Part 1 from points in the continental United States (except Alaska and Hawaii), to Readlyn, Iowa. 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, ap-

plicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 31600 (Sub-No. 660), filed August 25, 1972. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formaldehyde*, in bulk, in tank vehicles, from Graselli, N.J., to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (2) *silica*, in bulk, in tank vehicles, from Alloy and Graham, W. Va., and Marietta, Ohio, to North Haven, Conn.; (3) *polyethylene, polypropylene, and polystyrene*, in bulk, in tank vehicles, from Farmingdale, Long Island, N.Y. to points in Connecticut, Massachusetts, Maine, New Hampshire, and Vermont; (4) *compressed hydrogen gas*, in bulk, in manifolded cylinder trailers, from East Hartford, Conn., to Utica, Apalachin, and Beacon, N.Y.; and (5) *Animal and poultry feed ingredients*, dry, in bulk, in tank vehicles, from points of entry on the international boundary line between the United States and Canada at or near Champlain and Rouses Point, N.Y., to Woburn, Mass. 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 34027 (Sub-No. 4), filed September 15, 1972. Applicant: GREETINGS, INC., Post Office Box 82, Pella, IA 50219. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special equipment, those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Pella and Des Moines, Iowa, from Pella, over Iowa Highway 163 to Des Moines, Iowa, and return over the same route, serving no intermediate points. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 50069 (Sub-No. 455), filed September 14, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Akron and Medina, Ohio, to points in Pennsylvania. NOTE: Common control may be involved. 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.

No. MC 52460 (Sub-No. 114), filed August 21, 1972. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McComas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, from Van Buren, Ark., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 58344 (Sub-No. 5), filed September 12, 1972. Applicant: BILL HODGES TRUCK COMPANY, INC., Route 4, Box 340, Oklahoma City, OK 73110. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast or prestress concrete articles and accessories* used in the installation of the above-named commodities, from Tulsa, Okla., to points in Kansas, Missouri, Arkansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 61592 (Sub-No. 280), filed August 29, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, between Beardstown and Arenzville, Ill., and points in Iowa, Missouri, Kentucky, Tennessee, Wisconsin, Indiana, Arkansas, Michigan, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71459 (Sub-No. 30), filed September 29, 1972. Applicant: O. N. C. FREIGHT SYSTEMS, a corporation, 2800 West Bayshore Road, Palo Alto, CA 94303. Applicant's representative: C. J. Boddington (same address as above). 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between Reno, Nev., and Salt Lake City, Utah, serving no intermediate points, from Reno, Nev., over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route. NOTE: Common control may be involved. Applicant states that duplicating authority may be involved in application No. MC 71459 (Sub-No. 31), requesting authority between Page, Ariz., and Salt Lake City, Utah. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Reno, Nev.

No. MC 71459 (Sub-No. 31), filed September 29, 1972. Applicant: O. N. C. FREIGHT SYSTEMS, a corporation, 2800 West Bayshore Road, Palo Alto, CA 94303. Applicant's representative: C. J. Boddington (same address as above). 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between Page, Ariz., and Salt Lake City, Utah, serving all intermediate points, from Page, Ariz., over U.S. Highway 89 to Salt Lake City, Utah, and return over the same route. NOTE: Common control may be involved. Applicant states that duplicating authority may be involved in application No. MC 71459 (Sub-No. 30), requesting authority between Reno, Nev., and Salt Lake City, Utah. If a hearing is deemed necessary, applicant requests it be held at Flagstaff, Ariz., or Salt Lake City, Utah.

No. MC 82492 (Sub-No. 71), filed October 9, 1972. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except commodities in bulk), from Paw Paw, St. Joseph, and Wayland, Mich., to points in North Dakota (except Fargo, N. Dak.) and the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 83539 (Sub-No. 354), filed October 2, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *conduit, pipe and tubing and fittings therefor* (except oilfield and pipeline commodities as defined by the Commission in Mercer Extension—Oil Field Commodities, 74 MCC 459), from points in Upshur County, Tex., to points in Ari-

zona, California, Connecticut, Delaware, the District of Columbia, Florida, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that tacking possibilities exist but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 97699 (Sub-No. 34), filed October 9, 1972. Applicant: BARBER TRANSPORTATION CO., a corporation, Deadwood Avenue, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. 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, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's regular-route operations via Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 100666 (Sub-No. 227), filed October 6, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the plantsites of Norport Panel, Inc., at or near Norfolk, Va., and Plywood Panels, Inc., at or near Thomasville, Ga., to all points in the United States (excluding Hawaii, but including Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103498 (Sub-No. 29), filed October 5, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Drawer C, DeQueen, AR 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preservatively treated lumber, posts, poles, and piling*, from Joplin, Mo., to points in Kansas, Iowa, Nebraska, Oklahoma, South Dakota, North Dakota, Minnesota, Arkansas, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Joplin, Mo.

No. MC 105461 (Sub-No. 89), filed September 26, 1972. Applicant: HERR'S MOTOR EXPRESS, INC., Post Office Box 8, Quarryville, PA 17566. Applicant's representative: Robert R. Kerr, 406 Quarry Place, Quarryville, PA 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters; filter parts; air cleaner cartridges; automotive parts; and tools, equipment, materials, and supplies* used in the installation, manufacture, and distribution of filters, filter parts, air cleaner cartridges, and automotive parts, between Pawtucket, East Providence, and Providence, R.I., on the one hand, and, on the other, points in Pennsylvania, New York (except New York City and Nassau and Suffolk Counties), New Jersey, Maryland, Delaware, West Virginia, Virginia, Ohio, and the District of Columbia, restricted to traffic originating at or destined to the plantsites, dealers, customers or suppliers of Fram Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 105566 (Sub-No. 73), filed October 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. 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 irregular routes, transporting: *Prepared foods, foodstuffs, food products, canned goods, and toys*, from Chicago, East St. Louis, and Millstadt, Ill., to points in Texas, Colorado, New Mexico, Idaho, Montana, Washington, Oregon, Wyoming, Arizona, California, Nevada, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 75), filed October 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. 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 irregular routes, transporting: *Printed matter*, from Detroit, Mich., to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 76), filed October 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. 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 irregular routes, transporting: *Printed matter*, from Canton, Ohio, to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington. 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 Canton, Ohio, or Washington, D.C.

No. MC 105566 (Sub-No. 77), filed October 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. 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 irregular routes, transporting: *Printed matter*, from Memphis, Tenn., to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington. 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 Memphis, Tenn., or Washington, D.C.

No. MC 105566 (Sub-No. 80), filed October 2, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. 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 irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in *Description of Motor Carrier Certificates* 61 M.C.C. 209 and 276, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106398 (Sub-No. 627), filed September 5, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Temple Industries' plantsite, Thomson, Ga., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, with no transportation for compensation on return except as other-

wise authorized. NOTE: 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 Houston, or Dallas, Tex.

No. MC 107012 (Sub-No. 158) (Amendment), filed August 3, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished, in part as amended, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., New Haven Avenue and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). NOTE: The sole purpose of this partial republication is to add the following to the destination territory proposed to be served, points in Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. The rest of the application remains as previously published.

No. MC 108207 (Sub-No. 360), filed September 25, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from points in California and Arizona, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 108676 (Sub-No. 50), filed October 10, 1972. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, fittings for plastic pipe and plastic tubing and plastic pipe solvent*, between Sparta, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 108937 (Sub-No. 35), filed October 10, 1972. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Applicant's representative: R. L. Stevens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the warehouse site of Western Electric Co., Inc., located at or near Underwood, Iowa, as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Omaha, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110581 (Sub-No. 6), filed October 10, 1972. Applicant: G & H MOTOR FREIGHT LINES, INC., Post Office Box 239, Greenfield, IA 50849. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. 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 Des Moines, Iowa, and Corning, Iowa; (a) from Des Moines, Iowa, over Interstate Highway 80 to junction Iowa Highway 25, thence over Iowa Highway 25 to Creston, thence over U.S. Highway 34 to Corning; (b) from Des Moines over Interstate Highway 80 to junction Iowa Highway 25, thence over Iowa Highway 25 to Greenfield, thence over U.S. Highway 92 to junction Iowa Highway 148 to Corning, thence over U.S. Highway 34 to Creston; and (c) from Des Moines over Iowa Highway 28 to junction Iowa Highway 92, thence over Iowa Highway 92 to Greenfield, thence over Iowa Highway 25 to Creston, thence over U.S. Highway 34 to Corning, and return over the same routes in (a), (b), and (c) above, and serving Creston, Iowa, as an intermediate or off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112617 (Sub-No. 301) (Amendment), filed August 7, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished, as amended this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic liquids and acrylates* in bulk, in tank vehicles, from the plantsite of Rohm & Haas Co., located at or near Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at said plantsite and destined to points in the above-named States. NOTE: The purpose of this republication is to amend the commodity description and to restrict the territorial scope of the authority sought herein. The rest of the application remains the same. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113362 (Sub-No. 247), filed September 5, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*: (1) From Covington (Tipton County), Tenn., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, and Texas, and (2) from Bloomingfield, N.J., to Covington, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 113678 (Sub-No. 468), filed October 10, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the production and storage facilities of Aurora Packing Co., at Aurora, Ill., to points in Nebraska, Colorado, Utah, Nevada, California, Oregon, Washington, Arizona, and New Mexico. NOTE: Applicant states that tacking possibilities exist, but indicates it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Omaha, Nebr., or Denver, Colo.

No. MC 114273 (Sub-No. 127), filed September 25, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen meat products*, from the site and storage facilities of Kold Storage, Inc., at or near Fort Dodge, Iowa, to points in Iowa, Indiana, Kentucky, Michigan, Missouri, Nebraska, and Ohio, restricted to traffic originating at said origin and destined to the named destinations. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 442), filed September 29, 1972. Applicant: COLO-

NIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Harrodsburg, Louisville, Cynthiana, and Lexington, Ky., to points in California, Arizona, Texas, Oklahoma, New Mexico, Utah, Nevada, and Colorado. 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 Louisville, Ky., Cincinnati, Ohio, or Memphis, Tenn.

No. MC 119302 (Sub-No. 17), filed October 10, 1972. Applicant: MILLER TRANSFER & RIGGING CO., a corporation, Post Office Box 6077, Akron, OH 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric tools, lawn and garden equipment, and component parts*, from Hampstead, Md., to the United States-Canada boundary line at the international ports of entry at or near Ogdensburg and Wellesley Island, N.Y., and on return to Hampstead and Baltimore, Md., under a continuing contract or contracts with the Black & Decker Manufacturing Co. of Towson, Md. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 296), filed September 6, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., to points in Indiana, Iowa, Michigan, and Minnesota; and (2) *empty malt beverage containers*, from the destination territory to the Miller Brewing Co. in Milwaukee, Wis. 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 119774 (Sub-No. 56), filed October 4, 1972. Applicant: EAGLE TRUCKING COMPANY, a corporation, 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 pipe and tubing*, from New Orleans, La., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas, restricted against the transportation of commodities as described in *Mercer Extension—Oil Field Commodities* 74 MCC 459, and also restricted to traffic originating at the plantsite of United Tube Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Shreveport, La., or Dallas, Tex.

No. MC 123407 (Sub-No. 108) (Correction), filed August 23, 1972, and published in the FEDERAL REGISTER issue of October 26, 1972, republished in part, as corrected, this issue. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue S., Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). NOTE: The purpose of this partial republication is to indicate the correct docket number as No. MC 123407 (Sub-No. 108), in lieu of No. MC 123407 (Sub-No. 180), which was erroneously published. The rest of the application remains as previously published.

No. MC 124408 (Sub-No. 9), filed September 15, 1972. Applicant: THOMPSON BROS., INC., Post Office Box 457, Toronto, SD 57268. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, in vehicles equipped with mechanical refrigeration, from Clark, S. Dak., to points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it holds contract carrier authority to perform identical service under Permit No. MC 129974 Sub-No. 7, and similar service under Sub 5, therefore he requests these permits be revoked when the authority requested herein is granted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124796 (Sub-No. 102), filed October 5, 1972. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, 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: *Foodstuffs*, not frozen, from points in Chester County, Pa., to Phoenix, Ariz.; Los Angeles, Oakland, and San Francisco, Calif.; Denver, Colo.; Jacksonville, Miami, and Tampa, Fla.; Chicago and Libertyville, Ill.; Kansas City, Kans.; New Orleans, La.; Winchester, Mass.; Detroit, Mich.; Minneapolis, Minn.; St. Louis, Mo.; Raleigh, N.C.; Cleveland and Cincinnati, Ohio; Portland, Oreg.; Dallas, Tex.; Salt Lake City, Utah; and Seattle, Wash.; and (2) *returned shipments of foodstuffs*, not frozen, from the above-described destination to points in Chester County, Pa. Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk and are limited to a transportation service to be performed under a continuing contract, or contracts, with the Clorox Co., its divisions and affiliates. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 125000 (Sub-No. 8), filed October 5, 1972. Applicant: LEON LEDBETTER, Post Office Box 227, Vega, TX 79092. Applicant's representative: John S. Fessenden, 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot mix material*, in dump type vehicles, from points in Gray, Moore, and Ochiltree Counties, Tex., to points in Meade, Morton, Seward, and Stevens Counties, Kans., Beaver, Cimarron, and Texas Counties, Okla., and Union and Quay Counties, N. Mex. 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 Amarillo or Dallas, Tex.

No. MC 125035 (Sub-No. 26), filed September 8, 1972. Applicant: RAY E. BROWN TRUCKING, INC., Post Office Box 84, Massillon, OH 44646. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, and ice water confections*, in refrigerated trailers, to and from points in Ohio, Michigan, Indiana West Virginia, Pennsylvania, New York, and New Jersey, under contract with Sealtest Foods—division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Akron, Pa.

No. MC 125162 (Sub-No. 3), filed October 11, 1972. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, GA 31206. 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: *Concrete block and concrete brick*, from points in Georgia to points in Florida traversing the State of Alabama for operating convenience only. 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 Atlanta, Ga.

No. MC 125279 (Sub-No. 3), filed October 10, 1972. Applicant: TERRY P. KIEFER, Star Route 3, Tionesta, PA 16353. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clarion County, Pa., to Dunkirk, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125358 (Sub-No. 9), filed October 10, 1972. Applicant: MID-WEST LINES, LTD., a corporation, 1215 Fife Street, Winnipeg, MB, Canada. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment, and materials* used in the manufacture, assembly and report of automotive buses, from North Lake, Ill., to a port of entry on the border between the United States and Canada located at or near Pembina, N. Dak., under contract with Motor Coach Industries. NOTE: Applicant holds common carrier authority under MC 134638, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 133133 (Sub-No. 5), filed October 4, 1972. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, OH 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boiler slag*, from Lawrenceburg, Ind., to points in Ohio and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 74857 (Sub-No. 6), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Columbus, Ohio.

No. MC 134906 (Sub-No. 7), filed October 2, 1972. Applicant: CAPE AIR FREIGHT, INC., Post Office Box 834, Elizabethtown, KY 42701. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cape Girardeau Municipal Airport, Cape Girardeau, Mo., and points in Ohio, on and east of Interstate Highway 77, Wheeling, Williamson, Parkersburg, Point Pleasant, and Valley Grove, W. Va., Bristol, Va., and points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that it proposes to tack all existing authority with the authority sought in this application where possible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 135109 (Sub-No. 3), filed October 2, 1972. Applicant: SECO, INC., 219 North Jackson, Mason City, IA 50401. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic staple fiber, synthetic fiber, synthetic fiber waste, plastic scrap, bobbins (pirns), and sleeves*, between points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia, under contract with Chevron Chemical Co., of San Francisco, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 135705 (Sub-No. 3), filed October 9, 1972. Applicant: LELAND L. MELROSE, doing business as MELROSE TRUCKING COMPANY, 6360 Raderville Route. Applicant's representative: C. S. Aspinwall, 430 East First Street, Casper, WY 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, between undesignated points in and between Wyoming, Colorado, and Nebraska. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo.; Billings, Mont.; Salt Lake City, Utah, or Denver, Colo.

No. MC 136687 (Sub-No. 2), filed September 13, 1972. Applicant: ANIMAL TRANSPORTS, INC., 509 Laguna Boulevard SW., Post Office Box 7311, Albuquerque, NM 87104. Applicant's representative: Ann Wilcox Hood, 914 Bank of New Mexico Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zoo and laboratory animals*, being rare, fragile, or exotic, requiring special equipment and handling (except racehorses), between points in the United States (excepting Hawaii but including Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 136721 (Sub-No. 2), filed September 27, 1972. Applicant FREEMAN C. COREY, doing business as FREEMAN C. COREY & SON, R.F. No. 1, Washburn, Maine 04786. Applicant's representative: John M. Cleary, 914 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid potato starch*, in bulk, in tank vehicles, from the account of A. E. Staley Manufacturing Co., from the port of entry on the international boundary line between the United States and Canada at Houlton, Maine, to Houlton, Maine, on traffic having a prior movement in foreign commerce, under contract with A. E. Staley Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Washington, D.C.

No. MC 136929 (Sub-No. 2), filed September 29, 1972. Applicant: R. V. TRUCKING, INC., 5200 Nowata Road, Post Office Box 3211, Bartlesville, OK 74003. Applicant's representative: D. S. Hults, Box 225, Lawrence, KS 66044. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters and wall furnaces* for installation in recreational vehicles from the plantsite and storage facilities of Atwood Vacuum Machine Co., Mobile Products Division, located at Rockford, Ill., to Coffeyville and Minneapolis, Kans., and Denver, Colo., under contract with Atwood Vacuum Machine Co.; (2) *refrigerators* for installation in recreational vehicles from the plantsite and storage facilities of Hadco Engineering, a division of A-T-O, Inc., located at Elkhart, Ind., to Coffeyville and Minneapolis, Kans., Denver, Colo., and Mason City, Forrest City, Indianola, and Carlyle, Iowa, under contract with Hadco Engineering, a division of A-T-O, Inc.; and (3) *ranges* for use in mobile homes and recreational vehicles from the plantsite and storage facilities of Premier Stove Co., at Belleville, Ill., to Coffeyville and Minneapolis, Kans., Denver and Longmont, Colo., Concordia, Sedalia, and Westphalia, Mo., and Mason City, Forrest City, Indianola, and Carlyle, Iowa, under contract with Premier Stove Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 138002 (Sub-No. 2), filed September 18, 1972. Applicant: RED MOUNTAIN TRANSPORT, INC., 709 Sixth Avenue North, Post Office Box 10362, Birmingham, AL 35202. Applicant's representative: Richard J. Haberstroh (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, parts, and accessories* for material handling equipment; *materials, parts, supplies, and equipment* used in the manufacture and repair of material handling equipment; in specialized self-loading and/or self-unloading equipment between points in the United States (including Alaska but excluding Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, appli-

cant requests it be held at either (1) Birmingham, Ala.; (2) Atlanta, Ga.; or (3) Mobile, Ala.

No. MC 138062, filed August 22, 1972. Applicant: EUGENE E. LANGNER, doing business as LANGNER TRUCK LINE, 4728 South Pattie, Wichita, KS 67216. Applicant's representative: Paul V. Dugan, 1400 K.S.B. & T Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in the counties of Harper, Sumner, Cowley, Chautauqua, Montgomery, Pratt, Kingman, Sedgwick, Butler, Elk, Wilson, Stafford, Reno, Harvey, Greenwood, Woodson, Barton, Rice, McPherson, Marion, Chase, and Lyons, Kans., on the one hand, and, on the other, points in Oklahoma and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 138087, filed September 5, 1972. Applicant: CASHION MOVING & STORAGE, INC., 810 King Street, Sanford, NC 27330. Applicant's representative: Roy W. Cashion, 506 Sunset Drive, Sanford, NC 27330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as described by the Commission, between points in Wake, Lee, Moore, Chatham, Cumberland, and Harnett Counties, N.C., on the one hand, and, on the other, points in South Carolina, Virginia, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 138096, filed September 18, 1972. Applicant: LEE P. WEGNER, SR., doing business as WEGNER TRUCKING CO., Route 1, Box 249, Holiday Road, Waukesha, WI 53186. Applicant's representative: David V. Purcell, 1902 Marine Plaza, Milwaukee, WI 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigerated display coolers and freezers, refrigerated sectional walk-in cooling and freezing rooms, knocked-down, and components, accessories, parts, and supplies* therefor, from Genesee, Wis., to points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, and West Virginia; (2) *returned, rejected, and damaged shipments* of the commodities described hereinabove in the reverse direction; and (3) *materials, equipment, and supplies* used in the manufacture, production, and distribution of the commodities described hereinabove, from Illinois, Kentucky, Michigan, Minnesota, North Carolina, and Ohio, to Genesee, Wis. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract or contracts with Zero Zone Refrigeration Manufacturing Co., Inc., of Genesee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 138108, filed October 10, 1972. Applicant: M. R. "RUDY" GRAHAM, doing business as GULF STATES HOT SHOT SERVICE, 206 Stephens Avenue, Laurel, MS 39440. 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 *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies, including explosives and radioactive materials, used in replacing, servicing, and repair of machinery and equipment used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and byproducts*, between points in Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee, and (2) *machinery, equipment, materials, and supplies, including explosives and radioactive materials, used in the construction, erection and maintenance of antipollution disposal wells and related facilities*, between points in Mississippi, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and West Virginia. Restriction: Service to be performed under (1) and (2) above is restricted to shipments weighing 12,000 or less each and utilizing 1½ ton or smaller trucks. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138109, filed October 6, 1972. Applicant: RAY J. FORNEY, Post Office Box 257, Ashton, IL 61006. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery stores, food processors, and institutional suppliers, and *materials, equipment, and supplies* used in or useful in the packaging, production, sale, processing, manufacture, and distribution thereof (except commodities in bulk), between the plantsites of and facilities utilized by Crest Foods Co., Inc., located at or near Ashton and Forreston, Ill., on the one hand, and, on the other, points in the United States in and east of Montana, Wyoming, Utah, and Arizona, under a continuing contract or contracts with Crest Foods Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

MOTOR CARRIER OF PASSENGER

No. MC 116385 (Sub-No. 5), filed October 2, 1972. Applicant: ANTHONY S. KASPER, doing business as NIAGARA FRONTIER SCENIC TOURS, 7900 Pine Avenue Boulevard, Niagara Falls, NY 14304. 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 irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, in seasonal operations between April 15, and October 1, inclusive, of each year, between ports of entry on the United States-Canada boundary line located at Niagara Falls and Lewiston, N.Y., and points in Niagara County, N.Y., within 6 miles of Niagara Falls, including Niagara Falls. NOTE: Applicant states that the purpose of this application is to remove the restrictions in its present certificate No. MC 116385 (Sub-No. 3), limiting transportation to not more than eight passengers in any one vehicle including driver thereof but not including children under 10 years of age who do not occupy seats for reasons of operating economics. Applicant's requested authority duplicates that authority granted in certificate No. MC 116385 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at Niagara Falls or Buffalo, N.Y., or Washington, D.C.

APPLICATION FOR FREIGHT FORWARDER

No. FF-427 (WITS, INC., Freight Forwarder Application), filed October 17, 1972. Applicant: WITS, INC., doing business as WITS AIR CARGO SERVICE, Post Office Box 3805, Seattle, WA 98124. Applicant's representative: Joseph L. Schocken (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operations as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicles in the transportation of: *General commodities*, between points in the United States, restricted to shipments having a prior or subsequent movement by air.

APPLICATION FOR WATER CARRIER

No. W-1265 (BIGGE DRAYAGE CO. Contract Carrier and Exemption Applications) (Clarification), filed September 11, 1972, published in the FEDERAL REGISTER issue of September 28, 1972, and republished this issue. Applicant: BIGGE DRAYAGE CO., San Leandro, Calif. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, CA 04104. Applications of Bigge Drayage Co., filed September 11, 1972, for a permit under section 309 or exemption under section 303(e)(2), to engage in transportation in interstate or foreign commerce by water and by non-self-propelled vessels with the use of separate towing vessels, of: (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, between points on the inland and coastal waters of the United States, including Alaska and Hawaii. NOTE: By the instant applications, applicant seeks to obtain either contract carrier permit or exemption so that it, under its own right, will be capable of providing shippers of oversimensional items a complete service in the movement of their commodities between all points in the United States. The purpose of this republication is to clarify the scope of the authority sought.

APPLICATION FOR A POSTAL CERTIFICATE

Interstate Commerce Commission, No. MC-137020 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 25, 1972. Applicant: HARRY B. HAWKS, doing business as HAWKS EXPRESS, Route 4, Box 131, Montrose, CO 81401. By application filed September 25, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory:

(1) Between Salida and Colorado Springs, Colo., from Salida over U.S. Highway 50 to Canon City, thence over Colorado Highway 115 to Florence, thence over Colorado Highway 120 to Penrose, and thence over Colorado Highway 115 to Colorado Springs, and return over the same routes.

(2) Between Montrose and Paradox, Colo., from Montrose over U.S. Highway 550 to junction Colorado Highway 62, thence over Colorado Highway 62 to Placerville, thence over Colorado Highway 145 to junction Colorado Highway 97, thence over Colorado Highway 97 to junction Colorado Highway 141 to Uravan, thence over Colorado Highway 141 to Vancorum, and thence over Colorado Highway 90 to Paradox, and return over the same routes.

(3) Between Denver and Montrose, Colo., from Denver over U.S. Highway 285 to junction Colorado Highway 291, thence over Colorado Highway 291 to Salida, and thence over U.S. Highway 50 to Montrose, and return over the same routes.

Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 81212, relating to service between Salida and Colorado Springs, Colo.; Route No. 81430, relating to service between Montrose and Paradox, Colo.; and Route No. 80110, relating to service between Denver and Montrose, Colo.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-18639 Filed 11-1-72;8:45 am]

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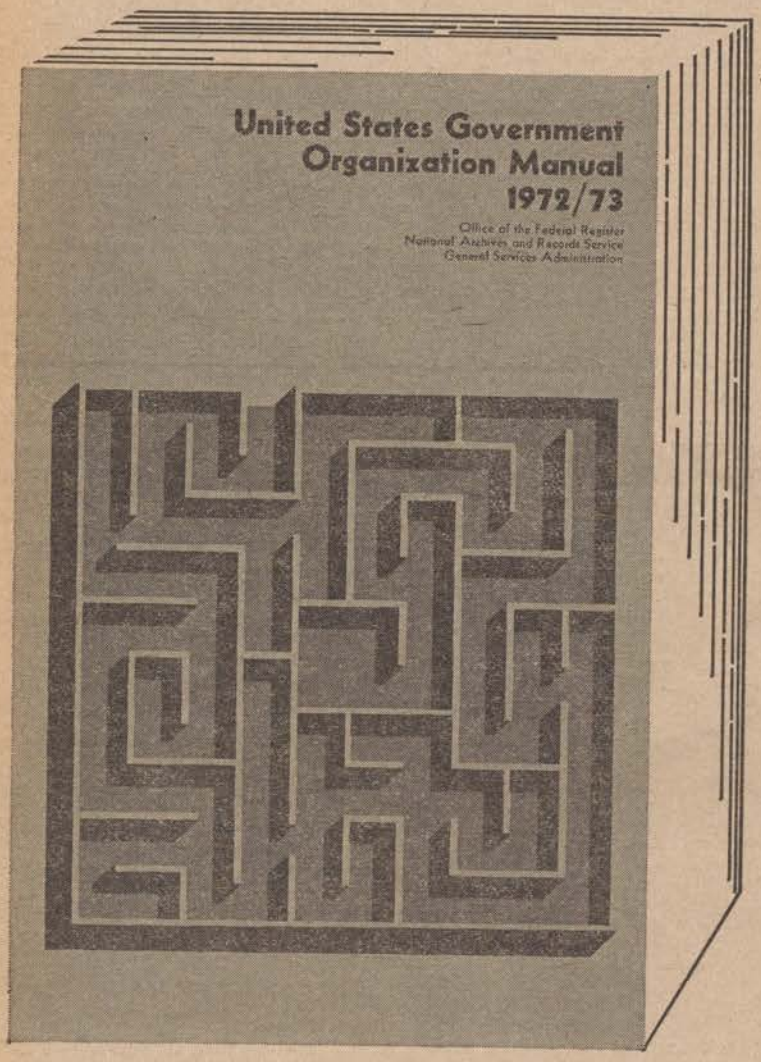

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