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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 7—AGRICULTURE

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

MISCELLANEOUS AMENDMENTS

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 48 relating to the Japanese beetle and regulations supplemental to said quarantine (7 CFR 301.48, 301.48–1, 301.48–2, 301.48–3 et seq.), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

§ 301.48 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* (1) Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined after public hearing that it was necessary to quarantine the States[2] of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia in order to prevent the spread of the Japanese beetle, a dangerous insect injurious to cultivated crops and not theretofore widely prevalent or distributed within and throughout the United States and accordingly quarantined said States.

(2) Pursuant to the said provisions and after public hearing the Secretary has now determined that it is necessary also to quarantine the States of Alabama and Missouri to prevent the spread of the Japanese beetle. Under the authority of said provisions, the Secretary hereby quarantines the States of Alabama and Missouri, and continues in effect the quarantine of the other specified States as aforesaid, with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.48–1(o) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area, or any area outside the regulated areas, in a quarantined State:

(i) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things;

(ii) Plants with roots, except soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground pine or running pine);

(iii) Grass sod;

(iv) Plant crowns and roots for propagation;

(v) True bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured;

(vi) Used mechanized soil-moving equipment;

(vii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) through (vi) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State:

(i) Bulk soil.

(ii) Used mechanized soil-moving equipment.

(iii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) and (ii) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle and the person in possession thereof has been so notified.

§ 301.48–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. The following terms, when used in this subpart shall be construed respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.48–2.

(e) *Infestation.* The presence of the Japanese beetle or the existence of circumstances that make it reasonable to believe that the Japanese beetle is present.

(f) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(g) *Interstate.* From any State into or through any other State.

(h) *Japanese beetle.* The live insect known as the Japanese beetle (*Popillia japonica* Newm.) in any stage of development.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mechanized soil-moving equipment.* Mechanized equipment used to move or

[2] See definition of "State" in § 301.48–1(s).

transport soil—e.g., draglines, bulldozers, road scrapers, dumptrucks, etc.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Plant protection and quarantine programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and regulations promulgated thereunder.

(n) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.48–2a or otherwise designated as a regulated area in accordance with § 301.48–2(b).

(o) *Regulated articles.* Any articles as described in § 301.48–2(b).

(p) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(r) *Soil.* That part of the upper layer of earth in which plants can grow.

(s) *State.* Any State, territory, or district of the United States, including Puerto Rico.

(t) *Suppressive area.* That part of a regulated area where all establishments handling regulated articles, except products being produced on the farm, have been treated for eradication of the Japanese beetle and where eradication of the entire infestation in that part of the regulated area is undertaken as the objective, as designated by the Deputy Administrator under § 301.48–2(a).

(u) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Japanese Beetle Quarantine," the manual of "Procedures for Applying Soil Surface and Foliage Treatments for Regulatory Purposes," and the "Fumigation Procedures Manual." [1]

§ 301.48–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.48–2(a), each quarantined State; or each portion thereof in which Japanese beetle has been found or in which there is reason to believe that Japanese beetle is present or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.48–1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Japanese beetle.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.48–2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector, and notice thereof shall be given to the owner or person in possession of the premises.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated area or suppressive or generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.48–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.48–3 Conditions governing the interstate movement of regulated articles from quarantined States. [2]

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved interstate from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.48–4 and 301.48–7 if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles present a hazard of the spread of the Japanese beetle and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) (v) of this paragraph; or

(2) From any regulated area, without certificate or permit if moved:

(i) Under the provisions of § 301.48–2b which exempts certain articles from certificate and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the Japanese beetle exists; or

(v) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(*a*) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.48–2b; or

(*b*) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Deputy Administrator in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

laboratories approved[3] by the Deputy Administrator and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Deputy Administrator has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.48–4 and 301.48–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.48–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of the Japanese beetle and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator to prevent the spread of the Japanese beetle.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles, provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the condtions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

§ 301.48–5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.48–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.48–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.48–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.48–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of or require disposal of regulated articles and Japanese beetles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Deputy Administrator.

§ 301.48–9 Movement of live Japanese beetles.

Regulations requiring a permit for and otherwise governing the movement of live Japanese beetles in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.48–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart other than for the services of the inspector.

Pursuant to a notice of hearing and proposed rule making published in the FEDERAL REGISTER on January 7, 1972 (37 F.R. 218), a public hearing was held in Memphis, Tenn., on February 15, 1972, regarding the proposed quarantining of the States of Alabama and Missouri on account of the Japanese beetle. After due consideration of all relevant information presented at the hearing or otherwise available in the Department, it has been decided to add Alabama and Missouri to the list of States quarantined because of Japanese beetle.

The foregoing revision differs from the notice of proposed rule making in some

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Deputy Administrator, Plant Protection and Quarantine Program, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250.

[4] For list of approved laboratories, see PP 639 (37 F.R. 7813, 15525, and amendments thereof).

respects. Appropriate changes are made to reflect the reorganization of the Animal and Plant Health Inspection Service. The responsibility for enforcement of Federal domestic plant quarantines has been transferred from Animal and Plant Health Service to Animal and Plant Health Inspection Service. In addition § 301.48–4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes are also made.

The revision of the quarantine makes more stringent Japanese beetle requirements than presently applied and it should be made effective promptly in order to prevent the spread of the Japanese beetle and to be of maximum benefit to the noninfested States.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This revision will become effective upon publication in the FEDERAL REGISTER and shall supersede the quarantine and regulations contained in §§ 301.48, 301.48–1, 301.48–2, and §§ 301.48–3 through 301.48–10. The provisions in § 301.48–2b remain in effect. The provisions of § 301.48–2a are being revised by a separate document.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 152, 150ee; 29 F.R. 16210, as amended, 37 F.R. 6505)

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

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

[FR Doc.72–19762 Filed 11–15–72;8:52 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 85 relating to the golden nematode and regulations supplemental to said Quarantine (7 CFR 301.85, 301.85–1, 301.85–2, 301.85–3 et seq.), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.
301.85 Quarantine; restriction on interstate movement of specified regulated articles.
301.85–1 Definitions.
301.85–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.
301.85–3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.85–4 Issuance and cancellation of certificates and permits.
301.85–5 Compliance agreement, and cancellation thereof.
301.85–6 Assembly and inspection of regulated articles.
301.85–7 Attachment and disposition of certificates or permits.
301.85–8 Inspection and disposal of regulated articles and pests.
301.85–9 Movement of live golden nematodes.
301.85–10 Nonliability of the Department.

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined after public hearing that it was necessary to quarantine the State of New York in order to prevent the spread of the golden nematode (*Heterodera rostochiensis*), which causes a dangerous disease of potatoes and certain other plants, and not theretofore widely prevalent or distributed within and throughout the United States. Therefore, under the authority of said provisions, the Secretary hereby continues to quarantine the State of New York, with respect to the interstate movement from the quarantined State of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.85–1(q) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, humus, muck, peat, and decomposed manure, separately or with other things.

(2) Plants with roots, except soil-free aquatic plants.

(3) Grass sod.

(4) Plant crowns and roats for propagation.

(5) True bulbs, corms, rhizomes, and tubers of ornamental plants.

(6) Irish potatoes and other root crops.

(7) Small grains and soybeans.

(8) Hay, straw, fodder, and plant litter, of any kind.

(9) Ear corn, except shucked ear corn.

(10) Used crates, boxes, and burlap bags, and other used farm products containers.

(11) Used farm tools.

(12) Used mechanized cultivating equipment and used harvesting equipment.

(13) Used mechanized soil-moving equipment.

(14) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraphs (1) through (13) of this paragraph, when it is determined by an inspector that they present a hazard of spread of golden nematode, and the person in possession thereof has been so notified.

§ 301.85–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. The following terms, when used in this subpart shall be construed respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Farm tools.* An instrument worked or used by hand, e.g., hoes, rakes, shovels, axes, hammers, and saws.

(e) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.85–2.

(f) *Golden nematode* .The nematode known as the golden nematode (*Heterodera rostochiensis*), in any stage of development.

(g) *Infestation.* The presence of the golden nematode or the existence of circumstances that make it reasonable to believe that the golden nematode is present.

(h) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the Quarantine and regulations in this subpart.

(i) *Interstate.* From any State into or through any other State.

(j) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization or processing or for treatment.

(k) *Mechanized cultivating equipment; and mechanized harvesting equipment.* Mechanized equipment used for

soil tillage, including tillage attachments for farm tractors, e.g., tractors, disks, plows, harrows, planters, and subsoilers; mechanized equipment used for harvesting purposes, e.g., combines, potato conveyors, and harvesters and hay balers.

(l) *Mechanized soil-moving equipment.* Equipment used for moving or transporting soil, e.g., draglines, bulldozers, dump trucks, road scrapers, etc.

(m) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transpoted by a common carrier, or carried, transported, moved, or allowed to be moved by all means. "Movement" and "move" shall be constructed accordingly.

(n) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(o) *Plant protection and quarantine programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and regulations promulgated thereunder.

(p) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated areas in § 301–85–2a, or otherwise designated as a regulated area in accordance with § 301.85–2(b).

(q) *Regulated article.* Any articles as described in § 301.85(b).

(r) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(s) *Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(t) *Soil.* That part of the upper layer of earth in which plants can grow.

(u) *State.* Any State, territory, or district of the United States, including Puerto Rico.

(v) *Suppressive area.* That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.85–2(a).

(w) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Golden Nematode Quarantine" and the "Fumigation Procedures Manual."[1]

§ 301.85–2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas; and to exempt articles from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.85–2a, each quarantined State; or each portion thereof in which golden nematode has been found or in which there is reason to believe that golden nematode is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.85–1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.85–2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector and notice thereof shall be given to the owner or person in possession of the premises.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated area and suppressive or generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.85–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.85–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved interstate from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.85–4 and 301.85–7 if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles present a hazard of the spread of the golden nematode and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) (v) of this paragraph; or

(2) From any regulated area, without certificate or permit if moved:

(i) Under the provisions of § 301.85–2b which exempts certain articles from certificate and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the golden nematode exists; or

(v) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, if moved:

(i) With a certificate or permit attached; or

(ii) Without a certificate or permit, if:

(*a*) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.85–2b; or

(*b*) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Deputy Administrator in emergency situations, soil samples for processing, testing or analysis may be moved interstate from any regulated area only to

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

laboratories approved[3] by the Deputy Administrator and so listed by him in a supplemental regulation.[4] A certificate or permit is not required to be attached to such soil samples except in those situations where the Deputy Administrator has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.85–4 and 301.85–7. A certificate or permit is not required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.85–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles (except soil samples for processing, testing or analysis) not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the golden nematode and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250.

[4] For list of approved laboratories, see PP 639 (37 F.R. 7813, 15525, and amendments thereof).

(d) Scientific permits to allow the interstate movement of regulated articles and certificates or permits to allow the movement of soil samples for processing, testing, or analysis in emergency situations may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator to prevent the spread of the golden nematode.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles (except for soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate of permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

§ 301.85–5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is superto present views has been accorded to vising its enforcement whenever he finds, after notice and reasonable opportunity the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.85–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.85–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.85–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.85–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and golden nematodes as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Deputy Administrator.

§ 301.85–9 Movement of live golden nematodes.

Regulations requiring a permit for and otherwise governing the movement of live golden nematodes in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.85–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the Quarantine and regulations in this subpart, other than for the services of the inspector.

The regulations have been revised to permit the Deputy Administrator or an inspector to designate generally infested and suppressive areas, and further,

specifically authorize the Deputy Administrator to terminate the designation of regulated areas under specified criteria. Section 301.85–4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes were also made.

Insofar as the revision of the quarantine makes more stringent requirements than presently applied it should be made effective promptly in order to prevent the spread of the golden nematode and to be of maximum benefit to the noninfested States. The other changes do not impose additional obligations on any person.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This revision will become effective upon publication in the FEDERAL REGISTER (11–16–72) and shall supersede the quarantine and regulations contained in §§ 301.85, 301.85–1, 301.85–2, and §§ 301.85–3 through 301.85–10. The provisions in § 301.85–2b remain in effect. The provisions of § 301.85–2a as issued on September 27, 1972 (37 F.R. 20158) are hereby ratified and shall continue in effect as if issued under this revision.

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

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

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

[FR Doc.72–19759 Filed 11–15–72;8:53 am]

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

[Navel Orange Reg. 275]

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

Limitation of Handling

§ 907.575 Navel Orange Regulation 275.

(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 November 14, 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 17 through November 23, 1972, are hereby fixed as follows:

(i) District 1: 837,000 cartons;
(ii) District 2: unlimited;
(iii) District 3: 63,000 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 14, 1972.

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

[FR Doc.72–19901 Filed 11–15–72;11:29 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

Rent Adjustment: Annual Increment

This amendment makes more explicit the Price Commission's policy that (1) the 2½-percent annual increment by which lessors may raise residential rents above base rent, provided by § 301.101 (a)(1), may be accumulated, and (2) the rent of any residence may be raised by the use of the 2½-percent annual increment only once in any 12-month period, regardless of whether all or only part of the total allowable increment is used in the increase.

Section 301.102(a)(1) of regulations published in the FEDERAL REGISTER on December 30, 1971 (36 F.R. 25389), prohibited the accumulation of the annual increment by which lessors may raise rents. This policy was later changed by the Commission in an amendment issued on March 31, 1972 (37 F.R. 6565), which deleted the parenthetical phrase in that section prohibiting such an accumulation of the increment.

When the rent stabilization regulations were republished on July 4, 1972 (37 F.R. 13226), § 301.102 was redesignated as § 301.101 with minor editorial changes.

Although no substantive change was intended, it appears that the republished provisions of that section have been misunderstood by some persons as a change in policy. To correct this misunderstanding, this amendment reaffirms the Commission's policy that all or any part of the annual increment may be accumulated, but that the annual increment can be used, in whole or in part, only once in any 12-month period (over which it must be prorated), to increase the rent of a residence.

Since this amendment provides immediate guidance and information for the effective implementation of the rent stabilization program, further notice and public procedure thereon is impracticable and good cause exists for making it effective less than 30 days after publication.

(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)

In consideration of the foregoing, § 301.101(a)(1) of Part 301 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective November 13, 1972.

Issued in Washington, D.C., on November 13, 1972.

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

§ 301.101 Rent adjustments.

(a) * * *

(1) *Two and one-half percent annual increment.* A sum of no more than 2½ percent of the base rent, plus a sum of no more than 2½ percent of the base rent for each consecutive 12-month period which has elapsed since the effective date of the first rent increase based on the 2½-percent annual increment. Or, if the rent has not been increased based on the 2½-percent annual increment since December 28, 1971, a sum of no more than 2½ percent of the base rent, plus a sum of no more than 2½ percent of the base rent for each consecutive 12-month period which has elapsed since the effective date of the first lease entered into after December 28, 1971. Any increase in rent authorized under this subparagraph may be deferred in whole or in part by a lessor and the rent thereafter may be increased by any part of the deferred amount. However, the rent may not be increased based on the annual increment or any part thereof more than once in any 12-month period.

* * * * *

[FR Doc.72-19816 Filed 11-15-72;8:52 am]

Chapter IV—Internal Revenue Service, Department of the Treasury

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Notice of Apparent Liability for Rent Violations

In order to establish procedures relating to the issuance of notices of apparent liability by the Internal Revenue Service, the Internal Revenue Service procedural rules relating to economic stabilization (6 CFR Part 401) are amended as follows:

PARAGRAPH 1. Section 401.2 is amended by adding alphabetically a definition of "Notice of apparent liability" and "Final notice of apparent liability" to read as follows:

§ 401.2 Definitions and terms.

* * * * *

"Notice of apparent liability" and "Final notice of apparent liability" mean a written statement issued in lieu of a notice of violation to a landlord by the Internal Revenue Service setting forth one or more charges of alleged violation of the President's Economic Stabilization Program, which may direct the landlord to:

(a) Make restitution to overcharged tenants,

(b) Roll back rents to the legal limits,

(c) Pay a penalty, and

(d) Sign a statement that no retaliatory action will be taken against any tenants who exercise their right under the program.

* * * * *

PAR. 2. Section 401.502 is amended by revising paragraph (b) and by deleting paragraph (c), to read as follows:

§ 401.502 Violations.

* * * * *

(b) *Civil and criminal action.* The Internal Revenue Service may recommend, to the full extent of sanctions available under the President's Economic Stabilization Program, with respect to the alleged violations, the institution of appropriate actions against a principal referred to in Subpart M of this part or a landlord referred to in Subpart N of this part.

(c) [Deleted]

PAR. 3. Section 401.601 is revised to read as follows:

§ 401.601 Right to appeal.

Any person who is—

(a) A person aggrieved (as defined in § 401.2), except a person aggrieved by a ruling, or

(b) Subject to any provision of an interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in Subpart M of this part or a landlord referred to in Subpart N of this part may not make an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation or apparent liability, respectively, served upon him. Any appeal not in accordance with this subpart, may be rejected by the appropriate district director.

PAR. 4. Section 401.606 is revised to read as follows:

§ 401.606 Right to reconsideration.

Any person who is—

(a) A person aggrieved (as defined in § 401.2) by a ruling, or

(b) Subject to any provision of a ruling,

may request a reconsideration of a ruling issued by the Office of the Chief Counsel (Stabilization Division) after March 31, 1972, in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in Subpart M of this part or a landlord referred to in Subpart N of this part may not make a request for reconsideration pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation or apparent liability, respectively, served upon him. Any request for reconsideration not otherwise in accordance with this subpart, may be rejected by the Office of the Chief Counsel (Stabilization Division).

PAR. 5. 6 CFR Part 401 is amended by adding new Subparts M and N after Subpart L, to read as follows:

Subpart M—Notice of Violation

§ 401.1021 Notice of violation.

A person served with a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to the U.S. Attorney unless compelling reasons exist to the contrary. (See § 401.5 for rules relating to service.) The principal (the person upon whom the notice was served) will be granted an interview if he makes a request to the appropriate district director within 2 ways after the date of receipt of the notice of violation. The interview will be held within a reasonable time after the receipt by the district director of the request for an interview, but in no event more than 5 days after the receipt of such request. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. In his discretion, the district director, with the consent of the principal, may invite such other persons as are affected to participate in the conference. The principal may not file an appeal pursuant to the provisions of Subpart G of this part nor may he make a request for an interpretation or ruling with respect to the subject matter of the notice of violation.

Subpart N—Notice of Apparent Liability

§ 401.1031 Notice of apparent liability.

(a) *In general.* A notice of apparent liability informs the landlord that he has been charged with one or more violations of the President's Economic Stabilization Program and requests his compliance with the remedies (including the payment of any penalty) directed by the Internal Revenue Service. The final notice of apparent liability informs the landlord that unless he complies with remedies directed by the Internal Revenue Service in the final notice of apparent liability wihin 30 days (except that any penalty must be paid within 10 days), the case may subject the landlord to prosecution with respect to the charges alleged in the final notice of liability and the full amount of the civil or criminal penalties applicable thereto. The prosecution may be begun without the issuance of a notice of violation, since both the notice of apparent liability and the final notice of apparent liability are issued in lieu of a notice of

violation. A person served with notice of apparent liability will be given an opportunity to explain his position by means of an appeal prior to the issuance of a final notice of apparent liability. (See § 401.5 for rules relating to service.)

(b) *Procedure if no appeal is taken.* If no appeal of a notice of apparent liability is taken, the district director shall issue a final notice of apparent liability.

(c) *Appeal procedure.* The landlord may appeal a notice of apparent liability to an Internal Revenue Service appeals representative if he makes a request to the appropriate district director within 10 days, or any extensions thereof, after the date of receipt of the notice of apparent liability. The appeal must be in writing and shall include:

(1) The landlord's name, address, and identifying number,

(2) A copy of the notice of apparent liability being appealed,

(3) A statement of the landlord's objections to the notice,

(4) A statement of the landlord's views as to the effect of the Economic Stabilization regulations and guidelines as they relate to the subject matter of the notice of apparent liability and the relevant authorities that support his views, and

(5) Whether a conference is desired.

(d) *Conference.* If a conference is requested, the landlord will be notified by the appeals representative of the time and place for such conference within 3 days of the receipt of the appeal in the district office. At such conference, the landlord may have counsel present and will have the opportunity to present evidence for the purpose of changing the findings of fact. Where substantial uncertainties exist either in law or in fact, or both, as to the correct application of the law to the whole record of controversy, the appeals representative will give serious consideration to an offer of settlement of the dispute on a basis which fairly reflects the relative merits of the opposing views in the light of the hazards which would prevail if the case were litigated.

(e) *Decision on appeal.* After the written appeal is received by the district director or after a conference has been requested and held by the appeals representative and the findings made as a result of such review are—

(1) Adverse in whole or in part to the landlord, the landlord will be served with a final notice of liability, or

(2) Not adverse to the landlord or settled, the landlord will be advised that no further action shall be taken.

(f) *Other participants at the conference.* With the consent of the landlord, such other persons as are affected may be invited to participate in the conference described in paragraph (d) of this section.

(g) *No further appeals.* The landlord may not make an appeal pursuant to the provisions of Subpart G of this part nor may he make a request for a determination with respect to the subject matter of the notice of apparent liability.

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of Title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(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; Public Law 92-210, 85 Stat. 743; Executive Order 11640 (37 F.R. 1213 (1972)); Cost of Living Council Order No. 8 (37 F.R. 2727 (1972)); Price Commission Order No. 2 (37 F.R. 3212 (1972))

This regulation has been approved by the Cost of Living Council.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.
LEE H. HENKEL, Jr.,
Chief Counsel for the Internal Revenue Service.

[FR Doc.72-19814 Filed 11-15-72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES [1]

[Docket No. 72-580]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of 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:

1. In § 76.2, in paragraph (e)(6) relating to the State of North Carolina, subdivision (ii) relating to Johnston, Harnett, Cumberland, and Sampson Counties is amended to read:

(e) * * *

(6) *North Carolina.*

* * * * *

(ii) The adjacent portions of Johnston, Harnett, Cumberland, and Sampson Counties bounded by a line beginning at the junction of State Highway 50 and State Highway 96 in Johnston County; thence, following State Highway 50 in a southwesterly direction to State Highway 27; thence, following State Highway 27 in a southwesterly 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 in Cumberland County; 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 northeasterly direction to Secondary Road 1813; thence, following Secondary Road 1813 in a southeasterly direction to Secondary Road 1819; thence, following Secondary Road 1819 in a southeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to Secondary Road 1820; thence, following Secondary Road 1820 in a southeasterly direction to Secondary Road 1825; thence, following Secondary Road 1825 in a southeasterly direction to Secondary Road 1818; thence, following Secondary Road 1818 in a southeasterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a northeasterly direction to Secondary Road 1338 in Sampson County; thence, following Secondary Road 1338 in a northwesterly direction to State Highway 242; thence, following State Highway 242 in a northwesterly direction to U.S. Highway 421; thence, following U.S. Highway 421 in a southwesterly direction to Secondary Road 1477; thence, following Secondary Road 1477 in a northwesterly direction to Secondary Road 1636; thence, following Secondary Road 1636 in a northwesterly direction to State Highway 55; thence, following State Highway 55 in a northwesterly direction to State Highway 96; thence, following State Highway 96 in a northwesterly direction to its junction with State Highway 50 in Johnston County.

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

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; 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 amendments shall become effective upon issuance.

The amendments exclude a portion of Knox County in Tennessee and portions

[1] See change in Subchapter C heading in F.R. Doc. 72-19702, *infra*.

of Cumberland, Sampson, and Johnston Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.72-19760 Filed 11-15-72;8:52 am]

[Docket No. 72-579]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

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

1. In § 76.2, in paragraph (e)(7) relating to the State of Ohio, subdivision (iii) relating to Madison County is deleted.

2. In § 76.2, paragraph (f) is amended by adding thereto the name of the State of Nebraska.

(Secs. 4–7, 23 Stat. 32, as amended; secs 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505)

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

The amendments exclude a portion of Madison County in Ohio 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 area, 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 area.

The amendments add Nebraska to the list of hog cholera Eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from Eradication States are applicable to Nebraska.

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

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.72-19761 Filed 11-15-72;8:52 am]

PART 90—EXTRAORDINARY EMERGENCY REGULATIONS

Certain Intrastate Activities Concerning Poultry and Other Birds in California

Pursuant to sections 2, 3, 5, and 11 of the act of July 2, 1962 (21 U.S.C. 134a, 134b, 134d, and 134f), and the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450), the heading for subchapter C is amended to read as set forth above, and a new part 90 is issued to read as follows:

Sec.
90.1 Determination of extraordinary emergency; related determinations.
90.2 Definitions.
90.3 Requirement of sentinel birds.
90.4 Inspections and seizures.
90.5 Disposal of birds, products and articles.
90.6 Cleaning and disinfecting requirements.

AUTHORITY: The provisions of this Part 90 issued under secs. 2, 3, 5 and 11, 76 Stat. 129, 130, 132; 76 Stat. 663; 21 U.S.C. 134a, 134b, 134d, and 134f; 7 U.S.C. 450, 29 F.R. 16210, as amended, 36 F.R. 20707, 21529, 21530, 37 F.R. 6327, 6505.

§ 90.1 Determination of extraordinary emergency; related determinations.

Exotic Newcastle disease is a dangerous, communicable disease of poultry and other birds and it is hereby determined that an extraordinary emergency exists because of outbreaks of the disease in California and that such outbreaks threaten the poultry of the United States and seriously burden interstate and foreign commerce. It is further determined that adequate measures to control such outbreaks are not being taken by the State of California and that the regulations in this part are necessary to enable the identification of poultry and other birds that are or have been affected with or exposed to such disease, and otherwise to carry out the provisions and purposes of the act of July 2, 1962 (21 U.S.C. 134–134h). The Governor of the State of California has been informed of these facts.

§ 90.2 Definitions.

As used in this part, the following terms shall have the meanings ascribed to them in this section.

(a) *The act.* The act of July 2, 1962 (21 U.S.C. 134–134h).

(b) *Administrator.* The Administrator, Animal and Plant Health Inspection Service of the Department, or any other official of said service to whom authority to act in his stead has been or may hereafter be delegated.

(c) *Commercial flock.* Any flock of poultry maintained for the purpose of commercial production of meat or eggs (whether the eggs are used for food or for hatching purposes), or for the purpose of exhibition.

(d) *Department.* The U.S. Department of Agriculture.

(e) *Exotic Newcastle disease.* The exotic, viscerotropic type of Newcastle disease, a contagious, infectious, and communicable disease of poultry and other birds.

(f) *Federal inspector.* An inspector employed in the Veterinary Services unit, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, and designated by the Administrator to perform specific functions under the regulations in this part.

(g) *Flock.* Any group of two or more poultry or other birds maintained in confinement, segregated from any other group for any purpose.

(h) *Other birds.* Psittacine and mynah birds and birds of all other species (except poultry), of all ages, which are under any form of confinement.

(i) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, guinea fowl, and pea fowl, of all ages.

(j) *Sentinel bird.* A specific pathogen-free chicken which has not been infected with, exposed to, or immunized with any strain of Newcastle disease virus and is therefore susceptible to exotic Newcastle disease.

(k) *State inspector.* An inspector employed in livestock or poultry health work of the State of California, or a political subdivision thereof, who is authorized by such State or political subdivision and designated by the Administrator as a collaborator, to perform specific functions under the regulations in this part.

§ 90.3 Requirement of sentinel birds.

The owner of each commercial flock of poultry kept on any premises within any area quarantined in § 82.3 of this chapter shall accept into and maintain in such flock, such sentinel bird or birds as shall be provided by a Federal or State inspector to enable identification of any poultry and other birds on such premises that are or have been affected with or exposed to exotic Newcastle disease. This requirement shall also apply to any flock of poultry other than a commercial flock and to any flock of other birds, when the inspector has specific reason to believe that poultry or other birds that are or have been affected with or exposed to said disease may exist in such flock, and so notifies the owner of such flock. The owner of any such flock shall provide feed, water, and shelter adequate for the maintenance of such birds and allow them to associate freely with all other poultry in the flock in which they are placed by such inspector.

Sentinel birds shall not be moved, without authorization of a Federal or State inspector, from the premises or flock where they are placed by such an inspector, and no person shall vaccinate or otherwise administer any immunizing agent to, or kill any sentinel bird or do any other act which would have an adverse effect upon any such bird, or prevent the examination, or removal from the flock or premises, of any such bird, by such an inspector.

§ 90.4 Inspections and seizures.

(a) Federal or State inspectors designated by the Administrator, and identified by an official identification card shall have authority to enter, with a warrant obtained under section 5 of the act (21 U.S.C. 134d), upon any premises in any area quarantined in § 82.3 of this chapter or elsewhere in California, for the purpose of making inspections and seizures necessary under the act or the regulations in this part. Such inspectors may enter upon any premises without a warrant if the person in possession of the premises voluntarily consents to their entry.

§ 90.5 Disposal of birds, products and articles.

(a) Whenever the Administrator finds that any poultry or other birds upon any premises in any area quarantined in § 82.3 of this chapter or elsewhere in California are, or have been affected with, or exposed to, exotic Newcastle disease, or that any eggs, carcasses, or other products or articles were so related to such poultry or other birds as to be likely to be a means of disseminating the disease, he will order the owner thereof, or his agent in possession thereof, to maintain them in quarantine for such period and dispose of them within such time, and in such manner, as he shall prescribe in accordance with section 2 of the act (21 U.S.C. 134a). The order shall be served upon the owner of the birds, products or articles, or his agent, in person by a Federal or State inspector. If the owner or his agent does not comply with such order, after such notice thereof, the Administrator may seize, quarantine, and dispose of the birds, products, or articles as provided in said section 2.

(b) When any poultry, other birds, or products or articles are ordered to be quarantined on any premises under paragraph (a), they shall not be moved from such premises unless authorized by the Administrator.

§ 90.6 Cleaning and disinfecting requirements.

All pens, coops, and other facilities found by a Federal inspector to have been used in the handling of any poultry or other birds, or related products or articles, subject to an order under § 90.5, shall be cleaned and disinfected in accordance with the provisions in §§ 71.7(c), 71.10, and 71.11 of this subchapter, unless other disposal is ordered under § 90.5.

Effective date. The foregoing determinations and regulations shall become effective upon issuance. They do not affect in any way the interstate regulations in 9 CFR, Part 82.

The foregoing determinations and regulations impose certain restrictions necessary to prevent the spread of exotic Newcastle disease, a dangerous, communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest.

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 these actions 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 10th day of November 1972.

RICHARD E. LYNG,
Acting Secretary of Agriculture.

[FR Doc.72-19702 Filed 11-15-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5263]

[Arizona 6451]

ARIZONA

Withdrawal of Lands for Protection of Recreation and Public Values

Correction

In F.R. Doc. 72-17006 appearing at page 20942 of the issue of Thursday, October 5, 1972, the third line from the bottom of the description, now reading, "T. 41 N., R. 14 W.,", should read, "T. 42 N., R. 14 W.,".

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit; Credit Cards; Issuance and Liability

1. Effective June 1, 1973, §§ 226.5(a)(3), 226.7(a)(4), 226.7(b)(5) and (6), and 226.7(c) of Regulation Z are amended to read as set forth below, and §§ 226.702 and 226.704 are revoked; and

2. Effective December 15, 1972, §§ 206.-13(a)(4), (b), and (c) are amended to read as set forth below:

§ 226.5 Determination of annual percentage rate.

(a) *General rule—open end credit accounts.* * * *

(3) Where the finance charge imposed during the billing cycle is or includes:

(i) Any minimum, fixed, or other charge not due to the application of a periodic rate, other than a charge with respect to any specific transaction during the billing cycle, by dividing the total finance charge for the billing cycle by the amount of the balance(s) to which applicable and multiplying the quotient (expressed as a percentage) by the number of billing cycles in a year; or

(ii) Any charge with respect to any specific transaction during the billing cycle (even if the total finance charge also includes any other minimum, fixed or other charge not due to the application of a periodic rate), by dividing the total finance charge imposed during the billing cycle by the total of all balances and other amounts on which any finance charge was imposed during the billing cycle without duplication and multiplying the quotient (expressed as a percentage) by the number of billing

cycles in a year,[5a] except that the annual percentage rate shall not be less than the largest rate determined by multiplying each periodic rate imposed during the billing cycle by the number of periods in a year; or

(iii) Any minimum, fixed, or other charge not due to the application of a periodic rate and the total finance charge imposed during the billing cycle does not exceed 50 cents for a monthly or longer billing cycle, or the pro rata part of 50 cents for a billing cycle shorter than monthly, at the creditor's option, by multiplying each applicable periodic rate by the number of periods in a year,

[5a] In determining the denominator of the fraction under § 226.5(a)(3)(ii) no amount will be used more than once when adding the sum of the balances to which periodic rates apply to the sum of the amounts financed to which specific transaction charges apply. In every case the full amount of transactions to which specific transaction charges apply shall be included in the denominator. Other balances or parts of balances shall be included according to the manner of determining the balance to which a periodic rate is applied, as illustrated in the following examples of accounts on monthly billing cycles:

1. Previous balance—none.

A specific transaction of $100 occurs on first day of the billing cycle. The average daily balance is $100. A specific transaction of 3 percent is applicable to the specific transactions. The periodic rate is 1½ percent applicable to the average daily balance. The numerator is the amount of the finance charge, which is $4.50. The denominator is the amount of the transaction (which is $100), plus the amount by which the balance to which the periodic rate applies exceeds the amount of specific transactions (such excess in this case is 0), totaling $100.

The annual percentage rate is the quotient (which is 4.5 percent) multiplied by 12 (the number of months in a year), i.e., 54 percent.

2. Previous balance—$100.

A specific transaction of $100 occurs at midpoint of the billing cycle. The average daily balance is $150. A specific transaction charge of 3 percent is applicable to the specific transaction. The periodic rate is 1½ percent applicable to the average daily balance. The numerator is the amount of finance charge which is $5.25. The denominator is the amount of the transaction (which is $100), plus the amount by which the balance to which the periodic rate applies exceeds the amounts of specific transactions (such excess in this case is $50), totaling $150.

As explained in example 1, the annual percentage rate is 3.5 percent × 12=42 percent.

3. If, in example 2, the periodic rate applies only to the previous balance, the numerator is $4.50 and the denominator is $200 (the amount of the transaction, $100, plus the balance to which only the periodic rate is applicable, the $100 previous balance). As explained in example 1, the annual percentage rate is 2.25 percent × 12=27 percent.

4. If, in example 2, the periodic rate applies only to an adjusted balance (previous balance less payments and credits) and the customer made a payment of $50 at midpoint of billing cycle, the numerator is $3.75 and the denominator is $150 (the amount of the transaction, $100, plus the balance to which only the periodic rate is applicable, the $50 adjusted balance). As explained in example 1, the annual percentage rate is 2.5 percent × 12=30 percent.

5. Previous balance—$100.

A specific transaction (check) of $100 occurs at the midpoint of the billing cycle. The average daily balance is $150. The specific transaction charge is 25 cents per check. The periodic rate is 1½ percent applied to the average daily balance. The numerator is the amount of the finance charge, which is $2.50 and includes the 25-cents check charge and the $2.25 resulting from the application of the periodic rate. The denominator is the full amount of the specific transaction (which is $100) plus the amount by which the average daily balance exceeds the amount of the specific transaction (which in this case is $50), totaling $150. As explained in example 1, the annual percentage rate would be 1⅔ percent × 12=20 percent.

notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph.

§ 226.7 Open end credit accounts—specific disclosures.

(a) *Opening new account.* * * *

(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.[6a]

* * * * *

(b) *Periodic statements required.* * * *

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate," "corresponding nominal annual percentage rate," "nominal annual percentage rate" or "annual percentage rate" (or "rates") may be used to describe the corresponding annual percentage rate. The requirements of § 226.6(a) with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this subparagraph, although such term (or words incorporating such term) may, at the creditor's option, be shown as conspicuously as the terminology required under subparagraph 6 of this paragraph. Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed.[6a]

(6) When a finance charge is imposed during the billing cycle, the annual percentage rate or rates determined under § 226.5(a) using the term "annual percentage rate" (or "rates").

* * * * *

(c) *Location of disclosures.* The disclosures required by paragraph (b) of this section shall be made on the face of the periodic statement, except that, at the creditor's option:

(1) Itemization of the amount and date of each extension of credit (or the date such extension of credit was debited to the account) required to be disclosed under paragraph (b)(2) of this section and itemization of the amount of the "credits" disclosed under paragraph (b)(3) of this section, and of the amount of any finance charge required to be disclosed under paragraph (b)(4) of this section, may be made on the reverse side of the periodic statement or on a separate accompanying statement(s), provided that the totals of such respective amounts are disclosed on the face of the periodic statement; and

(2) The disclosures required under paragraph (b) (5) and (8) of this section, except the balance on which the finance charge was computed, may be made on the reverse side of the periodic statement or on the face of a single supplemental statement which shall accompany the periodic statement.

(3) If the creditor exercises any of the options provided under this paragraph, the face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement(s) for important information" or "NOTICE: See reverse side and accompanying statement(s) for important information," and the disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

§ 226.13 Credit cards—issuance and liability.

(a) *Supplemental definitions applicable to this section.* * * *

(4) *"Cardholder"* means any person to whom a credit card is issued for personal, family, household, agricultural, business, or commercial purposes, or any person who has agreed with the card issuer to pay obligations arising from the issuance

[6a] A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each periodic rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

[9a] A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each periodic rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

of a credit card to another person for such purposes.

* * * * *

(b) *Issuance of credit cards.* Regardless of whether a credit card is to be used for personal, family, household, agricultural, business, or commercial purposes, no credit card shall be issued to any person except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

(c) *Conditions of liability of cardholder.* A cardholder shall be liable for unauthorized use of each credit card issued only if, * * *

§ 226.702 [Revoked]

§ 226.704 [Revoked]

3. These amendments are promulgated pursuant to section 105 of the Truth in Lending Act (15 U.S.C. 1604). Notice of proposed rule making was published on July 6, 1972 (37 F.R. 13270) and August 12, 1972 (37 F.R. 16407). After consideration of all relevant matter submitted by interested parties, technical changes were made to §§ 226.5(a)(3)(ii), 226.5(a)(3)(iii), 226.7(c)(1), 226.13(a)(4), 226.13(b) and 226.13(c). Footnote 6a was added to § 226.7(a)(4).

4. The amendment to § 226.5(a)(3) relocates the formula for computing annual percentage rates in the case of finance charges imposed with respect to specific transactions during the billing cycle—for example, one-time fees on cash advances—to the section dealing with annual percentage rate computation. The formula was previously contained in § 226.7(b)(6) and Board interpretation § 226.704. The interpretation is hereby revoked as of the effective date of the amendment. This amendment also clarifies the fact that the regulation does not require computation of the annual percentage rate by the quotient method when the total finance charge, including charges with respect to specific transactions, does not exceed $0.50.

5. The amendment adds a requirement to § 226.7(b)(5) that the corresponding annual percentage rate for each periodic rate applicable to the account be shown on each periodic statement, whether or not a finance charge is imposed during the billing cycle. Many creditors have previously made this disclosure, which was permissible, although not required, under Regulation Z. A variety of specified wording may be used to describe these rates. The permitted use of optional wording is to allow creditors maximum freedom to choose wording to distinguish between rates which were actually applied during the billing cycle (required to be disclosed under § 226.7(b)(6)) and the prospective nominal rates required to be disclosed by this subparagraph, where those rates differ. The optional wording will also minimize the need for reprinting periodic statements where nominal rate disclosures have previously been made by the creditor. Whatever wording is chosen may, though need not be, used to satisfy the terminology requirements for the initial disclosures under § 226.7(a)(4) and advertising under § 226.10(c)(4). Although the "more conspicuous" requirement of § 226.6(a) for the term "annual percentage rate" will not be applicable to disclosures under § 226.7(b)(5), it will continue to apply to the term annual percentage rate in opening disclosures under § 226.7(a) and in advertising under § 226.10(c), even if the creditor chooses to make disclosures under § 226.7(a)(4) and § 226.10(c)(4) using optional wording which simply incorporates this term—e.g., "corresponding ANNUAL PERCENTAGE RATE."

Many open end creditors will not be affected by the amendment. In many open end credit plans, the annual percentage rate under § 226.7(b)(6) and the prospective nominal rate under § 226.7(b)(5) will always be identical. This situation will occur when a creditor imposes finance charges simply by the application of one or more periodic rates and does not use the "quotient" method of calculating an annual percentage rate under § 226.5(a)(1)(ii). In such cases, the requirements of both § 226.7(b)(5) and § 226.7(b)(6) could be satisfied by a single disclosure of such rates on the face of all billing statements using the term, which could be preprinted, "ANNUAL PERCENTAGE RATE" or "RATES."

The new provision also will require disclosure of minimum charges which may be imposed on accounts with balances below a certain amount. This new disclosure requirement does not compel creditors to disclose the range of balances to which the minimum charge may be applicable; creditors may continue to disclose ranges of balances to which periodic rates apply under § 226.7(a)(4) and § 226.7(b)(5) without specifically designating the portion of any such range to which the minimum charge, instead of the periodic rate, is applicable. For example, disclosure could be made that "a periodic rate of 1½ percent per month which is an annual percentage rate of 18 percent will be applied to balances from $0 to $500, with a minimum charge of $0.50."

6. The amendment to § 226.7(b)(6) consists of the addition of the opening phrase "when a finance charge is imposed during the billing cycle." In addition, the words "and, where there is more than one rate, the amount of the balance to which each rate is applicable" have been deleted since the applicable requirement is already contained in § 226.7(b)(5) which requires disclosure of the range of balances to which each rate is applicable. The amendment is primarily designed to clarify the fact that the annual percentage rate disclosures under this paragraph (as determined by § 226.5(a)) are only required when finance charges are imposed during the billing cycle. Material relating to computation of the annual percentage rate where transaction charges are imposed during the billing cycle has been removed from the provision and incorporated into the new § 226.5(a)(3)(ii).

7. The amendment of § 226.7(c), which deals with the location of required disclosures on periodic statements, will simplify placement of the disclosures in a way which is expected to be more meaningful and useful to the customer and minimize confusion. The amendment incorporates Board interpretation § 226.702, which is hereby revoked as of the effective date of the amendment.

8. The purpose of the amendments to §§ 226.13(a), 226.13(b), and 226.13(c) is to make clear that each credit card, regardless of whether issued or used for personal, family, household, agricultural, business or commercial purposes, and regardless of whether issued to a natural person, corporation, or other business entity, is covered by the act's maximum liability limit on unauthorized use and, by the same token, may not be distributed without an initial request. The amendment to § 226.13(c) is to make it clear that the maximum liability limit applies to each credit card issued to a cardholder; for example, a corporation with many cards from the same issuer would have a maximum liability limit for each card. A technical change has been made in the language of §§ 226.13(a)(4) and 226.13(b) published for comment. In view of the § 226.2(r) definition of "person," which includes both natural persons and organizations, §§ 226.13(a)(4) and 226.13(b) were changed to refer to "person" instead of "natural person or organization." No substantive change was intended. The amendments to § 226.13 would not affect the application of the business exemption in § 226.3 to the disclosure, rescission, and advertising requirements of Regulation Z for which it was intended.

9. Although the amendments to §§ 226.5(a), 226.7(a), 226.7(b), and 226.7(c) shall not become effective until June 1, 1973, any creditor may comply with the amended provisions prior to the effective date.

By order of the Board of Governors, November 2, 1972.

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

[FR Doc.72-19669 Filed 11-15-72;8:46 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit—Variable Periodic Rates

§ 226.707 Disclosures—Variable Periodic Rates.

(a) Under the terms of some open end credit plans the periodic rates of finance charges and corresponding annual percentage rates are tied to a fluctuating base rate, for example, the "prime rate." Consequently, both the periodic rates and annual percentage rates may change from time to time with changes in the base rate. The question arises as to the proper disclosure, if any, which should

be made under § 226.7(a)(4), § 226.7(b)(5), § 226.7(b)(6), § 226.7(e), and § 226.10(c)(4) in connection with such plans.

(b) Where any creditor's open end credit plan provides that the account is subject to variations in any periodic rate of finance charge, the creditor need not comply with § 226.7(e) with respect to any prospective change in any periodic rate or corresponding annual percentage rate applicable to the account: *Provided*, That in connection with the disclosures made pursuant to paragraph 226.7(a)(4) the creditor has disclosed that such rates are subject to change, the conditions under which such rates may be changed, and, if applicable, the maximum and minimum limits of such rates. The requirements of § 226.7(b)(5) and § 226.10(c)(4) may be complied with by similarly disclosing the method of computing the periodic or annual percentage rates which are subject to variation. In disclosing an annual percentage rate or rates under § 226.7(b)(6) where there have been variations during the billing cycle, the computations as specified in § 226.5(a)(1)(ii), § 226.5(a)(2), § 226.5(a)(3)(i), or § 226.5(a)(3)(ii), as applicable, should be used.

(Interprets and applies 15 U.S.C. 1637)

By order of the Board of Governors, November 2, 1972.

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

[FR Doc.72-19668 Filed 11-15-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SO-114]

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

Alteration of Transition Area

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to alter the Bay St. Louis, Miss., transition area.

The Bay St. Louis transition area is described in § 71.181 (37 F.R. 2143). In the description, reference is made to "Gulf Central-Stennis Field" and the transition area is effective from sunrise to sunset to accommodate daylight IFR operations only because of nonexisting runway lights. The name of the airport has been changed to "Stennis International Airport" and appropriate lighting equipment is now operational. It is necessary to alter the description to reflect the name change and delete the part-time proviso to redesignate the transition area on a continuous basis. Since these amendments are editorial and minor in nature, notice and public procedure hereon are unnecessary.

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

In § 71.181 (37 F.R. 2143), the Bay St. Louis, Miss., transition area is amended as follows:

"* * * Gulf Central-Stennis Field * * *" is deleted and "* * * Stennis International Airport * * *" is substituted therefor, and "* * * This transition area is effective from sunrise to sunset daily." is deleted from the description.

(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 November 7, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-19655 Filed 11-15-72;8:45 am]

[Docket No. 12342; Amdt. 838]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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, effective November 8, 1972.

Hickory, N.C.—Hickory Municipal Airport, VOR Runway 24, Amdt. 14; Canceled; (Amdt. 13, effective 15 April 1971, remains in effect).

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective December 28, 1972.

Walterboro, S.C.—Walterboro Municipal Airport, NDB Runway 23, Amdt. 2; Revised.
Wolf Point, Mont.—Wolf Point International Airport, NDB-A, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP, effective November 23, 1972.

Detroit, Mich.—Detroit Metropolitan Wayne County Airport, NDB Runway 27, Amdt. 3; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective November 3, 1972.

Dayton, Ohio—James M. Cox-Dayton Municipal Airport, ILS Runway 18, Amdt. 1; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport, ILS Runway 29, Amdt. 16; 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 November 9, 1972.

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

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-19654 Filed 11-15-72;8:45 am]

Chapter V—National Aeronautics and Space Administration

PART 1201—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

1. Part 1201 revised in its entirety as follows:

Subpart 1—Introduction

Sec.
1201.100 Creation and Authority.
1201.101 Purpose.
1201.102 Functions.
1201.103 Administration.

Subpart 2—Organization

1201.200 General.

Subpart 3—Boards and Committees

Sec.
1201.300 Boards and Committees.

Subpart 4—General Information

1201.400 NASA Procurement Program.
1201.401 Special Document Depositories.

AUTHORITY: The provisions of this Part 1201 issued pursuant to 5 U.S.C. 552, as amended.

Subpart 1—Introduction

§ 1201.100 Creation and Authority.

The National Aeronautics and Space Administration was established by the National Aeronautics and Space Act of 1958 (72 Stat. 426, 42 U.S.C. 2451 et seq.), as amended (hereafter called the "Act").

§ 1201.101 Purpose.

It is the purpose of the National Aeronautics and Space Administration under the Act to carry out the declared policy of the United States that aeronautical and space activities sponsored by the United States shall be the responsibility of, shall be directed by, and shall be under the control of a civilian agency, except to the extent that aeronautical and space activities are determined by the President to be peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States, which activities shall be the responsibility of the Department of Defense.

§ 1201.102 Functions.

In order to carry out the purposes of the Act, NASA is authorized to conduct research into the problems of flight within and outside the earth's atmosphere; to develop, construct, test, and operate aeronautical and space vehicles for research purposes; and to perform such other activities as may be required for the exploration of space. The term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

§ 1201.103 Administration.

(a) NASA is headed by an Administrator, who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible, under the supervision and direction of the President, for exercising all powers and discharging all duties of NASA and has authority and control over all personnel and activities of the agency.

(b) The Deputy Administrator of NASA is also appointed by the President from civilian life by and with the consent of the Senate. The Deputy Administrator serves on a day-to-day basis as the agency's general manager, under delegations of authority and responsibility from the Administrator, and, in his absence, the Deputy Administrator serves as Acting Administrator.

Subpart 2—Organization

§ 1201.200 General.

Responsibility for overall planning, coordination, and control of NASA programs is vested in NASA Headquarters, located in Washington, D.C. Directors of NASA field installations and other component installations are responsible for execution of NASA's programs, largely through contracts with research, development, and manufacturing enterprises. Certain types of research and development activities are conducted at NASA field installations and other component installations by Government-employed scientists, engineers, and technicians, NASA's basic organization consists of the headquarters, nine field installations, the Jet Propulsion Laboratory (a Government-owned, contractor-operated facility), and several component installations which report to heads of field installations or headquarters offices. The NASA field installations are as follows:

(1) Ames Research Center, Moffett Field, Calif. 94035.
(2) Flight Research Center, Edwards, Calif. 93523.
(3) Goddard Space Flight Center, Greenbelt, Md. 20771.
(4) John F. Kennedy Space Center, Kennedy Space Center, Fla. 32899.
(5) Langley Research Center, Langley Station, Hampton, Va. 23365.
(6) Lewis Research Center, Cleveland, Ohio 44135.
(7) Manned Spacecraft Center, Houston, Tex. 77058.
(8) George C. Marshall Space Flight Center, Huntsville, Ala. 35812.
(9) Wallops Station, Wallops Island, Va. 23337.

For more detailed description of the organization and functions of the headquarters and field installations, see the "U.S. Government Organization Manual."

Subpart 3—Boards and Committees

§ 1201.300 Boards and Committees.

Various boards and committees have been established as part of the permanent organization structure of NASA. These include:

(a) *Board of Contract Appeals.* (1) The function of the Board is to adjudicate appeals arising from final decision by NASA contracting officers pursuant to the Disputes Clause of NASA contracts.

(2) The charter of the Board is set forth in subpart 1 of Part 1209 of this chapter. The Board's rules of procedure are set forth in 14 CFR Part 1241.

(3) The texts of decisions of the Board are published by Commerce Clearing House, Inc., in Board of Contract Appeals Decisions, and are hereby incorporated by reference. All decisions and orders are available for inspection and for purchase from the Recorder of the Board at NASA Headquarters, Washington, D.C. Decisions and orders issued after July 4, 1967, are available for inspection and for purchase at NASA information centers. An Index/Digest of Decisions is issued periodically with supplements published annually. These are available for inspection or purchase at the Office of the Chairman of the Board of Contract Appeals.

(b) *Contract Adjustment Board.* (1) The function of the Board is to consider and dispose of requests by NASA contractors for extraordinary contractual adjustments pursuant to Public Law 85–804 (50 U.S.C. 1431–35) and Executive Order 10789 dated November 14, 1958 (23 F.R. 8897).

(2) The charter of the Board is set forth at subpart 3 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Part 18–17.

(3) The texts of decisions of the Board are available for inspection and for purchase from the Chairman of the Board, National Aeronautics and Space Administration, Washington, D.C. 20546.

(c) *Inventions and Contributions Board.* (1) The function of the Board is to consider and recommend to the Administrator the action to be taken with respect to: (i) Requests for waiver of rights to any invention or class of inventions made during the performance of NASA contracts, and (ii) applications for award for scientific and technical contributions determined to have significant value in the conduct of aeronautical and space activities pursuant to the National Aeronautics and Space Act, as amended (42 U.S.C. 2457(f), 2458), and the Government Employees Incentive Awards Act (5 U.S.C. 2121–23), respectively.

(2) The charter of the Board is set forth at Subpart 4 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 14 CFR Parts 1209 and 1240.

(3) The texts of key decisions and an index of all decisions of the Board on requests for waiver are published in Petitions for Patent Waiver (NASA Handbook, NHB 5500.1A) and are hereby incorporated by reference. They are available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Subpart 4—General Information

§ 1201.400 NASA Procurement Program.

(a) The Office of Procurement, headed by the Director of Procurement, serves as a central point of control and contact for NASA procurements. Although the procurements may be made by the field installations, selected contracts and contracts of special types are required to be approved by the Director of Procurement prior to their execution. The Office of Procurement is also responsible for formulation of NASA procurement policies and provides overall assistance and guidance to NASA field installations to achieve uniformity in NASA procurement processes.

(b) The NASA procurement program is carried out principally at the NASA

field installations listed in the "U.S. Government Organization Manual." The Headquarters Contracts Division is responsible for contracts with foreign governments and foreign commercial organizations, and the procurement of materials and services required by headquarters offices except for minor office supplies and services procured locally.

(c) All procurements are made in accordance with the NASA Procurement Regulations (41 CFR Ch. 18). With minor exceptions, every proposed procurement in excess of $10,000 is publicized promptly in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." Copies of this publication are available from the U.S. Department of Commerce on an annual subscription basis.

§ 1201.401 Special Document Depositories.

NASA deposits its technical documents and bibliographic tools in 10 special regional libraries located in the organizations listed below. Each library is prepared to furnish the public such services as reference assistance, interlibrary loans, photocopy service, and assistance in obtaining copies of NASA documents for retention.

California: University of California Library, Berkeley.
Colorado: University of Colorado Libraries, Boulder.
District of Columbia: Library of Congress.
Georgia: Georgia Institute of Technology, Atlanta.
Illinois: The John Crerar Library, Chicago.
Massachusetts: Massachusetts Institute of Technology, Cambridge.
Missouri: Linda Hall Library, Kansas City.
New York: Columbia University, New York.
Pennsylvania: Carnegie Library of Pittsburgh.
Washington: University of Washington Library, Seattle.

Effective date. The provisions of this Part 1201 were effective June 30, 1972.

JAMES C. FLETCHER,
Administrator.

[FR Doc.72-19709 Filed 11-15-72;8:49 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-433; Order 459]

PART 250—FORMS

Producers; Form for Reporting Reserves Dedication

NOVEMBER 10, 1972.

The Commission, on December 1, 1971, issued a notice of proposed rulemaking in this proceeding (36 F.R. 23635, December 11, 1971) proposing to establish a form for reporting new gas reserves in the Texas Gulf Coast and Southern Louisiana Areas by the purchaser upon request by the producer-seller for the purpose of implementing the refund credit and contingent rate escalation provisions of Opinion No. 595 issued May 6, 1971, in Docket No. AR64-2 and Opinion No. 598 issued July 16, 1971, in Dockets Nos. AR61-2 et al., respectively.[1] The form will enable the Commission to maintain adequate records pertaining to the reduction of each producer's refund obligation in each area, and to the date at which area rates in each area for sales under contracts dated prior to October 1, 1968, will be increased.

Responses to the notice, 14 in all, were filed by the Independent Natural Gas Association of America, Associated Gas Distributors (AGD), the Public Service Commission of the State of New York (New York) and certain producers[2] and pipelines. A conference was also held in this case on April 11, 1971.

In the form proposed in the December 1st notice, the American Petroleum Institute's definition of proved reserves of natural gas was used to define the term "new gas reserves." Amoco Production Co. (Amoco) and Humble, however, argue that use of the API definition is inconsistent with section 1.4 of the UDC settlement proposal which defines new gas reserves as "the estimated original recoverable reserves in place, less any prior production therefrom, * * *."[3] They contend that the UDC definition would permit the inclusion of reserves not allowed under the API definition.

Upon further consideration we have decided to revise the form so that, while it still provides for the reporting of reserves pursuant to the API definition (Item No. 14), it now also provides for the reporting of reserves (Item No. 15) that are outside the limits of the API definition but are in conformity with the UDC definition. The reporting of reserves in two segments will not only satisfy the requirements of the UDC settlement proposal,[4] but it will facilitate staff review of reserve estimates by making it easier to identify questionable reserve estimates requiring field review.

In accordance with the UDC settlement proposal, we have also revised the form to eliminate the provision for revision of previously reported new-gas reserves. In addition, we have changed the form so as to provide for a separate report by the reporting pipeline for each working interest owner, and have added instructions to the form which will clarify various matters.[5]

New York suggests a number of additional procedures which it believes will assure that the reserves reported are realistic. However, we do not believe it is necessary for producers to submit workpapers, except where otherwise specified in the form, when a report is filed. Nor do we think it necessary to have a petroleum consultant or geologist certify to the validity of the reserve estimate. We do agree, however, that producers should be required to maintain on file in their own offices the workpapers relating to the reserve estimates contained in each report, and they are so required. Producers shall make these working papers available to our staff for purposes of review if, and when the Commission should so require.

Some reports may contain new gas reserves in excess of the volume needed to discharge the producer's refund obligation to the purchaser filing the report. Under the procedure established in section 8.2.2(d) of the UDC settlement proposal, a producer may be permitted to allocate excess reserves to other purchasers in the area to whom refunds are owed by that producer. While these allocations normally would be shown on each report, we believe that initially, in view of the large number of expected filings, it is desirable to obviate the necessity of repeating such allocations with each filing. Accordingly, each report filed on or before April 2, 1973, involving an allocation of excess reserves need contain only a statement as to the new gas reserves in excess of the amount required to discharge the refund obligation to the purchaser filing the report,[6] but thereafter each producer involved in any such report shall submit, on or before May 7, 1973, a summary statement showing (1) the amount owed to each purchaser, (2) the volume of reserves needed to discharge each refund obligation, (3) the volume dedicated as of a specific time, (4) the balance (excess or

[1] The form will, of course, be filed whether the new reserves are certificated under the Optional Procedure provided for in Order No. 455, or not. The form will also be used to implement the refund credit provisions of Opinion No. 607-A which was issued Jan. 17, 1972, in Docket Nos. AR67-1 et al. (Other Southwest Area), subsequent to the issuance of the notice herein. That opinion, however, does not provide for any contingent rate escalations.

[2] The response of Humble Oil Co. (Humble) was joined in by 24 other producers.

[3] The UDC settlement proposal is the United Distribution Companies' Settlement Proposal for the Southern Louisiana Area contained in Appendix A to the Commission's Opinion No. 598.

[4] While the Commission is not obligated in areas outside Southern Louisiana to follow the provisions of the UDC settlement proposal, it is desirable from an administrative viewpoint, as well as otherwise, to utilize the same form for all areas, inasmuch as Southern Louisiana is the most important area involved.

[5] Where a producer has a refund obligation to a plant and the plant, in turn, has a refund obligation to a pipeline purchaser, if the producer desires to discharge its obligation (as well as the plant's obligation with respect to the resale of gas purchased from that producer) through the dedication of new reserves directly to the pipeline, it may seek to do so by the filing of a petition for special relief.

[6] Any report filed subsequent to Apr. 2, 1973, shall show the allocation of the excess reserves, if there are any, to other purchasers in the area.

deficiency) for each purchaser, (5) application of the total excess provided in section 8.2.2 (a) and (d) of the UDC settlement proposal, and (6) application of the remaining excess toward the contingent rate escalations.

In accordance with Exhibit H to the Office of Management and Budget Circular No. A–46, the form proposed in the December 1st notice provided for reporting the new gas reserve volumes at a 14.73 p.s.i.a. pressure base. However, as Humble points out in its comments:

> There is no apparent reason why reporting of new gas reserve commitments for purpose of refund discharge or contingent price escalations should be at a different pressure base than the related price levels. Stated differently, it appears anomalous to commit a "14.73" Mcf to discharge 1 cent of "15.025" Mcf refund in Southern Louisiana.

We agree with Humble's observations and shall therefore require, in addition to the use of the 14.73 p.s.i.a. base, that the volumes also be reported at the applicable area pressure base.[7] The volumes reported at the area pressure base will control for the purpose of determining the discharge of refund obligations and contingent escalation of area rates.

The instructions to the form provide that where reserves have previously been rejected by a prospective purchaser, the purchaser filing the report shall submit a statement, signed by both the producer and the rejecting purchaser, setting forth the estimated reserves and the reason for rejection. While it has been claimed that there is no need for the rejecting purchaser to supply a reserve estimate, we think it appropriate to require such an estimate in view of the fact that under section 8.2.2(c) of the UDC settlement proposal the reserves in certain situations may be used as a refund credit against the rejecting purchaser.

United Gas Pipe Line Co. seeks clarification as to whether oil well gas is includible within the term "new gas reserves" if such gas otherwise comports with the standards applicable thereto. Any distinction between oil well gas and gas well gas was eliminated in Opinions Nos. 595, 598, and 607. As a result, oil well gas properly may be included in reserve reports as "new gas reserves."

AGD requests that it be made clear that the form does not apply to reserves sold pursuant to short-term emergency contracts. In view of the special nature of these transactions, and since reports providing adequate information are already required the form shall not apply to such sales.

Copies of reserve reports submitted to this Commission will be available to the public in the Office of Public Information. Records, updated monthly, pertaining to reserves used to discharge producer refund obligations and those applied toward contingent area rate escalations will also be available in that office.

Finally, because the instructions to the form refer to portions of the UDC settlement proposal, we ahve attached pertinent excerpts from that proposal as an appendix [8] to this order.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments, and suggestions are in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications adopted herein to the form proposed in the notice of this proceeding are consistent with the prime purpose of the proposed rulemaking herein, further notice thereof is unnecessary.

(4) Good cause exists that the form adopted herein become effective as of the date of issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o *orders:*

(A) Part 250, Forms, in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 250.13, prescribing a new form, Form No. 334, entitled "Reserves Dedication Report", as Follows:

§ 250.13 Reserves Dedication Report (Form No. 334).[9]

Form 334 provides a method of reporting dedications of new gas reserves in order to obtain credit toward the discharge of refund obligations of producers and toward the contingent escalation of area rates, as provided for in various area rate opinions and orders.

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(C) The form adopted herein shall be effective as of the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–19694 Filed 11–15–72;8:55 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

SUBPART B—STATEMENTS OF POLICY AND INTERPRETATION REGARDING ANIMAL DRUGS AND MEDICATED FEEDS

Corticosteroid Drugs

A notice of a proposed amendment to § 135.101 (21 CFR 135.101) was published in the FEDERAL REGISTER of February 26, 1972 (37 F.R. 4095). The Commissioner of Food and Drugs proposed that the labeling requirements for corticosteroid drugs provided for in § 135.101 (21 CFR 135.101) should be revised to include warnings regarding potentially serious side effects from the use of intramammary infusion products containing corticosteroid drugs.

Two firms responded to the proposal. Masti-Kure Products Co., Inc., Post Office Box 1188, 166 Yantic Street, Norwich, CT 06360, commented that the dosage level of the particular steroid (dexamethasone) included in the formulation administered in the study which prompted the proposed rule, is not comparable to the dosage level of the steroid (hydrocortisone) included in the formulations commonly administered by intramammary infusion in this country. Therefore, the proposed rule requiring a warning statement for all corticosteroids, including hydrocortisone, is not based on valid, comparable data. They also commented that there is a variation among corticosteroids with respect to their ability to induce abortion and premature birth at therapeutic dosage levels. So the proposed rule requiring a warning statement for all corticosteroids should be revised to limit the warning requirement specifically to those corticosteroids demonstrating a capability to induce abortion or premature birth at commonly used dosage levels. They also indicated that requiring the proposed warning to appear on the syringe label will create mechanical and space difficulties necessitating use of a type size so small as to preclude readability.

The Commissioner concludes that, although the data on which the proposal was based were generated using only one member of the corticosteroid group, namely dexamethasone, the entire group is suspect. In addition, conclusions by the firm drawn from a study of comparative potencies are not valid since there is no information on any correlation between the potency of the corticosteroid or anti-inflammatory activity of a particular steroid and its abortifacient effect. The Commissioner is aware of data which documents the teratogenic effect of corticoids, including hydrocortisone, when administered to pregnant rabbits via the ophthalmic route. The Commissioner concludes that the location of the warning statement should be prominent and included in the package label or labeling as defined by the Federal Food, Drug, and Cosmetic Act.

The Upjohn Co., 7000 Portage Road, Kalamazoo, MI 49001, also noted in their response that the corticosteroid used in the study which prompted the proposal was dexamethasone, and whereas this corticosteroid has been shown by other data to induce premature parturition, dexamethasone has not been employed in intramammary products in the United States. They also commented that the dose of dexamethasone employed per treated quarter (10 milligrams) was within the normally recommended dose for systemic therapeutic use, while the

[7] 15.025 p.s.i.a. in Southern Louisiana and 14.65 p.s.i.a. in Texas Gulf Coast.

[8] Appendix filed as part of the original document.

[9] Form and instructions filed as part of the original document.

total intramammary dose of hydrocortisone, when all four quarters are treated, is only 8.6 percent to 13 percent of the recommended parenteral therapeutic dose. The firm also contended that inclusion of the warning statement would in effect remove their product from the market in that labeling already restricts use of the drug to dry cows only and to administration prior to day 250 of the gestation period.

The Commissioner concludes that his response to the comments of Masti-Kure Products regarding the study upon which the proposal was based have equal applicability to the comments of the Upjohn Co.

Upjohn also stated that in spite of widespread use of corticosteroids, they have received no complaints related to abortion, premature parturition, retained placenta, or other adverse reproduction sequelae, and they conclude that such products are safe. Information on the cause-effect relationship between corticosteroid therapy and pregnancy problems in animals was not available until recently; the Commissioner concludes that when such pregnancy problems have been encountered in the field, they were often attributed to some other cause.

The Commissioner concludes that no adequate data were submitted to show that the corticosteroid warning is not needed, and it is concluded that the proposal should be adopted based on the information set forth in the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended by revising § 135.101 to read as follows:

§ 135.101 Corticosteroids for oral, injectable, and intramammary use in animals; warnings; labeling requirements.

(a) The Food and Drug Administration has received reports concerning side effects associated with the oral, injectable, and intramammary use of corticosteroid drugs in animals. The use of these drugs has resulted in premature parturition when administered during the last trimester of pregnancy. Premature parturition may be followed by dystocia, fetal death, retained placenta, and metritis. These drugs, unless they are intended for intramammary use are required to carry the veterinary prescription legend and are subject to the labeling requirements of § 1.106(c) of this chapter.

(b) In view of these potentially serious side effects, the Commissioner of Food and Drugs has concluded that the labeling on or within the package from which the product is to be dispensed, and any other labeling furnishing or purporting to furnish information for the use of these preparations, should bear conspicuously;

(1) If subject to the labeling requirements of § 1.106(c) of this chapter the following warning statement:

Warning: Clinical and experimental data have demonstrated that corticosteroids administered orally or by injection to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(2) If intended for intramammary use, the following warning statement:

Warning: Studies have demonstrated that corticosteroids may cause abortion or premature birth when given during the last third of pregnancy and also may lead to difficulty in giving birth, death of fetus, retained afterbirth and infection of the uterus. Therefore, to prevent these side effects, this preparation should not be administered during the last third of pregnancy.

The label revisions described above should be placed into effect at the earliest possible time and may be implemented without prior approval as provided for in § 135.13a (d) and (e).

(c) Approved new animal drug applications which have not been supplemented in accordance with paragraph (b) of this section within 60 days following the date of publication of this statement of policy in the FEDERAL REGISTER will be subject to provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (11–16–72).

(Sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b)

Dated: November 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–19661 Filed 11–15–72;8:45 am]

PART 149b—AMPICILLIN

Sterility Test Method Procedure for Ampicillin

In a notice of proposed rule making published in the FEDERAL REGISTER of June 13, 1972 (37 F.R. 11729), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising paragraph (b)(2) of § 149b.2 and paragraph (b)(2) of § 149b.19. Interested persons were invited to submit their comments in response to the proposal within 60 days. No comments were received. However, a minor change has been made in the direct method of sterility testing by adding penicillinase to the medium used in that test. Our laboratories found that the addition of penicillinase improved the direct method and our findings were confirmed by the manufacturer of the drug. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), part 149b is amended as follows:

1. In § 149b.2 by revising paragraph (b)(2) to read as follows:

§ 149b.2 Sterile ampicillin trihydrate.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of paragraph (e)(1)(i)(*a*) of that section, prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[1] of penicillinase. Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section.

2. In § 149b.19 by revising paragraph (b)(2) to read as follows:

§ 149b.19 Sterile ampicillin trihydrate for suspension, veterinary.

* * * * *

(b) * * *

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except in lieu of paragraph (e)(1)(i)(*a*), of that section, prepare the sample for test as follows: From each of 10 immediate containers, aseptically transfer approximately 300 milligrams of sample into a sterile 500-milliliter Erlenmeyer flask containing approximately 400 milliliters of diluting fluid D. Add at least 200,000 Levy units[1] of penicillinase.

Repeat the process using 10 additional containers. Swirl both of the stoppered flasks to completely solubilize the suspension prior to filtration and proceed as directed in paragraph (e)(1)(ii) of that section. If the formulation cannot be filtered, proceed as directed in § 141.2(e)(2) of this chapter, except use medium B in lieu of medium A and add at least 40,000 Levy units of penicillinase to both medium B and medium E.

* * * * *

Effective date. This order shall become effective 30 days after date of publication in the FEDERAL REGISTER.

(Sec. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360(n).)

Dated: November 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–19662 Filed 11–15–72;8:45 am]

[1] One Levy unit of penicillinase inactivates 59.3 units of penicillin G in 1 hour at 25° C. and at a pH of 7.0 in a phosphate buffered solution of a pure alkali salt of penicillin G when the substrate is in sufficient concentration to maintain a zero order reaction.

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R–72–164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Miscellaneous Amendment

Part 600 of Title 24 of the Code of Federal Regulations was published on February 4, 1972 (37 F.R. 2665), to provide requirements and guidelines for filing a Comprehensive Planning Assistance grant application. Although effective upon publication, the rule invited interested persons to submit written comments or suggestions with respect to its provisions. Subsequently, certain technical changes were published April 1, 1972, in 37 F.R. 6667.

Section 600.10 is now being amended so that grant assistance will ordinarily cover a 12-month work period, but may cover a different period in appropriate cases.

Sections 600.95 and 600.105 are being changed to reflect departmental policy permitting the submission of application without an Overall Program Design (OPD) where the applicant is applying for the first time and the proposal includes the preparation of an OPD.

Since this amendment relaxes previous requirements with respect to the period for which Comprehensive Planning Assistance can be approved and also clarifies the requirements concerning the preparation of the OPD, we find that it is unnecessary to engage in public rule making procedures. Therefore, the revised regulations will become effective immediately upon publication in the FEDERAL REGISTER.

Subpart A—General Information

Section 600.10 is amended by adding a new subsection (c). As amended, section 600.10 reads as follows:

§ 600.10 Financial support.

* * * * *

(c) Grant assistance will ordinarily cover a 12-month work period but may cover a different period in appropriate cases.

Subpart C—Procedural Requirements

Section 600.95 is amended to read as follows:

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including statewide planning, nonmetropolitan assistance, and local planning and management services. States may request separate grants based upon one Overall Program Design, but there must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the Governor's office or designee, who shall be the single responsible party to HUD for the total grant.

Section 600.105 is amended to read as follows:

§ 600.105 Overall program design.

Each applicant shall prepare a concise Overall Program Design (OPD), which shall be the major part of its application, except for an applicant applying for the first time whose proposal includes the preparation of an OPD. The Overall Program Design is a multiyear work program statement which focuses on specific objectives to be achieved by the applicant. The OPD covers a minimum of 3 years and must be annually updated. The OPD includes all major planning and management objectives to be undertaken by the applicant, not merely those assisted by HUD and provides the applicant and HUD with a base line for evaluation of performance.

* * * * *

AUTHORITY: The provisions of this Part 600 issued under sec. 701, Housing Act of 1954, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective March 8, 1971.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (11–16–72).

CLIFFORD W. GRAVES,
Deputy Assistant Secretary for Community Planning and Management.

[FR Doc.72–19730 Filed 11–15–72;8:53 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 496–72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

CERTIFICATION OF OBLIGATIONS

Under 31 U.S.C. 200(b), each agency head must report the amount of each appropriation remaining obligated but unexpended at the end of each fiscal year. Paragraph (c) of section 200 provides that the reports be supported by certifications of officials designated by the agency head. This order changes the official in the Bureau of Prisons authorized to certify obligations, to reflect changes in duties of positions in that Bureau.

§ 0.147 [Amended]

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, and section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)), § 0.147 of Subpart X of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by deleting "for the Bureau of Prisons, the Deputy Assistant Director, Administrative Services" and substituting the following: "for the Bureau of Prisons, the Assistant Director, Administrative Services Division."

Dated: November 9, 1972.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.72–19667 Filed 11–15–72;8:46 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Miscellaneous Amendments

On pages 15317 and 15318 of the FEDERAL REGISTER of July 29, 1972, there was published a notice of proposed rule making regarding amendments to Part 1926 of Title 29, Code of Federal Regulations, dealing with construction safety and health. Interested persons were given 30 days in which to submit written objections, data, views, and arguments concerning the proposed amendments. No objections have been received, and the proposed amendments are hereby adopted, for the reasons set forth in the July 29 notice, without change and are set forth below.

Effective date. These regulations shall be effective 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of November 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

Part 1926 is amended as follows:

1. Section 1926.500(c)(2) is amended to read as follows:

§ 1926.500 Guardrails, handrails, and covers.

* * * * *

(c) * * *

(2) An extension platform outside a wall opening onto which materials can be hoisted for handling shall have side rails or equivalent guards of standard specifications. One side of an extension platform may have removable railings in order to facilitate handling materials.

* * * * *

2. Section 1926.652(h) is amended to read as follows:

§ 1926.652 Specific trenching requirements.

* * * * *

(h) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit such as a ladder

or steps, shall be provided and located so as to require no more than 25 feet of lateral travel.

* * * * *

3. Section 1926.700(e)(1)(ii) is amended to read as follows:

§ 1926.700 General provisions.

* * * * *

(e)(1) * * *

(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load.

* * * * *

4. Section 1926.900(k)(3) is amended to read as follows:

§ 1926.900 General provisions.

* * * * *

(k) * * *

(3) (i) The prominent display of adequate signs, warning against the use of mobile radio transmitters, on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately designed to prevent any premature firing of electric blasting caps. A description of any such alternatives shall be reduced to writing and shall be certified as meeting the purposes of this subdivision by the competent person consulted. The description shall be maintained at the construction site during the duration of the work, and shall be available for inspection by representatives of the Secretary of Labor.

(ii) Specimens of signs which would meet the requirements of subdivision (i) of this subparagraph (3) are the following:

About 48" x 48"

About 42" x 36"

* * * * *

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 347, sec. 6, 84 Stat. 1593; 29 U.S.C. 655, 40 U.S.C. 333)

[FR Doc.72-19758 Filed 11-15-72;8:54 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

MISCELLANEOUS AMENDMENTS

Regulations codified under Title 39, Code of Federal Regulations, are amended as hereinafter stated.

PART 155—CITY DELIVERY

Section 155.6(d) is amended to make reference to Postal Service Publication 17, which contains information and instructions relating to apartment house mail receptacles.

In § 155.6 *Apartment house receptacles,* amend paragraph (d) to read as follows:

§ 155.6 Apartment house receptacles.

* * * * *

(d) *Installation, specifications, and approvals.* The conditions requiring installation, specifications for construction, installation procedures, and approval procedures for manufacturers are covered in Publication 17, "Apartment House Mail Receptacles, Regulations and Instructions."

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

Section 262.7(b) is amended to authorize reproduction of records by hand where reproduction equipment is not available in post offices.

In § 262.7 *Schedule of fees,* under paragraph (b), redesignate subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively; and insert new subparagraph (2) to read as follows:

§ 262.7 Schedule of fees.

* * * * *

(b) * * *

(2) Where reproduction equipment is not available at the post office, information or data which is sought may be reproduced on blank forms or paper as appropriate, by means of typewriting or handwriting. The reproduced document must carry the legend, "This is a copy," and be signed and dated by the employee who prepared the reproduction. The stated fees apply to such reproductions.

* * * * *

PART 946—RULES OF PROCEDURE RELATING TO THE DISPOSITION OF MONEY OR OTHER PROPERTY RECOVERED BY POSTAL INSPECTORS

Section 946.1(h) is amended to establish a new procedure for the disposition of moneys lost or stolen from the mails and recovered by postal inspectors.

In § 946.1 *Disposition of money or other property recovered by postal inspectors,* amend paragraph (h) to read as follows:

§ 946.1 Disposition of money or other property recovered by postal inspectors.

* * * * *

(h) Moneys lost or stolen from the mails and recovered by postal inspectors are disbursed by them to the postal customers suffering losses. If the postal customer cannot be identified or the postal inspector is unable to determine whether the recovered funds are to be paid to the sender or addressee, the funds are sent to the Director, New York Postal Data Center for deposit, unless other action may be in order.

* * * * *

(39 U.S.C. 401, 404).

ROGER P. CRAIG,
Deputy General Counsel.

NOVEMBER 10, 1972.

[FR Doc.72-19696 Filed 11-15-72;8:48 am]

PART 232—POSTAL LOSSES AND OFFENSES

PART 243—CONDUCT OF OFFICES

Conduct on Postal Property

Regulations codified in Title 39, Code of Federal Regulations, are amended to include regulations governing conduct on postal property. These regulations, as set out below, shall apply without limitation to all buildings and areas owned or occupied by the Postal Service regardless of the jurisdictional status of the property.

Accordingly, Title 39, Code of Federal Regulations, is amended as follows:

I. In Part 232 new § 232.6 is added, reading as follows:

§ 232.6 Conduct on postal property.

(a) *Applicability.* This section applies to all real property under the charge and control of the Postal Service, to all tenant agencies, and to all persons entering in or on such property. This section shall be posted and kept posted at a conspicuous place on all such property.

(b) *Recording presence.* Except as otherwise ordered, properties shall be closed to the public after normal working hours. Properties shall also be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Admission to properties during periods when such properties are closed to the public will be limited to authorized individuals who may be required to sign the register and display identification documents when requested by security force personnel or other authorized individuals.

(c) *Preservation of property.* Improperly disposing of rubbish, spitting, creating any hazard to persons or things, throwing articles of any kind from a building, climbing upon the roof or any part of a building, or willfully destroying, damaging, or removing any property or any part thereof, is prohibited.

(d) *Conformity with signs and directions.* All persons in and on property shall comply with official signs of a prohibitory or directory nature, and with the directions of security force personnel or other authorized individuals.

(e) *Disturbances.* Disorderly conduct, or conduct which creates loud and unusual noise, or which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways, and parking lots, or which otherwise tends to impede or disturb the public employees in the performance of their duties, or which otherwise impedes or disturbs the general

public in transacting business or obtaining the services provided on property, is prohibited.

(f) *Gambling.* Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of lottery tickets, is prohibited on postal premises.

(g) *Alcoholic beverages and drugs.* The entering on property, or the operating of a motor vehicle on property, by a person under the influence of alcoholic beverage or any drug which has been defined as a "controlled substance" is prohibited. The sale or use of any "controlled substance" (except as medically approved) or alcoholic beverage on postal premises is prohibited. The term "controlled substance" is defined in section 802 of title 21, United States Code.

(h) *Soliciting, vending, and debt collection.* (1) Soliciting alms and contributions or collecting private debts on postal premises is prohibited. Except for commercial activities performed under contract with the Postal Service or those authorized by § 243.2(g) of this chapter, commercial soliciting and vending and the display or distribution of commercial advertising on postal premises is prohibited. This rule does not apply to suitable union notices or to personal notices posted by employees on authorized bulletin boards.

(2) The American Red Cross may have stands in lobbies during its annual roll-calls or special fundraising campaigns, providing they do not interfere with the transaction of postal business or require the expenditure of time or equipment by the Postal Service or its employees. Other similar national organizations also solicit funds at the local community level for worthy humanitarian purposes. Such organizations may solicit funds at designated locations on postal premises only if their names appear on a list approved by the regional postmaster general for solicitation activities. Before any organization may solicit funds, the local postmaster or installation head shall enter into an agreement with the local representative of the organization to specify locations, number of solicitors, and any other necessary limitations. The local postmaster or installation head will rely on his reasoned business judgment to restrict any activities which may prevent, unduly impair, or interfere with the transaction of business or the provision of postal services to the public.

(i) *Photographs for news, advertising, or commercial purposes.* Except as prohibited by official signs or the directions of security force personnel or other authorized personnel, or a Federal court order or rule, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Other photographs may be taken only with the permission of the local postmaster or installation head.

(j) *Dogs and other animals.* Dogs, except seeing-eye dogs, and other animals, shall not be brought upon property for other than official purposes.

(k) *Vehicular and pedestrian traffic.* (1) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of security force personnel, other authorized individuals, and all posted traffic signs.

(2) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on property is prohibited.

(3) Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented by the postmaster or installation head from time to time by the issuance and posting of specific traffic directives as may be required. When so issued and posted such directives shall have the same force and effect as if made a part hereof.

(l) *Weapons and explosives.* No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

(m) *Nondiscrimination.* There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, color, sex, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on property.

(n) *Penalties and other law.* (1) Alleged violations of these rules and regulations are heard, and the penalties prescribed herein are imposed, either in a Federal district court or by a Federal magistrate in accordance with applicable court rules. Questions regarding such rules should be directed to the regional counsel for the region involved.

(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations of any State and local laws and regulations applicable to any area in which the property is situated.

(o) *Enforcement.* (1) Members of the U.S. Postal Service security force shall exercise the powers of special policemen provided by 40 U.S.C. 318 and shall be responsible for enforcing the regulations in this section in a manner that will protect Postal Service property.

(2) Local postmasters and installation heads may, pursuant to 40 U.S.C. 318b and with the approval of the chief postal inspector or his designee, enter into agreements with State and local enforcement agencies to insure that these rules and regulations are enforced in a manner that will protect Postal Service property.

§ 243.3 [Revoked]

II. In Part 243 § 243.3, *Solicitation of funds,* is revoked.

(39 U.S.C. 401; 40 U.S.C. 318, 318a, 318b, 318c; P.L. 92-351, title IV)

ROGER P. CRAIG,
Deputy General Counsel.

NOVEMBER 13, 1972.

[FR Doc.72-19717 Filed 11-15-72;8:50 am]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 73a—STANDARDS OF CONDUCT: FOOD AND DRUG ADMINISTRATION SUPPLEMENT

A new Part 73a is added to the regulations of the Department of Health, Education, and Welfare to set forth the Food and Drug Administration's supplement to the Department's Standards of Conduct published in Part 73. Authorization for such supplementation is contained in § 73.735-105 of Part 73. The sections of this Part 73a are not numbered in sequence, but in order to provide easy reference between Parts 73 and 73a, they bear numerical designations corresponding to the various sections in Part 73 to which they are related.

AUTHORITY: The provisions of this Part 73a are issued under 45 CFR 73.735-105.

Subpart A—General Provisions

§ 73a.735-101 Principles and purpose.

(a) To assure that the business of the Food and Drug Administration is conducted effectively, objectively, and without improper influence or appearance thereof, all employees must be persons of integrity and observe the highest standards of conduct. Because of FDA's special regulatory responsibilities to the consumer and industry, its employees must be especially alert to avoid any real or appearance of conflict of their private interests with their public duties. Their actions must be unquestionable and free from suspicion of partiality, favoritism, or any hint of conflicting interests. This supplement recognizes

FDA's public obligation to set reasonable and fair safeguards for the prevention of employee conflicts of interest. It is necessary to meet FDA's regulatory responsibilities and to otherwise assure full protection of the public confidence in the integrity of its employees.

(b) Since FDA is a unique consumer protection and regulatory agency within the Department, the DHEW Standards of Conduct need further supplementation to reflect this role. Therefore, for purposes of implementing the DHEW Standards of Conduct regulations within the Food and Drug Administration, this supplement provides interpretive definitions and additional requirements. As further guidance to its employees and supervisory officials, FDA will issue internal procedural instructions in accordance with this supplement.

Subpart B—Miscellaneous Provisions

§ 73a.735–201 Control activity employees formerly associated with organizations subject to FDA regulation/voluntary compliance.

(a) Within 1 year after employment has ceased with a regulated organization, a control activity employee may not participate in any regulatory action before FDA which involves the former employer organization.

(b) Any time after employment has ceased with a regulated organization, a control activity employee may not participate in a regulatory action before FDA in which he had participated personally and substantially directly for his former employer, e.g., drug investigations/applications, food additive petitions, and matters dealing with voluntary/mandatory compliance in the area of electronic products.

(c) Within 30 days after assignment to a control activity position, an employee shall submit to his supervisor detailed information concerning former industry employers, dates, and substance of involvements in such regulatory matters as shown in paragraph (b) of this section.

(d) The director of the regulatory program involved may grant individual exceptions or group waivers, whenever he determines that the strict application of this section would not be in the best interests of the United States or would cause an unreasonable and undue personal hardship. All such exceptions/waivers shall be documented with copies for each employee affected and the Director, Division of Personnel Management.

Subpart D—Outside Employment

§ 73a.735–401 General provisions.

(a) Employees of the Food and Drug Administration shall obtain advance approval for all outside employment, whether paid or unpaid. Employment, as used in this section, does not include:

(1) Memberships in charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness organizations.

(2) Memberships in professional organizations. (Officeholding, however, requires advance approval.)

(3) Performance of duties in the Armed Forces Reserve or National Guard.

(b) Control activity employees (defined in § 73a.735–502) will not generally be granted approval to:

(1) Manage or direct an organization whose activities are subject to FDA regulation, or

(2) Be employed in an organization whose business activities are subject to FDA regulation unless:

(i) The regulated activities of the organization are an insignificant part of its total operations, i.e., the regulated products of the organization constitute no more than 10 percent of its annual gross sales, and

(ii) The outside employment is in nonregulated activities of the organization.

(c) All other employees will generally be granted approval to engage in outside employment which is compatible with the full performance of their FDA duties and responsibilities and which will not give rise to a real or apparent conflict of interest. Such approval may be given even though the organization is one which is a significantly regulated organization provided the employment will have only a remote or inconsequential effect on FDA operations. Permissible employment includes but is not limited to:

(1) Employment where the sale of FDA-regulated products is incidental to the purpose of the establishment, e.g., hotels, theaters, bowling alleys, and sports arenas.

(2) Sales and clerical occupations relating to regulated products, e.g., supermarkets, drugstores, department stores, liquor stores.

(3) Trade, industrial, and service occupations relating to regulated products, e.g., gasoline service station attendant, line production or assembly work, cook, waiter, waitress, hospital attendant, snack bar vendor, warehouseman.

(d) All employees will generally be granted approval to engage in paid or unpaid outside employment which contributes to their technical or professional development, e.g.,

(1) Medical, dental, and veterinary practices.

(2) Pharmacy practice after meeting the following conditions which will serve to protect against possible conflicts or apparent conflicts of interest and to avoid other problems resulting in embarrassment to the employee or FDA:

(i) The primary purpose of the part-time employment is to contribute to the overall professional development of the employee and generally enhance his capability to better perform his current FDA duties.

(ii) The part-time duties will be confined generally to dispensing RX drugs and related professional pharmacy duties.

(iii) The employee will avoid unrelated nonprofessional duties such as supervision or management of store operations, contractual or purchasing responsibilities (except normal "out-of-stock" requisitioning) and repacking or relabeling of bulk items.

(iv) The employee will demonstrate a high degree of discretion and judgment in his contacts with customers and representatives of regulated industry and competitor firms so as to avoid giving the impression that:

(*a*) His part-time actions, recommendations, opinions, or remarks are official points of view;

(*b*) He is using his FDA position for private gain by oral misrepresentations and false claims of the company's products;

(*c*) He is making a Government decision outside official channels, e.g., to customers, prescribing physicians, buyers, distributors;

(*d*) He or other FDA representatives will give preferential treatment to any regulated organization or representatives of such organizations, or that FDA employees have not exercised complete independence or impartiality in carrying out their regulatory and consumer protection responsibilities; or

(*e*) His part-time work is creating an adverse effect on the image of FDA or discrediting the integrity of official FDA regulatory decisions.

Subpart E—Financial Interests

§ 73a.735–501 General provisions.

(a) There are no restrictions placed on ownership of diversified mutual funds.

(b) An FDA employee, other than a control activity employee (defined in § 73a.735–502), may have financial interests:

(1) In an organization whose FDA-regulated activities are an insignificant part of its total operations, i.e., no more than 10 percent of the organization's annual gross sales are in products regulated by FDA; or

(2) In an organization whose FDA-regulated business activities are a significant part of its total business operations: *Provided,*

(i) The holding is less than $5,000 (value or cost at time of initial reporting), and

(ii) The holding represents less than 1 percent of the total outstanding stock shares of that organization, and

(iii) No more than 50 percent of the employee's total investment value is concentrated in significantly regulated industries; or

(3) Of a type otherwise prohibited by this subparagraph if he makes a full disclosure thereof to his supervisor and receives an advance written determination from the supervisor that in the light of the duties and responsibilities of the employee, the interest is not likely to affect the integrity of his services to the Government. Such a disclosure does not constitute a waiver under 18 U.S.C. 208(b)(1) and the employee may not participate

for the Government in any particular matter relating to that financial interest.

§ 73a.735–502 Employees in regulatory activities.

(a) Employees in regulatory activities (control activities in FDA) shall not have financial interests in any organization whose business activities are subject to FDA regulations, unless the regulated activities of the organization are an insignificant part of its total business operations. To administer this provision within FDA, the following interpretations apply:

(1) A "control activity" employee means one who:

(i) Occupies a position classified at GS–16 and above (or equivalent), or

(ii) Occupies a professional or technical position with duties of a nature that the employee could cause an economic advantage for or handicap against a non-Federal enterprise in the discharge of his official duties and responsibilities (all inspectors and regulatory analysts are included), or

(iii) Occupies a management, administrative, or investigative position, in either regulatory or management echelons, where his actions are likely to have a significant impact on non-Federal enterprises.

(2) "Insignificant" (part of an organization's total business operations) means that the FDA-regulated products constitute no more than 10 percent of the organization's annual gross sales. As authorized by exemption provisions of 18 U.S.C. 208(b)(2), it is determined that such permissible financial interests (i.e., 10 percent or less regulated) are too remote and too inconsequential to affect the integrity of employees' services to the Government.

This supplement was approved by the Civil Service Commission on September 12, 1972 and it becomes effective 60 days after publication in the FEDERAL REGISTER.

Approved: November 10, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-19720 Filed 11-15-72;8:55 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116]

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

The following revised regulations have been adopted by the Maritime Subsidy Board to govern the operating-differential subsidy program with respect to bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics. They supersede the regulations originally appearing in the FEDERAL REGISTER on October 21, 1972 (37 F.R. 22747), as corrected on October 27, 1972 (37 F.R. 22986).

These regulations are issued pursuant to the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294). The Secretary of Commerce is authorized under section 601(a) of the Act,

> * * * [T]o consider the application of any citizen of the United States for financial aid in the operation of a vessel or vessels, which are to be used in an essential service in the foreign commerce of the United States * * *

The meaning of the term "essential service" is described in section 211 of the Act as including:

> The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels * * *

The operating-differential subsidy provided in these regulations is deemed appropriate in light of the national requirements for participation by U.S. vessels in the carriage of export bulk raw and processed agricultural commodities during the period to July 1, 1973.

The authority for the operating-differential subsidy procedures covered by these regulations is set forth in section 603(b) of the Act which provides:

> * * * [T]he Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b) pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country.

Rule making involving the operating-differential subsidy program is exempt from the requirements of section 553 of title 5, United States Code. A new Part 294 is hereby added to Title 46, Chapter II, Code of Federal Regulation as follows:

Sec.

AUTHORITY: The provisions of this Part 294 issued under section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114).

§ 294.1 Purpose.

The regulations in this part prescribe rules in accordance with title VI of the Merchant Marine Act, 1936, as amended (Act), governing the payment of operating-differential subsidy for U.S.-flag bulk cargo vessels engaged in carrying export bulk raw and processed agricultural commodities from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge.

§ 294.2 Applications.

Applications for operating-differential subsidy contracts under this part may be obtained from the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20235.

§ 294.3 Subsidy contract.

(a) *Expiration.* Contracts executed in accordance with the rules and regulations of this part shall expire on June 30, 1973, except that subsidized voyages in progress as of midnight of that date may continue to their termination as defined in § 294.5(c)(2) for purposes of the payment of operating-differential subsidy.

(b) *Renegotiation of contracts.* The operating-differential subsidy contract shall provide that amounts otherwise payable thereunder shall be subject to renegotiation if the Maritime Subsidy Board (Board) determines that the operator is earning excessive profits.. In the determination of what constitutes excessive profits the Board shall consider the provisions of section 103 of the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1213), and may take into consideration such other matters that the Board deems appropriate, including any other provision of said Renegotiation Act. The elimination of excessive profits shall be accomplished through the renegotiation of the operating-differential subsidy contract including withholding or recovering amounts paid or accrued with respect to any subsidized voyage. Payments received or accrued under other contracts between the operator and the Government shall not be taken into account for purposes of such renegotiation.

(c) *Subsidized voyage approval.* The operating-differential subsidy contract shall provide that each subsidized voyage must have the prior written approval of the Board. In acting upon a request for such approval, the Board will consider all pertinent facts, including the availability of appropriated funds, the most productive utilization of such funds, whether the charter rate is the maximum then obtainable, and the purposes and policies of the Act. The Board shall not approve retroactively the subsidization of a voyage which has already commenced.

§ 294.4 Voyage approval procedures.

(a) *Requests.* All requests for the approval of a subsidized voyage must be in writing. Telegrams are acceptable. The request must contain the following data:

(1) Name of operator;

(2) Operating-differential subsidy contract number;

(3) Vessel name;

(4) Charterer;
(5) Load and discharge ports;
(6) Lay days;
(7) Commodities and estimated tonnage;
(8) Charter rate and terms;
(9) The operator's certification to the best of its knowledge and belief of: The current charter market rate for third-flag vessels under a charter having the same terms and conditions, or, if it certifies that it knows of no such currently fixed third-flag vessel rates, then its best estimate of the current market charter rate based upon other charter fixtures appropriately adjusted to give effect to differences between such charters and the proposed fixture of the subsidized vessel together with a concise explanation of the basis on which the estimate was made;
(10) Expected date of commencing the voyage;
(11) Estimated duration of voyage;
(12) Similar data concerning U.S. import cargo if such carriage is contemplated; and
(13) Any other data as may be deemed necessary by the Board.

(b) *Finality.* Approvals and denials of requests for subsidized voyages are final and not subject to review or appeal, except that approvals may be canceled if the operator has knowingly or negligently provided incorrect or misleading data or information to the Board. Commencement of an approved subsidized voyage shall constitute the acceptance by the operator of all terms and conditions expressed in the approval.

§ 294.5 Definitions.

(a) *Bulk cargo vessels.* All vessels meeting the criteria in sections 601 and 610 of the act, whether dry-bulk, tanker, or break-bulk by design, shall be bulk cargo vessels for purposes of this part and, as such, eligible for participation in this operating-differential susbidy program.

(b) *Foreign-flag competition.* For purposes of establishing such sums as the Board determines are necessary to make the cost of operating U.S.-flag vessels competitive with the cost of operating similar vessels under the registry of a foreign country, the Board shall select a typical foreign-flag vessel which has actually participated in the carriage of export bulk raw and processed agricultural commodities from the United States to U.S.S.R. In the event that it is not possible to obtain actual cost data for a selected typical vessel which has engaged in that trade, the Board will establish such costs based upon the costs of a foreign-flag vessel which, in the opinion of the Board, has equivalent costs of operation.

(c) *Subsidized voyage.* (1) *Commencement.* A subsidized voyage shall commence at 0001 local time in the U.S. port of loading on the day the subsidized bulk cargo vessel:

(i) Is certified by the National Cargo Bureau, Inc., as being clean and ready to commence loading if it is at the port of loading at the time of such certification;

(ii) Arrives at the U.S. port of loading if the vessel has obtained such certification prior to its arrival at the port of loading; or

(iii) Commences loading if certification is subsequently obtained.

(2) *Termination.* A subsidized voyage shall terminate at 2400 local time on the day the subsidized bulk cargo vessel:

(i) Arrives at a U.S. port of call if it returns in ballast: *Provided,* If the vessel returns to a U.S. port of call different from that at which it loaded cargo, the subsidized voyage shall terminate at the time the vessel would normally have returned to the port of loading, if that time is earlier;

(ii) Completes discharge of inbound cargo in a U.S. port if it has engaged in the bulk carriage of U.S. import commerce and has not engaged in foreign-to-foreign commerce; or

(iii) Commerce deviation by deviating from the general track of the normal ballast return voyage if it engages in foreign-to-foreign commerce.

(3) *Limitation on subsidized voyage commencement and termination.* A subsidized vessel shall not commence and terminate a subsidized voyage on the same day.

(4) *Deviations to engage in U.S. import commerce.* A subsidized bulk cargo vessel shall be allowed only the following time in excess of the normal total steaming time for the ballast return voyage when the vessel engages in the bulk carriage of U.S. import commerce:

(i) A maximum of 3½ days steaming time; and (ii) loading and unloading time. For the purpose of determining the permissible deviation under this paragraph, the total steaming time of the inbound voyage shall be compared to the normal steaming time required for the ballast return voyage from the last port of discharge of the U.S. export cargo to the first port of discharge of the U.S. import cargo. This paragraph shall not apply to vessels which engage in foreign-to-foreign commerce during a subsidized voyage.

(5) *Idleness or delay.* The operator shall report promptly to the Board all facts and explanations thereof relating to periods of idleness or delay sustained on a subsidized voyage. The Board shall determine whether such idleness or delay could have been avoided through efficient and economical operation and whether subsidy shall be payable, in whole or in part, for such periods. If the delay was not caused by inefficient operation but it results in a reduction of operating costs, the Board shall determine the fair and reasonable amount of subsidy, if any, applicable to such period, taking into consideration the costs involved.

(6) *Ineligible voyages.* No voyage shall be eligible for subsidy during which the subsidized bulk cargo vessel carries:

(i) Cargo in the domestic commerce of the United States;

(ii) U.S. preference cargo, including that covered by 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a; or

(iii) Any other commercial cargo simultaneously with the export bulk raw and processed agricultural commodities being carried to the U.S.S.R., except equipment which may be needed to facilitate unloading of such agricultural commodities.

§ 294.6 Determination of subsidy.

(a) *In general.* For purposes of this part, the amount of operating-differential subsidy, as determined by the Board, shall not exceed the excess costs of U.S. wages of officers and crew; subsistence of officers and crew; maintenance and repairs; vessel insurance; stores, supplies, and expendable equipment; fuel; and other vessel expenses over the estimated costs of the same items of expense of the typical foreign-flag vessel. An additional operating-differential subsidy amount, as determined by the Board, shall be paid for the fair and reasonable depreciation and interest costs directly attributable to the subsidized vessel, such amount not to exceed the excess of the same costs of operating a similar foreign-flag vessel. The operating-differential subsidy comprised of such excess costs will be determined as a per diem amount and shall be subject to the limitations imposed by § 294.3(b) and by paragraph (e) of this section.

(b) *U.S. costs.* The following items shall be used to establish operating costs for each subsidized vessel:

(1) *Wages of officers and crew.* Actual wage costs, including voyage and port relief crew payrolls, contributions to pension and welfare plans, social security and other taxes, and other employment costs directly attributable to the subsidized voyage;

(2) *Subsistence of officers and crew.* The net costs of food and other edibles consumed by officers and crew, including port relief crews, during the subsidized voyage, including sales taxes, Government inspection fees and shipside delivery and loading costs incurred for the use of other than the crew and relief complements;

(3) *Maintenance and repairs.* The cost of maintenance and repairs attributable to the subsidized voyage shall be:

(i) The average cost per operating day of maintenance and repair expenses for the subsidized vessel, including costs of drydocking and special surveys, but excluding costs which are reimbursed and costs ineligible for subsidy pursuant to Part 272 of this subchapter (except for the costs identified in § 272.11(c) of this subchapter), for the 5-year period preceding the current year adjusted to the current cost level by the application of survey reports of the U.S. Salvage Association, Inc. and the U.S. Monthly Index Wages (hourly earnings in manufacturing) published by the U.S. Bureau of Labor Statistics, for vessels that have been owned by the operator, or a holding company, affiliate, subsidiary, or associate, for 5 years preceding the current year, or

(ii) The fair and reasonable cost per operating day of maintenance and repair expenses for the subsidized vessel as determined by the Board, for vessels that have not been under such ownership for the 5-year period;

(4) *Vessel insurance.* Vessel insurance including the following costs:

(i) The fair and reasonable insurance and associated net premium costs, after brokerage and owner's adjustments and including foreign stamp taxes, in effect for the subsidized voyage after taking into consideration the deductibles included in the policies in effect during the 3 years preceding the current year (or such lesser period as the vessel has been in operation) for protection and indemnity insurance, and the 5 years preceding the current year (or such lesser period as the vessel has been in operation) for hull and machinery insurance, and

(ii) The fair and reasonable cost of claims for death, injury, and illness of officers and crews absorbed by the operator under the deductible provision of protection and indemnity insurance policies attributable to the subsidized voyage as determined on the basis of the average cost per operating day for the subsidized vessel of such expenses paid during the 3-year period preceding the current year (or such lesser period as the vessel has been in operation);

(5) *Stores, supplies, and expendable equipment.* The fair and reasonable cost of stores, supplies, and expendable equipment attributable to the subsidized voyage as determined on the basis of the average cost per operating day of such expenses for the subsidized vessel over the 3-year period preceding the current year (or such lesser period as the vessel has been in operation) adjusted to the current cost level by application of U.S. Wholesale Price Index of Total Manufactures;

(6) *Fuel.* The actual cost of fuel consumed at sea and in port during the subsidized voyage, including taxes and delivery costs, after giving effect to bunkers on board upon commencement and termination of the subsidized voyage;

(7) *Other vessel expenses.* The actual cost of miscellaneous expenses directly attributable to the subsidized voyage and incident to the management and maintenance of the subsidized vessel, as exemplified in the partial list at § 282.764 of this subchapter;

(8) *Vessel depreciation.* The depreciation expense of the subsidized vessel for the period of the subsidized voyage shall be the actual unsubsidized construction cost, reconstruction cost, or purchase cost of the subsidized vessel depreciated on a straight-line basis over the economic life of the vessel actually used by the operator to depreciate such construction, reconstruction, or purchase cost, after giving effect to the actual residual value of the vessel, used by the operator for financial accounting purposes; and

(9) *Interest expense attributable to vessel indebtedness.* The current interest expense directly attributable to indebtedness incurred in connection with the construction, reconstruction, or purchase of the subsidized vessel for the period of the subsidized voyage determined in part by an analysis of the date and principal amount of the debt, the principal amortization schedule, the interest rate, and the scheduled payments of principal and interest during the period of the subsidy contract.

(c) The Board shall review the costs of each voyage for which subsidy is being sought and shall disallow for subsidy any costs resulting from inefficient or uneconomical operation.

(d) *Foreign costs.* The following items shall be used to establish operating costs of the typical foreign-flag vessel:

(1) *Actual cost items.* The following operating costs of the selected typical vessel shall be taken at current actual figures, and, if such data are not current, then they shall be adjusted to the current cost level by appropriate indices contained in the International Financial Statistics published by the International Monetary Fund or the Monthly Bulletin of Statistics published by the United Nations—

(i) Wages of officers and crew;
(ii) Subsistence of officers and crew;
(iii) Maintenance and repairs;
(iv) Vessel insurance;
(v) Stores, supplies, and expendable equipment;
(vi) Fuel; and
(vii) Other vessel expenses.

(2) *Vessel depreciation.* Depreciation expense shall be based on the cost of constructing or reconstructing the U.S. subsidized vessel in a representative foreign shipbuilding center or purchasing the vessel at world market price, which cost shall be depreciated on a straight-line basis over the same economic life actually used by the operator for the subsidized vessel in order to determine the foreign depreciation of such construction, reconstruction, or purchase cost, after giving effect to the residual value used by the operator; and

(3) *Interest expense attributable to vessel indebtedness.* Interest expense shall be determined by assuming the same interest rate, repayment term, and method of principal amortization as those that actually exist for the subsidized vessel, and applying those terms to obtain the interest which would be payable had the original principal of the debt been the same percentage of the foreign cost of construction, reconstruction, or purchase as the original construction, reconstruction, or purchase debt of the subsidized vessel was of its construction, reconstruction, or purchase cost.

(e) *Abatement of subsidy resulting from the rate of carriage*—(1) *In general.* Under the terms of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters signed October 14, 1972, fixtures made prior to July 1, 1973, for shipments of bulk raw and processed agricultural commodities from the United States to the U.S.S.R. will be made on U.S.-flag vessels at the higher of:

(i) A rate for the cargo and route involved based upon the average of market charter rates for the years 1969, 1970, and 1971, as established under that Agreement and related letters; or

(ii) The current market charter rate for the cargo and route involved (where such market charter rates do not exist, a rate will be determined by adjusting current market charter rates for the most comparable cargo and route) plus a rate premium of 10 percent of such rate.

(2) *Abatement determination.* The operating-differential subsidy otherwise payable under this part shall be subject to abatement on a voyage basis when fixtures are made and carriage occurs at the rate referred to in subparagraph (1) (ii) of this paragraph. The abatement shall be comprised of two portions, one associated with the 10-percent rate premium and the second associated with the current market charter rate.

(i) To the extent that the freight rate exceeds the 3-year average rate for the cargo and route involved as established under that Agreement and related letters, the amount of the rate premium abatement shall be equal to 100 percent of the freight revenue per ton attributable to the 10-percent rate premium. The commission attributable to the amount subject to abatement will be deducted from the abatement. For example, if the current market charter rate is $7.80 per ton, the minimum rate under the Agreement is 110 percent of that amount or $8.58 per ton. The amount subject to abatement in this case would be $0.53 per ton, which is the amount by which the premium causes the freight rate to exceed the 3-year average rate of $8.05 per ton. The abatment would be reduced by the amount of commission paid by the operator which is attributable to the $0.53 per ton.

(ii) The amount of the current market charter rate abatement per ton shall be determined by multiplying the freight rate increments in the left hand column of the table below by the percentages in the right hand column. The commission attributable to the amount subject to abatement will be deducted from such abatement.

Freight rate increment	*Percentage*
For the first $0.95 per ton that the rate in subparagraph (1)(ii), exclusive of the rate premium, exceeds the rate in (1)(i), the percentage is	0
For the amount that such excess is between $0.95 per ton and $1.95 per ton, the percentage is	50
For the amount that such excess is over $1.95 per ton, the percentage is	75

(3) *Example.* The provisions of this paragraph are illustrated by the following example.

A vessel is fixed and carriage of U.S. export grain to the U.S.S.R. occurs at a charter rate of $12.10 per ton, F.I.O.T. consisting of $11 representing the current market charter rate

of $11 plus a rate premium of $1.10. The commission rate per the charter party is 3¾ percent of freight revenue. The average market charter rate for such cargo and route for the years 1969, 1970, and 1971 as established under the Agreement and related letters is $8.05 per ton.

Subsidy abatement is determined as follows:

	Per ton f.i.o.t.
Current market charter rate	$11.00
Add 10% prelum	1.10
Fixture rate	12.10
Less average of market charter rates for the years 1969, 1970, and 1971	8.05
Difference	4.05
Abatement of subsidy per ton of cargo carried:	
Abatement attributable to the premium:	
Gross premium	$1.10
Less commissions at 3¾ percent	.04125
Net revenue	1.05875
Abatement percentage	100
Abatement per ton	$1.05875
Abatement attributable to the excess of the current market charter rate over the average of market charter rates for 1969, 1970, and 1971:	
Excess of $0.95 or less	$0.95
Less commissions at 3¾ percent	.035625
Net revenue	.914375
Abatement percentage	0
Abatement per ton	—0—
Excess between $0.95 and $1.95	$1.00
Less commissions at 3¾ percent	.0375
Net revenue	.9625
Abatement percentage	50
Abatement per ton	$0.48125
Excess over $1.95	1.00
Less commissions at 3¾ percent	.0375
Net revenue	.9625
Abatement percentage	75
Abatement per ton	$0.721875
Total abatement of subsidy per ton of cargo carried	2.261875

§ 294.7 Sources of required data.

(a) *U.S. costs.* The Board will establish the operating costs of the subsidized vessel based on statements, payrolls, invoices, and other data, certified as correct by an officer of the operator, and any other sources the Board considers appropriate.

(b) *Foreign costs.* The Board will establish the operating costs of the typical foreign-flag vessel from data obtained from the Maritime Administration's foreign representatives and any other sources the Board considers appropriate.

§ 294.8 Payment of subsidy.

(a) *Tentative per diem subsidy*—(1) *In general.* A tentative per diem subsidy amount (rounded to the nearest dollar) for each subsidized vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expendable equipment. Such tentative subsidy amounts for maintenance and repairs and stores, supplies and expendable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Partial payment.* After termination of an approved voyage, the operator shall be paid the following subsidy which first shall be abated by an amount determined pursuant to § 294.6(e):

(i) Ninety percent of the algebraic sum of the per diem amounts for wages of officers and crew, subsistance of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expandable equipment, for each approved voyage day, and

(ii) An amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expandable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico subsequent to commencement of the approved voyage but not to exceed 90 percent of the tentative per diem amounts for such items for each approved voyage day.

(b) *Final per diem subsidy*—(1) *In general.* As soon as practicable after termination of an approved voyage, and after verification of historical cost data and expenses attributable to the approved voyage, a final per diem subsidy amount (rounded to the nearest dollar) for the vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation interest expense attributable to vessel indebtedness, maintenance and repairs and stores, supplies and expandable equipment. Such final subsidy amounts for maintenance and repairs and stores, supplies and expandable equipment also will be stated as differential percentages (rounded to two decimal places).

(2) *Final payment.* After final per diem amounts and differential percentages for the subsidized vessel on the approved voyage are incorporated in the operating-differential subsidy contract, the operator shall be paid subsidy as follows:

(i) The balance due of the algebraic sum of the per diem amounts for wages of officers and crew, subsistence of officers and crew, vessel insurance, fuel, other vessel expenses, vessel depreciation, and interest expense attributable to vessel indebtedness, less any negative per diem amounts for maintenance and repairs and stores, supplies and expandable equipment, for each approved voyage day, and

(ii) The balance due of an amount determined by multiplying any positive differential percentages for maintenance and repairs or stores, supplies and expendable equipment by the costs incurred for such items by the operator in any of the United States or the Commonwealth of Puerto Rico during the 5-year period following commencement of the approved voyage but not to exceed the total per diem amounts for such items for each approved voyage day. If the operator sells, transfers, or otherwise disposes of its interest in the subsidized vessel within such 5-year period, no outstanding accruals of such total per diem amounts shall be paid unless the Board executes a separate agreement governing such payments.

§ 294.9 Chartered vessels.

(a) *In general.* Section 601 of the Act provides that an applicant for operating-differential subsidy must own or lease the subsidized vessel. For purposes of this part of the term "leased vessels" includes only vessels leased under a bareboat charter party.

(b) *Calculation of vessel depreciation and interest expense attributable to vessel indebtedness*—(1) *In general.* For purposes of determining the U.S. costs of vessel depreciation and interest depreciation and interest expense attributable to vessel indebtedness in § 294.6(b)(8) and (9) for leased vessels, the appropriate data of the owner shall be used. In the event that the charterer cannot obtain such data from the owner, no subsidy will be paid in respect to those items.

(2) *Limitation.* In calculating the subsidy payable with respect to vessel depreciation and interest expense attributable to vessel indebtedness for leased vessels, U.S. costs for such items of expense in excess of the bareboat charter hire shall not be taken into account.

§ 294.10 Effective period.

The provisions of this part shall be effective on October 21, 1972, and shall terminate on June 30, 1973, except that they shall continue in effect for (a) the subsidized voyages in progress on the latter date and (b) the purposes of § 294.8(b).

Dated: November 13, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19512; FCC 72-997]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Adrian, Mich.

First report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Adrian, Michigan, and West Lafayette, Ind.), RM-1820, RM-1822.

1. The Commission has before it the notice of proposed rule making, released May 23, 1972 (FCC 72-430), proposing an amendment of § 73.202(b) of the rules, the Table of FM Assignments, by assigning FM channels to three communities. By order, FCC 72-604, the petition filed by Gardner Broadcasting Co., Inc., for assignment of Channel 249A to Winchendon, Mass. (RM-1791) was severed from this proceeding and consolidated into Docket No. 19540. This report and order concerns only the petition filed for assignment of an FM channel to Adrian, Mich. At a later date, a report and order will be issued with respect to West Lafayette, Ind.

2. The rule making was instituted on a petition filed by Gerity Broadcasting Co. (Gerity) (RM-1820) for assignment of Channel 237A to Adrian, Mich. Adrian with a population of 20,382 is the seat of Lenawee County (population 81,609). It has a Class IV AM station, licensed to the petitioner, and an FM station (WLEN), licensed to Lenawee Broadcasting Co. (Lenawee). The notice pointed out that the channel could be assigned there without affecting other assignments. It would be the second Class A channel for Adrian. However, due to the requirements of the minimum mileage separation rules, the transmitter site would have to be located in an area approximately 7 miles southwest of Adrian. Although Lenawee had contended that there was no location from which Adrian can be served in its entirety with the minimum field strength of 70 dbu, a tentative finding was made that there were parcels of property available from which a station could serve the community in compliance with the technical regulations. It also pointed out that a Class A FM station operating with maximum facility would provide a first service to an area of 57.4 square miles and a second service to an area of 169 square miles within the 1 mv./m. contour.

3. As to Lenawee's objection that the assignment of a second FM channel to Adrian would do severe economic harm to its station, the notice stated that it has been the long-established Commission policy to make ultimate decisions with respect to Carroll issues at the time of an application for a specific station rather than in rule making proceedings. However, it agreed with Lenawee that Gerity had made no appropriate showing as to the need of the community for an additional service and should have an opportunity to cure the deficiency in comments responding to the notice of proposed rule making.

4. In its comments, Gerity sets forth the demographic, economic, political, and sociological characteristics of Adrian and Lenawee County. Gerity contends that 1,949 or 9.5 percent of Adrian's population and 3,515 or 4.3 percent of Lenawee County population are Spanish-surnamed Americans, and that, although the population of Adrian did not increase in the decade from 1960 to 1970, six other townships, which lie wholly or partially within the service area of Class A FM station, grew 5 percent or more during the decade. It asserts that Adrian is served by three railroads and 10 motor carriers; that, of more than 90 manufacturing and processing firms in the county, 53 are based in Adrian; that agriculture is also a major economic activity in the county; and that the retail sales for 1972 are estimated as $75 million for Adrian and $178 million for the county. Gerity states that Adrian is governed by six commissioners and a mayor with the affairs of the city managed by an administrator, and the county is governed by the Board of Commissioners consisting of 15 elected members, and that there are a number of public and private schools as well as special schools and two colleges, and a number of cultural resources for arts, dramatics, and music. As to possible transmitter site, Gerity contends that it has obtained an agreement to use a parcel of land 0.35 mile closer to Adrian than previously illustrated in its petition, and insists that the 70 dBu contour would include the city's entire populated area. Lenawee in its reply alleges that there is no showing of unmet needs and interests; that Station WLEN already provides the early morning service of farm programing and school closing and road condition bulletins; and that Lenawee County is already dominated by big city stations and has two local outlets.

5. Lenawee in its comments asserts that the examination of the Gerity proposal reveals, in addition to a coverage problem, a potential problem of shadowing, i.e., on a radial chosen by Gerity, approximately one-third of the city would be beneath the line of sight. In reply, Gerity states that no significant shadowing would occur in connection with the operation of an FM station from the site identified by Gerity in its comments as meeting all of the Commission's technical requirements and that any shadowing which might occur could be alleviated by raising the radiation center of the station's antenna.

6. Additionally, Lenawee asserts that it does not concur in the dismissal of the economic issue as being one more appropriate for consideration at time of an application rather than in rule making, and that such a position is contrary to precedent and the public interest, citing FM Channel Assignments, Gainesville, Fla., 11 RR 2d 1699 (1968); FM Channel Assignments, Phoenix, Ariz., 8 FCC 2d 391 (1967). It contends that, if FM service in Adrian, Mich., is to remain anything other than a satellite of the AM monopoly, then the Commission must give consideration and credence to the economics involved; that an additional FM channel in the county cannot be realistically justified on the basis of a separately owned and independently operated service; and that any reduction of advertising income caused by the addition of another FM channel in Adrian would force WLEN to effect severe and extensive cutbacks, affecting the station's present level of services to the community.

7. In reply to the Lenawee arguments on the economic issue, Gerity avers, citing Sanders Brothers Radio Station v. FCC, 309 U.S. 470 (1940), and Carroll Broadcasting Co. v. FCC, 258 F. 2d 440 (D.C. Cir. 1958), that if there is evidence indicating that a community may not be able to support another station, the ultimate question to be answered is whether the public will lose service as a result of the construction of a new station. This question, it urges, can only be decided when there are applicants for a station; and although Lenawee believes that Gerity is the only potential applican for Channel 237A at Adrian, this is not certain, and only when an application with specific programing proposals is filed can the Commission make a determination as to whether the public interest would suffer a net loss because of a cutback of service by WLEN.

8. We agree with these contentions of Gerity. The cases cited by Lenawee do not stand for the proposition that economic issues are to be resolved in rule making proceedings. In those cases the decisions concerning FM channel assignment were based on a consideration of public interest factors. Only in passing, and in the very broadest terms, did they advert to the economic question. Here, Gerity has shown that a Class A FM station, operating from an assumed site southwest of Adrian, would provide first and second FM services to the areas located within the projected 1 mv./m. contour now deprived of or limited to one FM service. Further, the preclusion study indicates that only Channel 237A would be affected by its assignment to Adrian, and the area where the channel can be utilized is limited to a small area near Adrian. It also appears that, although the siting of the station here would be critical, an FM station could be established conforming to all technical requirements of the rules. Thus, we are of the opinion that the assignment of Channel 237A to Adrian, Mich., would result in the efficient use of FM frequencies and would be in the public interest. In view of the foregoing, we will make this assignment.

9. Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

10. *Accordingly, it is ordered.* That effective December 22, 1972, the Table of

FM Assignments (§ 73.202(b) of the rules) as amended as follows:

City	Channel No.
Adrian, Mich.	237A, 280A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 8, 1972.

Released: November 13, 1972.

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

[FR Doc.72-19712 Filed 11-15-72;8:49 am]

[Docket No. 19253; FCC 72-989]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Servicing of Ship Radar Stations

Report and order. In the matter of amendment of § 83.164 of the rules to clarify and improve requirements concerning servicing of ship radar stations.

1. A notice of proposed rule making in the above-captioned matter was released on May 28, 1971. The dates for filing comments or replies thereto have passed.

2. Comments were filed by: The American Radio Association, AFL-CIO and the Radio Officer's Union, AFL-CIO (ARA/ROU); The American Institute of Merchant Shipping (AIMS); Sun Transport, Inc. (SUN); ITT Decca Marine, Inc. (ITT); the National Marine Electronics Association, Inc. (NMEA); The American Petroleum Institute (API); Kelvin Hughes; and the Radiomarine Corp. Reply comments were filed by ARA/ROU and NMEA.

3. ARA/ROU and NMEA supported the proposed rule amendments. ARA/ROU suggested that the rule be even further amended to prohibit fuse replacement except by a holder of a radio operator license with radar endorsement. AIMS addressed itself only to that portion of the proposed amendment which would prohibit replacement of "receiving-type" tubes except by a licensed radio operator with radar endorsement, which AIMS opposed. SUN opposed the proposed amendments on the grounds that they were inconsistent with progress being made in the state-of-the-art of radar maintenance, specifically regarding "plug-in modules." ITT opposed the proposed amendments, citing a shortage of qualified radio operators with radar endorsements. API opposed the proposed amendments on operational and technical grounds. Specifically, API also cited progress in the state-of-the-art and suggested that Intergovernmental Marine Consultative Organization (IMCO) design and operational standards for mandatory radar be considered in conjunction with any amendment of the rules regarding radar maintenance. Kelvin Hughes also opposed the proposed amendments and cited progress in the state-of-the-art and plug-in modules as developments warranting amendment of the rules. Radiomarine Corp. opposed the proposed amendments on the grounds that they would be unduly restrictive and suggested that new and more relaxed rules on this subject are needed.

4. Many of the comments went considerably beyond the intended scope of this proceeding. In releasing the notice of proposed rule making in this proceeding, it was not the intention of the Commission to examine the entire subject of radar maintenance requirements, standards, and procedures. Rather, this proceeding was primarily intended to clarify the intent of an existing policy, incorporated in § 83.164 of the rules, which requires that "adjustments or tests during or coincident with the installation, servicing, or maintenance" of a ship station radar be performed by, or under the immediate supervision of, a person properly licensed with the radar endorsement. In addition, many of the comments addressed areas which involve normal rendition of service rather than adjustments or tests during installation, servicing, or maintenance. Section 83.164 distinguishes between "normal rendition of service" and "installation, servicing, or maintenance" of the equipment. Normal rendition of service does not require a radio operator's license with radar endorsement and this area was not a subject of this notice of proposed rule making. Accordingly, to the extent that the comments submitted addressed the entire subject of radar maintenance or areas which involve normal rendition of service, they are not germane to the instant proceeding and will not be considered. The Commission is aware of developments in the state-of-the-art in the field of marine radars and intends to consider them, as well as the proceedings and findings of organizations such as IMCO and the Radio Technical Commission for Marine Services (RTCM) in any future amendments of its rules concerning radar maintenance.

5. We agree with those comments which opposed deletion of the proviso which permits unlicensed persons to replace receiving-type tubes. We know of no instances, nor have any been cited to us; where replacement of receiving-type tubes by unlicensed persons has resulted in improper operation of ship station radar equipment. Accordingly, we do not adopt the proposed rule amendment which would delete the words "or of receiving-type tubes" from the proviso clause of § 83.164(a)(2) of the rules.

6. We do adopt the proposed rule amendment to delete the words "while it is radiating energy" from § 83.164(a)(2) of the rules. In doing so, the Commission does not intend to make any substantial change in its requirements that only properly licensed persons with the radar endorsement, or persons under the immediate supervision of a person so licensed, be permitted to perform adjustments or tests during or coincident with the installation, servicing, or maintenance of radar equipment. The purpose of this deletion is to preclude a construction of the rule which would permit any such adjustments or tests to be made in any manner by any person merely because the equipment was not radiating energy at the time the tests or adjustments were made. Such a construction of the rule would be inconsistent with competent installation, servicing, or maintenance of radar equipment and with ongoing Commission policy relating thereto. An examination of broader matters relating to ship station radar requirements, standards and procedures is not appropriate in the context of this limited proceeding.

7. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303 (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the rules and regulations of the Commission is amended, effective December 22, 1972, as set forth below.

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 8, 1972.

Released: November 13, 1972.

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

Section 83.164(a)(2) of the rules is amended as follows:

§ 83.164 Waivers of operator requirements.

(a) * * *

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment must be performed by or under the immediate supervision and responsibility of a person holding a temporary limited radiotelegraph operator license or a first- or second-class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship-radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however,* That nothing in this subparagraph shall be construed to prevent persons not holding such licenses, or not holding such licenses so endorsed, from making replacement of fuses or of receiving-type tubes.

* * * * *

[FR Doc.72-19711 Filed 11-15-72;8:49 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1-63]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Urban Mass Transportation Administrator

The purpose of this amendment is to delegate to the Urban Mass Transportation Administrator certain authority vested in the Secretary by the National

Capital Area Transit Act of 1972 (Public Law 92–517), which approved amendments to the Washington Metropolitan Area Transit Regulation Compact (D.C. Code section 1–1431 note) authorizing the Washington Metropolitan Area Transit Authority (WMATA) to acquire, improve, and operate the four privately owned bus companies providing mass transportation service in the National Capital Area, authorizing Federal financial assistance to WMATA therefor under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and authorizing Federal financing of an additional Metro station at Arlington National Cemetery and an additional entrance from the Mall to the Smithsonian Station of the Metro system.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective October 31, 1972, § 1.50 of Title 49, Code of Federal Regulations, is amended by adding thereto a new paragraph (e) as follows:

§ 1.50 Delegations to Urban Mass Transportation Administrator.

* * * * *

(e) The National Capital Area Transit Act of 1972 (Public Law 92–517).

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

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

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72–19688 Filed 11–15–72;8:48 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 72–25; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection, and Rims for Passenger Cars; Correction

In F.R. Doc. 72–17870 appearing at page 22620 in the issue for Friday, October 20, 1972, in Table I–V, appearing at page 22620, the maximum tire load (pounds) at 36 p.s.i. for the N50–15 tire size designation should be changed from "2860" to "2360."

This notice is issued pursuant to sections 103, 119, 201, 202 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407, 1421, 1422) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on November 10, 1972.

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

[FR Doc.72–19710 Filed 11–15–72;8:49 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–43]

PART 1003—LIST OF FORMS

Lease and Interchange of Vehicles by Motor Carriers

Order. At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 3d day of August 1972.

Pursuant to section 204 of the Interstate Commerce Act, and good cause appearing thereof, the use of a new form for application for approval of contract carrier rental contract, under Part II of the act, being under consideration:

It is ordered, That Application Form B.M.C. 79, be, and it is hereby, vacated and revoked.

It is further ordered, That Application for Approval ofContract Carrier Rental Contract, Form BOp–79 (49 CFR 1003.1), which is attached hereto and incorporated into this order,[1] be, and it is hereby, prescribed and approved.

It is further ordered, That 49 CFR 1003.1, be, and it is hereby amended by deleting all references to Form B.M.C. 79 and replacing said matters with the following:

BOp–79. Application for approval of contract carrier rental contract under authority of § 1057.6(b) of Ex Parte No. MC–43.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–19743 Filed 11–15–72;8:53 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11–16–72).

[1] Filed as part of the original document.

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

ALASKA

KENAI NATIONAL MOOSE RANGE

The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATV's) is prohibited on the Kenai National Moose Range except the use of lightweight, motorized vehicles commonly identified by the general term "snowmobile" is authorized on certain designated areas of the Kenai National Moose Range and subject to the following special conditions:

1. Only "snowmobiles" with an overall width of 40 inches or less will be permitted.

2. The use of "snowmobiles" will be authorized during the period of December 1, 1972, through April 30, 1973, and only when snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

3. The use of "snowmobiles" is prohibited in those game management units of the Kenai National Moose Range, during any established moose hunting season. The use of "snowmobiles" as an aid in big game hunting or for transporting big game is not authorized.

4. The use of "snowmobiles" on maintained public roads within the moose range is prohibited.

5. That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for "snowmobile" use.

6. The area within T. 4 N., R. 10 W., Secs. 5, 6, and 7 including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake, and Nordic Lake is not a designated "snowmobile" area.

7. The use of "snowmobiles" for racing purposes is prohibited.

8. The Swanson River canoe route lakes and portages are closed to "snowmobile" use.

9. An area including the Swan Lake canoe route and several public recreational lakes is not a designated "snowmobile" area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the headwaters of Moose River (one-half mile southeast of the easternmost shore of Swan Lake), thence downstream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally and which are set forth in Title 50, CFR Part

28, and are effective through November 30, 1973.

JAMES B. MONNIE,
Refuge Manager, Kenai National Moose Range, Kenai, Alaska.

NOVEMBER 3, 1972.

[FR Doc.72-19677 Filed 11-15-72;8:47 am]

PART 32—HUNTING

Wichita Mountains Wildlife Refuge, Okla.; Correction

In F.R. Doc. 72-11812, appearing on page 15311 of the issue for Saturday, July 29, 1972, after subparagraph (3) under special conditions, herewith added is subparagraph (4) and reads as follows:

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

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

* * * * *

(4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings.

ROGER D. JOHNSON,
Refuge Manager, Wichita Mountains Wildlife Refuge Cache, Okla.

NOVEMBER 8, 1972.

[FR Doc.72-19733 Filed 11-15-72;8:51 am]

PART 33—SPORT FISHING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11-16-72).

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

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted on Crane and Island Lakes only on the areas designated by signs as open to fishing. These open areas comprising about 800 acres, are delineated on maps available at refuge headquarters and from the office of the Regionl Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1972, inclusive.

(2) Boats propelled with poles, oars, or paddles only may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows.

(4) Overnight camping is not permitted.

(5) Open fires are not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1973.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 15 through September 30, 1973, inclusive.

(2) Boats, motorboats, and other floating craft may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1973.

RONALD L. PERRY,
Refuge Manager.

NOVEMBER 9, 1972.

[FR Doc.72-19676 Filed 11-15-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1002]

[Docket No. AO–71–A65]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

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

This notice is supplemental to the notice of hearing which was issued on October 12, 1972 (37 F.R. 22000). Notice is hereby given that a second session of the aforesaid hearing will be held at Valle's Steak House, 2803 Erie Boulevard, East, Syracuse, NY, on November 20, 1972, beginning at 9:30 a.m. with respect to the proposed amendments previously announced to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey 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 previously announced proposed amendments, and any appropriate modificaions thereof, to the tentative marketing agreement and to the order.

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York, NY 10017, 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 November 14, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72–19807 Filed 11–15–72;8:52 am]

Office of the Secretary

[7 CFR Part 21]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Notice of Proposed Rule Making

Pursuant to the authority contained in 5 U.S.C. 301, and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900; 42 U.S.C. 4601, 4633 it is proposed to issue final regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, in Part 21 of Title 7 of the Code of Federal Regulations.

The Department of Agriculture published interim regulations implementing Public Law 91–646 by notice in the FEDERAL REGISTER on May 6, 1971 (36 F.R. 8433). Comments and suggestions for refinements of the interim regulations were invited at that time.

These proposed final regulations revise and replace the interim regulations and incorporate the changes promulgated in the Office of Management and Budget Circular No. A–103 dated May 1, 1972.

It is the policy of the Department of Agriculture whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Office of Plant and Operations, Department of Agriculture, Washington, D.C. 20250, within 45 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 9, 1972.

FRANK B. ELLIOTT,
Assistant Secretary
for Administration.

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart A—Policies

Subpart B—Definitions

Subpart C—Moving and Related Expenses

Subpart D—Replacement Housing—General

Subpart E— Replacement Housing for Homeowners (own 180 days) Displaced from Conventional Dwellings

Subpart F—Replacement Housing for Tenants and Certain Others (Displaced from Conventional Dwellings)

Subpart G—Replacement Housing for Mobile Home Occupants

Subpart H—Relocation Assistance Advisory Services

Subpart I—Federal Financially Assisted Projects

AUTHORITY: The provisions of this Part 21 issued under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.

Subpart A—Policies

§ 21.101 Purpose.

The regulations in this part prescribe policies and procedures for the U.S. Department of Agriculture in implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 (84 Stat. 1894), herein called the Act, effective January 2, 1971. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federal financially assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federal financially assisted programs.

§ 21.102 Effective date.

(a) The regulations in this part shall be effective on date of publication.

(b) Any claims made under the Act shall be adjudicated on the basis of the regulations in effect when the claim was filed.

§ 21.103 Application for relocation assistance payment.

A displaced person, business, or farm operation must make proper application to the displacing agency for relocation assistance payments within 18 months from the date on which the move was made from the real property acquired or to be acquired, or the date on which the acquiring agency makes final payment of all costs of acquiring that real property, whichever is the later date. The displacing agency may extend this period upon showing of good cause. Prompt payment will be made after a move and submittal of proper application. Advanced payment may be made if the displacing agency determines that delaying payment until after the move will create a hardship.

§ 21.104 Appeal rights.

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment in a Federal project may have his application reviewed by the Secretary of Agriculture or his designee, or in the case of a project receiving Federal financial assistance, by the head of the displacing agency.

§ 21.105 Leasing to former owner or tenant.

The head of a displacing agency may permit use of or lease realty back to former owners or tenants for a period of not more than 1 year, and may also extend or renew such permits or leases for successive periods of not more than 1 year.

§ 21.106 Displacement prerequisites.

A displacing agency shall take no action that will result in a displacement until the following conditions are met.

(a) Assurance of comparable replacement dwelling. No phase of any project will be initiated or continued if that phase will cause the displacement of any individual or family from a dwelling until the displacing agency has determined on the basis of a current survey and analysis of available comparable replacement dwellings that prior to displacement a comparable replacement dwelling will be available for each such displaced individual or family.

(b) Displacement notice. Each individual, family, business, or farm operation to be displaced must be given a written notice of displacement. The notice shall be served personally or by certified or registered first-class mail not later than initiation of negotiations.

(c) Payment for real property. An owner will not be required to surrender possession of the real property acquired until the acquiring agency has paid the agreed purchase price, or deposited with the court for the benefit of the owner, an amount not less than the approved appraisal of the real property being acquired.

(d) Notice to vacate. The construction or development or a project will be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a comparable replacement dwelling will be available), or to move his business or farm operation without at least 90 days' written notice prior to the date on which such move is required. The notice shall be served personally or by certified or registered first-class mail. A notice of less than 90 days may be given only in an emergency or other extraordinary situations, or when the personal property to be moved is not associated with a displacement from a dwelling, business, or farm operation. When it is proposed to give an advance notice of less than 90 days, the prior approval of the agency head will be obtained.

§ 21.107 Adjustments.

The agency head may make adjustments in the requirements for decent, safe, and sanitary dwellings only in cases involving unusual circumstances or in unique geographic areas.

§ 21.108 Waiver.

The agency head may waive the requirements of § 21.106(a) in emergencies or other extraordinary situations where immediate possession of real property is crucial. Each waiver shall be supported by appropriate findings and a determination of the necessity for the waiver. These determinations shall be included in the annual report required by § 21.1101.

§ 21.109 Criteria for new construction and loans.

(a) If the agency head determines that adequate comparable replacement dwellings are not available, action may be taken by the agency head or he may approve action by a State agency to develop replacement dwellings. Any action taken or approved shall be in accordance with the guidelines issued by the Secretary of Housing and Urban Development (24 CFR Part 43).

(b) The agency head shall be guided by the criteria and procedures developed by the Secretary of Housing and Urban Deveolpment (24 CFR Part 43) when providing loans to eligible borrowers for planning and other preliminary expenses for additional housing for displaced persons.

§ 21.110 Coordination among agencies.

(a) When more than one Federal, departmental, or State agency, is causing the displacement in a community or an area, the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of sale and rental housing in the community or area.

(b) When more than one agency is administering a relocation assistance advisory program which may be of assistance in the community or area to displaced persons all agencies shall cooperate so as to eliminate duplication while combining forces in assuring uniform application of the Act so that all displaced persons receive the maximum assistance available to them.

(c) An agency causing displacements from dwellings will provide the Housing and Urban Development regional or area office with information regarding the project which will cause displacement, and consult with such offices concerning the availability of housing.

Subpart B—Definitions

§ 21.201 Agency head.

The head of the agency of the department responsible for the project which requires land acquisition or displacement, or any individual authorized to act for him in implementing these regulations.

§ 21.202 Business.

(a) Any unlawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purposes of section 21.303, outdoor advertising signs erected and maintained for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services whether or not located on the premises of the foregoing businesses.

(b) Part-time occupations must contribute at least:

(1) $2,500 net income or

(2) One-third of the net income of the displaced person or family to qualify as a business under these regulations.

(c) A warehouse or other facility acquired, which is operated in conjunction with a business not acquired, is not a business.

§ 21.203 Comparable replacement dwelling.

A comparable replacement dwelling is one which is decent, safe, and sanitary and is:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(c) In areas not generally less desirable than the dwelling to be acquired in regard to neighborhood conditions, including, but not limited to, municipal services and other environmental factors, and public, commercial, and community facilities.

(d) Reasonably accessible to the displaced person's place of employment.

(e) Available on the market to the displaced person at rents or prices within the financial means of the displaced person.

(f) Adequate in size to meet the needs of the displaced family or individual. At the option of the displaced person, a replacement dwelling may exceed his need when the replacement dwelling has the approximate square footage as the dwelling from which he was displaced.

§ 21.204 Decent, safe, and sanitary dwelling.

A dwelling which is clean, in good repair, and in sound and weather tight condition, which meets local housing codes, if any, and also meets the following requirements:

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bathroom and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes. In the absence of local codes see § 21.107.

(b) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. In the absence of local code standards see § 21.107.

§ 21.205 Department.

The U.S. Department of Agriculture.

§ 21.206 Displacing agency.

The Department agency for a Federal project, and the State agency for a Federal financially assisted project, which acquires real property.

§ 21.207 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the actual acquisition of such real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program or project undertaken by the Department or with Federal financial assistance provided by the Department. If a person moves as the result of such a notice, it makes no difference whether or not the real property actually is acquired.

§ 21.208 Displacement notice.

A displacement notice is a written notice given to persons that may be displaced as a result of a proposed acquisition. This notice shall state the acquiring agency's desire to acquire the property and notify the persons of their rights under the Act and these regulations if they are displaced. The notice shall be given to such persons not later than the initiation of negotiations for the property to be acquired.

§ 21.209 Dwelling.

Dwelling includes a single family building; a one family unit in a multifamily building; a unit of a condominum or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost. For purposes of Subparts E, F, and G of this part the term "dwelling" shall mean the place of permanent abode of a person and does not include seasonal or parttime dwelling units such as beach houses, mountain or other vacation cabins.

§ 21.210 Economic rent.

Economic rent is the amount of rent the displaced person would have had to pay for a similar dwelling unit located in an area not generally less desirable than the location of the dwelling to be acquired.

§ 21.211 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship. Others who live together as a family unit will be treated as a family.

§ 21.212 Farm operation.

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to contribute materially to the operators support. The activity contributes materially if the value of the net sales and market value of home use contributes at least (a) $2,500 or (b) one-third of the total net income of the operator. (See § 21.308)

§ 21.213 Federal financially assisted program or project.

Any program or project administered by the Department or by a State agency in which a grant, loan, or contribution is provided to the State agency by the Department. Federal contracts of guaranty or insurance are excluded.

§ 21.214 Federal program or project.

Any program or project administered by the Department in which real property interest is acquired by, remains in, or is transferred to Federal ownership or control.

§ 21.215 Financial means.

Financial means is the ability of a displaced family or individual to afford a replacement dwelling without jeopardizing the other needs of the displaced family or individual such as food, clothing, child care, and medical expenses. For purposes of this regulation the average housing cost (monthly mortgage or rental payments, insurance for the dwelling unit, property taxes, utilities, and other reasonable recurring related expenses) which the displaced family or individual will be required to pay should generally be less than 25 percent of the monthly gross income or the present ratio of housing payment to income including supplemental payments made by public agencies.

§ 21.216 Initiation of negotiations.

The date the acquiring agency furnishes the property owner or his representative a written offer to purchase the real property.

§ 21.217 Mortgage.

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property under the law of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 21.218 Notice to vacate.

A notice to vacate is a written notice to the persons to be displaced of the date on which they must have moved from the property being acquired.

§ 21.219 Owner.

A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the displacing agency, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interest by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

§ 21.220 Person.

Any individual, family, partnership, corporation, or association.

§ 21.221 Purchase of a replacement dwelling.

Purchase of a replacement dwelling shall mean (a) acquisition of an existing dwelling, (b) acquisition and rehabilitation of a substandard dwelling, (c) relocation, or relocation and rehabilitation of an existing dwelling, (d) construction of a new dwelling, (e) ocntract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (f) contract for the construction of a dwelling on a site which the displaced person owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for such construction or rehabilitation or for the purchase upon completion of a dwelling to be constructed or rehabilitated on a site provided by a builder or developer: *Provided*, The displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

§ 21.222 Rental rate.

The amount paid or determined to be appropriate for the bare premises exclusive of such items as utilities and other services.

§ 21.223 Replacement dwelling.

A replacement dwelling is one which is at least decent, safe, and sanitary.

§ 21.224 State.

Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 21.225 State agency.

Any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

§ 21.226 Tenant.

A person who leases, rents, lawfully occupies or temporarily possesses real property, or a mobile home classified as personal property, of another by any kind of right.

Subpart C—Moving and Related Expenses

§ 21.301 Recipient eligibility.

A displaced person, business, or farm operation is eligible to receive payments for moving and related expenses described in § 21.303 or a fixed relocation payment described in § 21.304.

§ 21.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family, who is displaced from a dwelling may elect to receive either the payment described in § 21.303 (a) or the fixed payment described in § 21.304(a) except:

(1) Two or more persons, not a family, living together in a single-family dwelling who are displaced from the dwelling will be regarded as one displaced person insofar as their eligibility for receiving the fixed payment for moving expenses described in § 21.304(a). Each individual in such group is eligible to receive actual moving and related expenses described in § 21.303(a) if the group does not elect to receive the fixed payment.

(2) No member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

(3) Any person, other than a member of the family, who is renting a room within the dwelling is eligible for moving expenses under § 21.303(a), but is not eligible to elect to receive the fixed payment in § 21.304(a).

(b) Any displaced business or farm operation may elect to receive either the payment described in § 21.303 or the payment described in § 21.304.

(c) Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling and qualifies as a business, is eligible for payments for actual moving and related expenses described in § 21.303, for both dwelling and business, or may elect to receive the fixed payments described in § 21.304, for both dwelling and business, or he may elect to receive payment for the dwelling under one alternate and payment for the business under the other alternate.

(d) A person who lives on his business or farm property and is displaced from both his dwelling and business or farm property is eligible for payments for actual moving and related expenses described in § 21.303 for both dwelling and business or farm operation, or may elect to receive the fixed payment described in § 21.304 for both dwelling and business, or farm operation, or he may elect to receive payment for the dwelling under one alternate and payment for business or farm operation under the other alternate.

(e) A person displaced from a business or farm operation which causes such person to move from other real property used for his dwelling may elect to receive either the actual expense payment described in § 21.303(a) or the fixed payment described in § 21.304(a). If the displacement causes such person to move other personal property associated with the displaced business or farm operation from real property not acquired, he is eligible for the moving cost of such personal property as a part of the cost of moving the displaced business or farm operation.

(f) Outdoor advertising signs as defined in § 21.202(a)(4) when not a part of a displaced business are only eligible for actual expense payments described in § 21.303.

§ 21.303 Actual expenses payment.

(a) Actual reasonable expenses specified in § 21.305 in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses specified in § 21.306 of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount determined by the displacing agency to be equal to the reasonable expenses that would have been required to relocate such property; and

(c) Actual reasonable expense specified in § 21.307 in searching for a replacement site for the business or farm operation.

§ 21.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive in lieu of reimbursement for actual expenses described in § 21.303(a), a moving expense allowance not to exceed $300 based on schedules for the area in which the displacement occurs maintained by State highway departments and approved by the Federal Highway Administration, plus a dislocation payment of $200.

(b) A person who is displaced from his place of business, whether he discontinues or reestablishes the business, may elect to receive, in lieu of reimbursement for actual expense specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 21.308 provided:

(1) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business; and

(2) The business cannot be relocated without a substantial loss of its existing patronage. The displacing agency will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, the relative importance of the present and proposed locations to the displaced business, and the availability of a suitable replacement location for the displaced person.

(c) A person who is displaced from his farm operation, whether he discontinues or reestablishes such operation, may elect to receive, in lieu of reimbursement for actual expenses specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the farm operation as determined in accordance with § 21.308. Where a displaced person is displaced from only a part of his farm operation, the fixed payment shall be made only if the displacing agency determines that the property remaining after the acquisition can no longer meet the definition of a farm operation.

(d) A displaced nonprofit organization whether it discontinues or reestablishes its operation, may elect to receive, in lieu of reimbursement for actual expenses specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the nonprofit organization as determined in accordance with § 21.308 if the displacing agency determines that: (1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage which includes the persons, community, or clientele served or affected by its activities; and (2) the nonprofit organization is not a part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

(e) The payment provided in paragraphs (b), (c), and (d) of this section shall be not less than $2,500 nor more than $10,000.

§ 21.305 Actual reasonable expenses in moving.

(a) Items to be included in determining reasonable expenses are:

(1) Transportation of individuals, families, and personal property from acquired site to the replacement site, not to exceed an airline distance of 50 miles, except where the displacing agency determines that relocation cannot be accomplished within such area.

(2) Packing, unpacking, crating, and uncrating of personal property.

(3) Advertising for packing, unpacking, crating, uncrating, and transportation when the displacing agency determines that advertising for any of these services is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when determined by the displacing agency to be necessary.

(5) Insurance premiums covering loss and damage of personal property while in transit or approved storage.

(6) Removal, reinstallation, and reestablishment, including such modification as deemed necessary by the displacing agency, of machinery, equipment, appliances, and other items not acquired as real property, and reconnection of utilities for such items. Prior to payment for any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or neligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not obtainable.

(8) Such other reasonable expenses determined to be allowable by the agency head:

(b) Items to be excluded in determining reasonable expenses are:

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures and other improvements classed as real property in which the displaced person reserved ownership, except as otherwise provided by law.

(3) Improvements to the replacement site except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits or income.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Payment for search cost in connection with locating a replacement dwelling.

(11) Such other items as the agency head determines should be excluded.

(c) Limitations are:

(1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving, unless the agency head determines that a greater amount is justified.

(2) If an item of personal property used in connection with a business or farm operation is not moved, but sold and replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving whichever is less.

(3) If personal property used in connection with a displaced business or farm operation is of low value and high bulk, and the cost of removing, reinstalling, and reestablishing such property would be, in the judgment of the displacing agency, disproportionate in relation to its value, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same at the new location with a comparable item available on the market.

§ 21.306 Actual direct losses—businesses or farm operations.

(a) Payments for actual direct losses of tangible personal property are allowable where a person displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. These property losses may include such items as equipment, machinery, or fixtures which are no longer required, where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

(b) If the displaced person does not move personal property and he makes a bona fide effort to sell it he may be reimbursed for the reasonable costs incurred in his efforts to sell the property, but not to exceed the estimated cost to move the property to the new location but not to exceed 50 airline miles except that the amount allowed for this purpose shall not exceed the difference between the cumulative amount allowed under the following items and the estimated cost of moving such items.

(1) If the business or farm operation is discontinued, the actual direct loss is the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, but not to exceed the estimated cost of moving 50 miles.

(2) If personal property is abandoned, the actual direct loss is the lesser of the fair market value of the property for continued use at its location prior to displacement, or the estimated cost of moving to the new location, not to exceed 50 airline miles.

(c) The cost to the displacing agency of removing abandoned personal property shall not be offset against other payments to the displaced person.

§ 21.307 Actual reasonable expense in searching—business and farm operations.

A displaced person whose business or farm is acquired may be reimbursed for his actual reasonable expense of searching for a replacement business or farm location. The maximum amount allowable for searching expense is $500 for each displaced business or farm unless the agency head determines that a greater amount is justified based on the circumstances involved. Payment for these expenses are further limited to:

(a) Travel.

(1) Actual cost of common carrier.

(2) Eleven cents per mile for use of privately owned vehicle.

(b) Meals and lodging.

(1) Three dollars per meal but not to exceed $9 per day per individual.

(2) Actual cost of lodging, but not to exceed $20 per day per individual.

(c) Time. Time spent in searching at a flat rate of $3 per hour, or at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour. The

maximum time allowed shall be 8 hours a day.

(d) Realtor assistance. Broker or realtor fees to locate a replacement site for a displaced business or farm operation only when the displacing agency determines in advance that it is necessary.

§ 21.308 Determination of average annual net earnings.

The average annual net earnings will be one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes for the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Another period may be approved by the agency head if the business or farm operation was not in operation for the full 2-year period or if an unusually long time lag between public announcement of a project and the displacement results in a material reduction in the earnings of the business or farm operations for such 2-year period, or under other conditions clearly warranting a different period. The business or farm operation will be required to furnish pertinent portions of returns filed with the Internal Revenue Service for the applicable period, or other acceptable evidence of earnings if not required to file returns.

§ 21.309 Mobile home.

When a mobile home deemed personal property is moved from an acquired site the following reasonable costs as determined by the displacing agency are allowable:

(a) Moving the mobile home to a replacement site but not to exceed the cost of moving to a site 50 airline miles from the acquired site.

(b) Detaching and reattaching fixtures and appurtenances, where applicable.

Subpart D—Replacement Housing—General

§ 21.401 Certificate of eligibility.

Whenever a displaced person is eligible for a replacement housing payment except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(a) The eligibility of the displaced person for a payment.

(b) The requirements that must be satisfied before such payment can be made.

(c) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available, and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

§ 21.402 Selecting a method for determining purchase price or rental rate for a comparable replacement dwelling.

(a) The displacing agency may determine the amount necessary to purchase or rent, as appropriate, a comparable replacement dwelling by:

(1) A schedule method in which the displacing agency establishes a schedule of reasonable acquisition costs or rental rates of comparable replacement dwellings. The schedule should be based on current analysis of the market; or by

(2) The comparative method in which the displacing agency determines the reasonable acquisition cost or rental rate by selecting one or more comparable replacement dwellings that are most representative of the dwelling acquired. A single dwelling shall be used only when additional comparable replacement dwellings are not available.

(b) When neither the schedule method nor the comparative method is feasible, the agency head may develop other methods for computing replacement housing payments, or approve in advance other methods proposed by the displacing agency.

§ 21.403 Other.

(a) Payment for replacement housing to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person will be based on the cost of a comparable one-family unit in a multifamily building or if not available, a single-family structure, without regard to the number of units in the acquired multifamily building.

(b) Payment for replacement housing will not affect the eligibility of the displaced person to receive a payment for business earnings attributable to rental ities conducted in portions of the units or other legitimate business activities conducted in portions of the building.

(c) Two or more individuals, living together in a single-family dwelling, displaced from the dwelling will be regarded as one displaced person for the purpose of replacement housing.

Subpart E—Replacement Housing for Homeowners (Over 180 Days) Displaced From Conventional Dwellings

§ 21.501 Eligibility.

This subpart is applicable to a displaced person who:

(a) Actually owned and occupied the acquired dwelling for not less than 180 days immediately prior to initiation of negotiations for the property, and

(b) Purchases and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 21.502 Maximum payment.

The maximum payment which may be made by the displacing agency under this subpart is $15,000.

§ 21.503 Cost eligible for payment by displacing agency.

Costs eligible for payment by the displacing agency under this subpart are:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

(1) If the displaced person voluntarily purchases and occupies a replacement dwelling at a price less than the reasonable cost determined by the displacing agency for a comparable replacement dwelling, the displacing agency shall pay not more under this item than the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a replacement dwelling at a price less than the acquisition price of the acquired dwelling, no payment is allowable under this paragraph (a).

(b) The amount, if any, which will compensate the displaced person for any increased interest cost and points which such person is required to pay for financing the acquisition of the replacement dwelling, provided that the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. This amount shall be computed on the basis of and limited to:

(1) The amount of the unpaid debt at the time of acquisition of the real property;

(2) The length of the remaining term of the mortgage at the time of acquisition;

(3) The prevailing interest rate and points currently charged by mortgage lending institutions in the vicinity; and

(4) The present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined by the displacing agency to be prepaid expenses:

(1) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, FHA, or VA appraisal fee.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA, or VA.
(5) Credit report.
(6) Title policy, certificate of title, or abstract of title.
(7) Escrow agent's fee.
(8) State revenue stamps, or sale or transfer taxes.

Subpart F—Replacement Housing for Tenants and Certain Others (Displaced From Conventional Dwellings)

§ 21.601 Eligibility.

(a) This subpart is applicable to a displaced person who:
(1) Is a tenant, or
(2) Is an owner-occupant who elects to lease or rent rather than purchase a replacement dwelling, or
(3) Is an owner-occupant who elects to purchase a replacement dwelling but has occupied the acquired dwelling for less than 180 days required by § 21.501 (a).
(b) A displaced person is eligible for a replacement housing payment under this subpart if he:
(1) Actually and lawfully occupied the acquired dwelling for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the property.
(2) Purchases or rents and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he:
(i) If a tenant, moves from the acquired dwelling.
(ii) If an owner-occupant, receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

§ 21.602 Maximum payment.

The maximum payment which may be made by the displacing agency under this subpart is $4,000 except that when the payment is made in connection with the purchase of a replacement dwelling the amount of the payment by the displacing agency in excess of $2,000 must be matched by the displaced person.

§ 21.603 Computing rental payments for displaced tenants renting replacement housing.

(a) The displacing agency shall compute the amount of the payment to the tenant as follows:
(1) Multiply the monthly rental rate of the replacement dwelling or a comparable replacement dwelling, whichever is the lesser rate, by 48.
(2) Determine the average monthly rental rate paid by the displaced tenant for the acquired dwelling in the last 3 months prior to initiation of negotiations, provided such rent was reasonable. If such average rent paid was not reasonable, the displacing agency may use an economic rent amount for the acquired dwelling. If the displacing agency deems it advisable, more than 3 months may be used as a base for determining the average rental rate.
(3) Multiply the average monthly rental rate for the acquired dwelling as determined in subparagraph (2) of this paragraph, by 48.
(4) Subtract from the amount determined in subparagraph (1) of this paragraph, the amount determined in subparagraph (3) of this paragraph.
(b) If the displaced tenant is paying rent for the acquired dwelling to the displacing agency, economic rent shall be used in making the determination required by paragraph (a)(2) of this section.

§ 21.604 Computing rental payments for displaced owner-occupants renting replacement housing.

The displacing agency shall compute the amount of the rental payment to the displaced owner-occupant in the same manner as prescribed in § 21.603, except that economic rent shall be used in making the determination required by § 21.603(a)(2).

§ 21.605 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of $1,000, payment will be made in four equal annual installments at the beginning of each annual period, provided that the displacing agency determines that the displaced person is continuing to occupy decent, safe, and sanitary housing at the beginning of each annual period.
(b) If the total rental payment to be made to the displaced person is $1,000 or less, the payment shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. The displacing agency need not thereafter determine whether occupancy of decent, safe and sanitary housing is continued.

§ 21.606 Purchase of a replacement dwelling.

(a) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover expenses on the purchase of the replacement housing.
(1) The amount necessary for the down payment shall be based on the amount required for a conventional loan.
(2) Reasonable expenses incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined by the displacing agency to be prepaid expenses;
(i) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.
(ii) Lenders, FHA, or VA appraisal fee.
(iii) FHA application fee.
(iv) Certification of structural soundness when required by lender, FHA, or VA.
(v) Credit report.
(vi) Title policy, certificate of title, or abstract of title.
(vii) Escrow agent's fee.
(viii) State revenue stamps, or sale or transfer taxes.
(b) The full amount of the payment must be applied to the purchase price and incidental costs shown on the closing statement.

Subpart G—Replacement Housing for Mobile Home Occupants

§ 21.701 Eligibility.

(a) The occupant of a mobile home located on an acquired site is eligible for a replacement housing differential payment to the extent stated in § 21.702 if he meets the following requirements:
(1) The mobile home is acquired by the displacing agency, or the site of the mobile home is acquired which results in the mobile home being removed.
(2) The person actually occupied the mobile home on the acquired site for not less than 90 days immediately prior to initiation of negotiations or date of receipt of displacement notice whichever is later.
(3) The person vacated the mobile home or mobile homesite as a result of the acquisition of the property or receipt of a notice to vacate.

§ 21.702 Extent of eligibility.

(a) A person displaced from a mobile home who is eligible for replacement housing payments may elect a mobile home or a conventional dwelling to serve as a replacement dwelling.
(1) Such displaced occupant of a mobile home will be eligible for replacement housing benefits to the same extent and subject to the same conditions as provided in Subpart E or Subpart F of this part depending on the period of occupancy of the mobile home on the acquired site and the degree of interest held in the acquired mobile home.
(i) Period of occupancy shall be determined on the basis of the date of initiation of negotiations or the date of receipt of a displacement notice, whichever is later.
(ii) Degree of interest, i.e., owner or tenant, will be that of the displaced occupant in the mobile home, exclusive of the interest held in the homesite.
(2) When either type of replacement dwelling is elected, the maximum allowable under § 21.503(a) or § 21.603 shall be computed on the basis of the lesser of:
(i) The amount the displaced person pays for a replacement dwelling; or
(ii) The amount determined by the displacing agency as necessary to provide a comparable replacement mobile home.
(b) The occupant of a mobile home not acquired but moved from the acquired homesite is eligible for a replacement homesite.
(1) Such occupant will be eligible for replacement homesite benefits to the

same extent and subject to the same conditions as provided in Subpart E or Subpart F of this part depending on the period of occupancy of the mobile home on the acquired site and the degree of interest held in the acquired homesite.

(i) Period of occupancy shall be determined on the basis of the date of initiation of negotiations or the date of receipt of a displacement notice, whichever is the later.

(ii) Degree of interest, i.e., owner or tenant, will be that of the occupant in the homesite, exclusive of the interest held in the mobile home.

(2) The maximum allowable under § 21.503(a) or § 21.603 shall be computed on the basis of the lesser of:

(i) The amount the occupant of the mobile home pays for a replacement homesite; or

(ii) The amount determined by the displacing agency as necessary to provide a comparable replacement homesite.

Subpart H—Relocation Assistance Advisory Services

§ 21.801 Policy.

Whenever the acquisition of real property for a Federal or Federal financially assisted program or project will result in the displacement of any person, the displacing agency shall provide a relocation assistance advisory program for displaced persons. If such agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, that agency shall offer such person relocation assistance advisory services.

§ 21.802 Advisory services.

Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Determine the need, if any, of displaced persons for relocation assistance.

(b) Provide current and continuing information on the availability, prices and rentals of comparable sale and rental replacement housing, and of comparable commercial properties and locations for displaced businesses and farm operations.

(c) Assure that, within a reasonable period of time prior to displacement, comparable replacement dwellings will be available for those to be displaced from dwellings.

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(e) Supply information concerning housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(g) Advise displaced persons that they should notify the displacing agency before they move; and

(h) Inform affected persons of the benefits to which they may be entitled under the Act and these regulations.

§ 21.803 Contracting for advisory services.

The displacing agency may, by contract or otherwise, secure relocation assistance advisory services from any Federal, State, or local governmental agency or from any person or organization providing such service.

Subpart I—Federal Financially Assisted Projects

§ 21.901 Assurances by State agency.

(a) The agency head shall not approve a grant to or contract or agreement with a State agency unless he receives satisfactory assurances from such State agency that:

(1) Relocation payments, relocation assistance, and relocation assistance advisory services will be provided and comparable replacement dwellings will be available as provided in these regulations;

(2) In acquiring real property it will comply with the land acquisition policies provided in §§ 21.1001 through 21.1009 if compliance is legally possible under State law and in any event will reimburse owners for necessary expenses as specified in §§ 21.1006 and 21.1007; and

(3) It will furnish data for annual report required in § 21.1101.

(b) If a State agency maintains that it is legally unable to comply with the real property acquisition policies in §§ 21.1001 through 21.1006(b), and §§ 21.1008 through 21.1009, its statement to that effect shall be supported by an opinion of the chief legal officer of the State containing a full discussion of the facts and law involved. The agency head may accept this statement or the assurances so qualified as constituting compliance with this section.

(c) A grant to or contract or agreement with a State agency shall contain provisions requiring the State agency to comply with these regulations to the extent determined under this section.

§ 21.902 Execution and amendment of agreements.

Any grant to, or contract or agreement with a State agency under which Federal financial assistance is made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall include or be amended to include the cost of providing payments and services set forth in these regulations.

§ 21.903 Project cost.

The cost to a State agency of providing payments and assistance pursuant to these regulations shall be included as part of the cost of a program or project for which the Department furnishes financial assistance. The State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.

§ 21.904 Exception.

No payment or assistance under these regulations will be required of a State agency, or include as a program or project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by the agency head to have substantially the same purpose and effect as the payment and assistance required by these regulations.

§ 21.905 Advances by Department.

If the agency head determines that it is necessary for the expeditious completion of a project, he may advance to the State agency the Federal share of the cost of any payments or assistance required by these regulations.

§ 21.906 Housing standards.

The State agency will determine whether the replacement dwelling meets the standards prescribed under these regulations.

§ 21.907 Organization and facilities.

It will be the responsibility of the agency head to determine that the State agency provides adequate personnel and facilities to enable it to provide the payments and services required by these regulations.

§ 21.908 Compliance.

The Department will provide for the making of periodic inspections to ascertain whether payments and services are being provided and whether there is compliance otherwise with the assurances furnished.

§ 21.909 Records.

The grant to, or contract or agreement with the State agency shall provide that it will maintain such records as may be specified by the agency head for a period of 3 years and make them available to the agency head for inspection and audit at reasonable times.

§ 21.910 Performance by contract.

(a) The displacing agency may contract for the services specified in § 21.802 with any person or organization if it finds that such contract will prevent unnecessary expense, avoid duplication of functions, and promote uniform administration of relocation assistance programs.

(b) The solicitation of proposals, contract provisions, and administration shall be in accordance with State laws and with procedures prescribed by the agency head, but shall as a minimum include provisions:

(1) Required by Federal regulations implementing Title VI of the Civil Rights Act of 1964 (Public Law 82-352), and

(2) Requiring records relating to the contract to be maintained for a period

of not less than 3 years and be available for inspection by representatives of the State agency and the agency head.

(c) In furnishing housing to the extent authorized under criteria and procedures set forth in § 21.109, the State agency shall, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration and conduct of similiar housing assistance activities.

§ 21.911 Furnishing real property.

Whenever real property is acquired by a State agency and furnished as a required contribution to a Federal project, the agency head may not accept such property unless such State agency has made all payments and provided all assistance and assurances as are required of a State agency by these regulations. The cost of such requirements will be paid by the State agency, except the agency head will pay the full amount of the first $25,000 of the cost of providing such payments and assistance in connection with each displacement occurring prior to July 1, 1972.

§ 21.912 State agency acting as agent for federal project.

Whenever real property is acquired by a State agency at the request of the agency head for a Federal project, such acquisition shall be deemed for the purposes of these regulations as an acquisition by the agency head.

Subpart J—Real Property Acquisition

§ 21.1001 General.

(a) Application of this subpart to State agencies carrying out Federal financially assisted programs is mandatory where compliance is legally possible under State law and in any event State agencies will reimburse owners for necessary expenses as specified in §§ 21.1006(c) and 21.1007.

(b) The provisions of this subpart do not apply to donations of land or land exchanges.

§ 21.1002 Acquisition by agreement.

Every reasonable effort will be made to (a) acquire real property by agreements with owners based on negotiations, (b) assure consistent treatment for owners, and (c) accomplish negotiations expeditiously. In no event shall negotiations be deferred nor any other action coercive in nature taken in order to compel an agreement.

§ 21.1003 Appraisal.

(a) Prior to initiation of negotiations, an appraisal of the fair market value of the real property interest to be acquired will be made by a qualified land appraiser.

(b) The owner or his designated representative will be given a reasonable opportunity to accompany the appraiser during his inspection of the property.

(c) Any decrease or increase in the fair market value of the property prior to the date of the appraisal which is caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in appraising the property.

(d) Where appropriate the estimate of the fair market value of the property to be acquired and the estimate of damages or offsetting benefits to the remaining property will be separately stated.

(e) Appraisers shall not give consideration to or include in their real property appraisals any allowances for the relocation benefits provided by these regulations.

(f) Each agency Head shall establish for all Federal or Federal financially assisted programs under his jurisdiction, criteria for determining the qualifications of appraisers and a system of review of appraisals by qualified appraisers. Standards for appraisals used in such programs shall be consistent with the Uniform Appraisal Standards for Federal Land Acquisitions published in 1972 by the Interagency Land Acquisition Conference.

§ 21.1004 Establishing just compensation.

(a) Prior to negotiations the displacing agency shall establish an amount it believes to be just compensation which in no event shall be less than the amount in the appraisal approved by the displacing agency.

(b) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the displacing agency shall offer to acquire the entire property.

§ 21.1005 Initiation of negotiations.

(a) When the just compensation has been established, a prompt offer will be made to acquire the real property for the full amount of the just compensation so established.

(b) When the offer is made, the owner of the real property will be provided with a written statement of (1) identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements considered to be a part of the real property, (2) the amount of the estimated just compensation as determined by the acquiring agency and a summary statement of the basis therefore, and (3) if only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and damages and benefits to the remaining real property, if any.

(c) The offer of just compensation does not preclude further negotiations with respect to the purchase price.

(d) Tenants occupying the property shall be given a displacement notice not later than when negotiations for the property are initiated with the owner.

(e) Contracts or options to purchase real property shall not provide for any payments for relocation costs or reference to such payments.

§ 21.1006 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations, condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken in order to compel an agreement on price.

(b) If the real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will be taken intentionally which will make it necessary for an owner to institute legal proceedings to prove the taking of his real property.

(c) If the final judgment of the court in a condemnation case is that the acquiring agency cannot acquire the real property by condemnation, or if the proceeding in condemnation is abandoned by the acquiring agency, the acquiring agency must pay the owner of the property such sum as will reimburse the owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings. If this cost is not covered by a court order, nevertheless the acquiring agency shall pay to the owner such costs.

(d) When the declaration of taking is filed in a Federal condemnation proceeding, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to other payments provided for by these regulations.

§ 21.1007 Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation proceeding to acquire real property, the owner will be reimbursed to the extent the head of the displacing agency determines fair and reasonable, for expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incident to conveying the real property to the acquiring agency,

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property, and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is earlier.

§ 21.1008 Buildings, structures and improvements.

(a) Whenever any interest in real property is acquired, the acquiring agency shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property which such acquiring agency requires to be removed from the real property, or which the acquiring agency determines will be adversely affected by

the use to which such real property will be put.

(b) The following will apply in determining the just compensation for any such buildings, structures, or other improvements: (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term, and (2) the fair market value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures, or other improvements for removal from the real property, whichever is greater, will be paid the tenant therefor, provided the tenant shall assign, transfer and release to the acquiring agency all his rights, title and interest in and to such improvements.

(c) Payments under this § 21.1008 will not be made: (1) Which result in duplication of any payments otherwise authorized by law, (2) unless the owner of the land involved disclaims all interest in such buildings, structures or other improvements of the tenant.

(d) A tenant may reject payment under this § 21.1008 and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 21.1009 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the acquiring agency on short notice, the amount of rent required will not exceed the fair rental value of the property to a short term occupier.

Subpart K—Report

§ 21.1101 Annual report.

Each agency head shall prepare and submit an annual report, on a fiscal year basis, to the Secretary of Agriculture. The first report will cover the period January 2, 1971 through June 30, 1971, with the final report covering the period July 1, 1973 through June 30, 1974.

(a) Each such report will include narrative comments regarding:

(1) The effectiveness of the provisions of the Act assuring the availability of comparable replacement housing for displaced persons:

(2) Actions taken to achieve the objectives of the policies of Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or Federal financially assisted programs;

(3) Views on the progress made to achieve the objectives stated in subparagraph (2) of this paragraph;

(4) Any indicated effects of such programs and policies on the public; and

(5) Recommendations for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws, and regulations.

(b) Each such report will also include statistical data as prescribed by the Department.

(c) Summary statement on the waiver of assurances.

[FR Doc.72-19700 Filed 11-15-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 72-151P]

SECOND AND THIRD MATE; SECOND AND THIRD ASSISTANT ENGINEER

Licensing and Registration; Update of Examination Requirements

The Coast Guard is considering amendments to its licensing regulations consisting in a number of additions to examination subjects.

Interested persons are invited to submit written views, data, arguments, objections or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGD 72-151P) and the section, give reasons for any recommendations, and include proponent's name and address.

The proposed amendments may be changed in the light of comments received. No hearing is contemplated but will be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by any interested person desiring an opportunity to comment orally at a public hearing, and raising a genuine issue.

Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, DC.

The purpose of the proposed amendments is to make changes in the examination requirements for second and third mate and second and third assistant engineer.

A few years ago, the USCG undertook a long-range project to modernize its licensing and certification program. A report, emanating from a contract let to an outside testing firm, resulted in some hard conclusions about the present testing program and specific suggestions on how to improve it.

Specifically, the present testing program was criticized for (1) containing obsolete material and (2) being too subjective in nature. Obsolescence, of course, is a common occurrence in testing programs which are not continually monitored to insure that the material which they cover is still part of the specifications of those jobs which they are evaluating. The subjectivity in the program resulted primarily from the fact that the present test contains essay questions which can be differentially interpreted by individuals grading the examination. Consequently, persons recording identical answers to essay questions can receive different grades if they are graded by different people. It was suggested, naturally, that the obsolete material and the subjectivity be removed from the examination program and be replaced by more current and objective material.

Consequently, beginning 1 July 1973, candidates for second and third mate licenses and second and third assistant engineer licenses should be prepared to pass an up-to-date and objective multiple choice examination before they become eligible to receive their licenses. (The upper level examinations will be completed later; possibly by July 1974.) This will be a closed-book examination except for that section covering rules and regulations. Publications covering these will be available in all offices concerned. The examination will be timed and will take approximately 3 days to complete. It should be stated here that the Coast Guard has been reviewing licensing statistics to determine if some offices can be eliminated from that group examining applicants for the major ocean licenses. Present information available indicates that such examinations may be discontinued at Albany, New York, Providence, R.I., Wilmington, N.C., Savannah, Ga., and Corpus Christi, Tex. Because of the very small number of applicants, the continuance of examinations for such major licenses at these offices may not be justified. However, all other licensing functions such as renewals, pilotage, operator's licenses, etc., would still be available at these offices.

More specific information concerning the new examinations, e.g., the type and format of the questions to be utilized, will be summarized in modified versions of CG-101 (Specimen Examinations for Merchant Marine Deck Officers) and CG-182 (Specimen Examinations for Merchant Marine Engineer Licenses) which should be available to the public by or before March 1973.

Input from all aspects of the maritime industry has been an essential, contributing factor in the development of the new standardized examinations. Unions, maritime schools, and maritime industries have provided examination item writers and have contributed personnel to review panels evaluating the validity of the items in terms of their relationship to job requirements. This process of writing and reviewing items has resulted in certain modifications to the examination specifications and requirements due to changes in job specifications and requirements.

The primary modifications concern the following:

(a) Basic questions on pollution have been phased into all the examinations

and these will be continued and expanded as more definitive regulations and reference books become available.

(b) Both third and second mates should possess a basic knowledge of the use of trim tables, ship construction, stability, and damage control. Coverage of these subjects will be very basic and not cover theory, etc., in any great depth.

(c) The second mate is now recognized as the navigator and as such will be responsible for all aspects of this subject, including Great Circle sailing (initial course, distance and vertex) as well as basic principles of compass compensation.

(d) Changing technology in engineering has made it necessary to examine both third and second assistant engineers, steam and motor, in the following additional subjects: air conditioning, ventilation, sanitary/sewage disposal and piping systems, hydraulics, engineering prints and tables, and basic electronics. Third and second assistant engineers of motor vessels will, in addition to the above, be examined in waste heat boilers.

In consideration of the foregoing, it is proposed to amend Title 46 of the Code of Federal Regulations as follows:

§ 10.05–45 [Amended]

1. In table 10.05–45(b), column headed "Third Mate, Ocean," by adding footnote "4" in lines 8 and 33; adding an X and footnote 4 in lines 9 and 23; in the column headed "Second Mate, Ocean," by adding an X and footnote 5 in line 10, line 16, and line 23, and adding footnote 5 in line 33; adding footnote 4 to read: "Effective 1 July 1973 the examination for licenses as third mate of ocean steam or motor vessels will include the following additional subjects: parallel sailing, mercator sailing, basic knowledge of the use of trim tables, stability, ship's construction, damage control, and pollution prevention"; and footnote 5 to read: "Effective 1 July 1973 the examination for licenses as second mate of ocean steam or motor vessels will include the following additional subjects: Great Circle sailing, basic magnetism, deviation and compass compensation, basic knowledge of stability, ship's construction, damage control, basic use of trim and stability booklet, and pollution prevention."

§ 10.10–4 [Amended]

2. In table 10.10–4(b), by adding footnote 3 preceding X on lines 4, 53, and 76, in the four columns headed "Assistant Engineer," "Steam," and "Motor"; by adding footnote 3 preceding X on line 61 in the two columns headed "Assistant Engineer," "Steam," and "Motor," "over 2,000 hp."; and by adding footnote 4 preceding X on line 41 in the column headed "Assistant Engineer," "Motor," "over 2,000 hp."; and adding footnote 3 to read: "Effective 1 July 1973 the examination for license as third and second assistant engineer of steam and/or motor vessels will include the following additional subjects; air conditioning, ventilation, sanitary/sewage disposal and piping systems, pollution prevention, hydraulics, engineering prints and tables, and basic electronics"; and footnote 4: Effective 1 July 1973, in addition to the above, the examination for licenses as third and second assistant engineer of motor vessels will include questions on waste heat boilers."

The amendments are proposed under the authority of 46 U.S.C. 224, 224a(a), 228, 229, 391a (3) and (4); 49 U.S.C. 1655(b); 49 CFR 1.4(b) and 1.46(b).

Dated: November 10, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–19731 Filed 11–15–72;8:53 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–RM–29]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish a transition area at Mohall, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

A new runway 31 instrument approach procedure is being developed for the Mohall Municipal Airport, Mohall, N. Dak. Accordingly, it is necessary to establish a 700-foot transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (F.R. 37, 2143) the description of the Mohall, N. Dak., transition area is designated to read:

MOHALL, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Mohall Municipal Airport (latitude 48°46'01" N., longitude 101°32'04" W.).

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

Issued in Aurora, Colo., on November 7, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72–19656 Filed 11–15–72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72–RM–28]

CONTROL ZONE AND TRANSITION AREA

Proposed Establishment and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish a control zone at Glasgow AFB, Glasgow, Mont., and alter the description of the transition area at Glasgow, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, CO 80010.

The Department of the Air Force is reactivating the Glasgow AFB and installing a TACAN and instrument landing system (ILS) to support the flying mission at Glasgow. Instrument approach procedures have been developed for the air base.

To protect these procedures, additional controlled airspace must be designated. Accordingly, it is necessary to designate

a control zone and alter the Glasgow, Mont., transition area to adequately protect the aircraft executing the new approach and departure procedures.

The control zone will provide controlled airspace for aircraft executing ILS and TACAN approaches and for departing aircraft utilizing standard instrument departure procedures. The additional 700- and 1,200-foot transition areas are required for aircraft holding and transitioning from outer fixes and for aircraft executing approach/departure procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (37 F.R. 2056) the following control zone is added:

GLASGOW, MONT. (GLASGOW AFB)

Within a 5-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); within 2 miles each side of the Glasgow AFB TACAN 292° radial extending from the 5-mile radius zone to 7 miles northwest of the TACAN; and within 2½ miles north and 2 miles south of the Glasgow AFB TACAN 125° radial extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

In § 71.181 (37 F.R. 2143) the description of the Glasgow, Mont. transition area is amended to read:

GLASGOW, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within a 9-mile radius of Glasgow AFB (latitude 48°25'21" N., longitude 106°31'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 19½ miles southeast of the VOR; within a 25-mile radius of the Glasgow AFB TACAN; within 9½ miles north and 5½ miles south of the Glasgow AFB TACAN 125° radial extending from the 25-mile radius area to 33½ miles southeast of the TACAN; within 9½ miles south and 5½ miles north of the Glasgow AFB TACAN 292° radial extending from the 25-mile radius area to 33½ miles northwest of the TACAN.

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

Issued in Aurora, Colo., on November 7, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-19657 Filed 11-15-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19629; FCC 72-996]

FM BROADCAST STATIONS

Proposed Table of Assignments, Certain Cities in New Jersey

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Stone Harbor- Avalon-Cape May Court House, New Jersey), Docket No. 19629, RM-1903.

1. Notice of proposed rule making is hereby given with respect to amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) as concerns Stone Harbor-Avalon-Cape May Court House, New Jersey. This action is based on the petition of Ronald L. Oberholtzer proposing assignment of Channel 232A to Stone Harbor-Avalon-Cape May Court House. The petition is opposed by Salt-Tee Radio, Inc., the holder of a CP for Channel 292A at Ocean City, N.J. (WSLT-FM), based on economic grounds. The petitioner filed a reply to the opposition and a supplement to the petition for rule making.

2. The pertinent population of the communities involved, each of which is located in Cape May County, population 59,554, is as follows:

Community	*Population*
Stone Harbor	1,089
Avalon	1,283
Cape May Court House	2,062

All population figures are from the 1970 census, unless otherwise specified.

3. Petitioner, in effect, proposes a drop-in assignment of Channel 232A in the Stone Harbor-Avalon-Cape May Court House area. The named communities are located on the seashore of the southern part of the State of New Jersey and are 4 to 6 miles from each other. Cape May Court House, it might be noted, although the seat of Cape May County, is an unincorporated community.

4. Petitioner relies on the fact that none of these communities have any means of local expression either in terms of a daily or weekly newspaper or broadcast facility. The petitioner further relies on the fact that the total 1970 census population for the three communities does not properly reflect population because of the large number of tourists during the summer months in this well-known resort area.

5. As already noted, Salt-Tee Radio, Inc. (Salt-Tee) opposed the petition. This opposition was based on Salt-Tee being a licensee of AM Station WSLT, Ocean City-Somers Point, N.J., and the holder of a CP for Station WSLT-FM, Channel 292A, Ocean City, N.J. The latter contends that it would undergo economic injury and that petitioner has failed to make a requisite showing of need or that anyone would build on Channel 232A if allocated as petitioned for.

6. Oberholtzer in reply takes issue with Salt-Tee's standing to make allegations as to nominal and speculative economic injury flowing from mere assignment of a channel. This more or less accords with our view as to the meaning of FCC v. Sanders Bros. Radio Station, 309 U.S. 470 (1940), in allocation proceedings; see, e.g., the report and order in Docket No. 19074, 32 FCC 2d 937, 942 (1972). Petitioner's reply to Salt-Tee's opposition and supplement to the petition detailing how the public interest might be served by a station on Channel 232A, for which Oberholtzer says he would apply, appears to sufficiently respond to Salt-Tee's contention to the extent that we should notice the proposal (see par. 8).

7. The petition, the reply to the opposition, and the supplement to the petition clearly evidence that the petitioner feels that the three communities form a single area to which service should be furnished. However, it is not usual for the Commission to make an FM channel assignment to more than a single community, esecially when an assignment of the channel to any one of the three would permit one to apply for use at either of the other two communities under the 10 mile provision set forth in § 73.203(b) of the Commission's rules. In these circumstances, it may not be appropriate to make the hyphenated assignment as proposed.

8. It appears that a sufficient basis has been made showing that the public interest, convenience, and necessity might be served at least to the extent of adopting a notice of proposed rule making. The petitioner and other parties to the proceeding should particularly address themselves to the question whether the assignment should be made to a single community or the three communities as orignally proposed.

9. In the circumstances, the Commission will consider an amendment of the FM Table of Assignments (§ 73.202(b) of our rules) with respect to the communities listed below:

Community	*Channel proposed*
Stone Harbor-Avalon-Cape May Court House, New Jersey	232A
or	
Stone Harbor, New Jersey	232A
or	
Avalon, New Jersey	232A
or	
Cape May Court House, New Jersey	232A

Authority for this action is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

10. *Showings required.* All parties, including those who support the proposal, should file comments with respect to the need of the proposed assignment. They may do so, in large part, by incorporating in their formal pleadings reference and statements previously made in support of or in opposition to the petition. Failure of the petitioner or other party supporting the proposal(s) to file any further pleading may lead to a denial of the request.

11. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in this proceeding, and public notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 22, 1972, and reply comments on or before January 2, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: November 8, 1972.

Released: November 13, 1972.

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

[FR Doc.72-19713 Filed 11-15-72;8:49 am]

[47 CFR Part 73]

[Docket No. 19628; FCC 72-995]

FM BROADCAST STATIONS IN UNION SPRINGS AND TALLASSEE, ALA.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Union Springs and Tallassee, Ala.); Docket No. 19628, RM-1902, RM-2040.

1. The Commission has before it for consideration two petitions for rule making requesting amendment of the FM Table of Assignments. One requests the assignment of Channel 240A to Union Springs, Ala.; the other requests assignment of the same channel to neighboring Tallassee. Since the petitions are in conflict, they will be considered together. Each petitioner states that it will promptly file an application for the channel if it is assigned.

2. Union Springs, Ala. (RM-1902). Union Springs Broadcasting Co. (petitioner), filed a petition on January 4, 1972, proposing that Channel 240A be assigned to Union Springs, Ala. Union Springs (population 4,324) is the seat of Bullock County (population 11,824).[1] There are no aural broadcast stations in Union Springs or Bullock County. Petitioner states that Channel 240A could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting the FM Table of Assignments.

[1] Population figures are from the 1970 U.S. Census Reports.

3. In support of its request, petitioner states that the economic fiber of Union Springs and Bullock County consists of a mixture of light industry and agriculture. It says that representative industry includes a cotton mill, a communications equipment manufacturing plant, a carpet manufacturing plant, a poultry processing plant, a business forms plant, a lumber mill, and a toy factory. In addition, farming and forestry are major local industries. Petitioner also notes that Union Springs has two banks which have assets of $21 million, and approximately 80 varied retail businesses serving the city and county which have annual sales estimated to be $6 million. It further states that the economics of the area as well as its living standard may very well be advanced by the establishment of a first local FM station which would relay local news, entertainment, and other information of interest. In view of the above, we believe consideration of the proposal for the assignment of a first Class A FM channel to Union Springs, Ala., would be in the public interest.

4. Tallassee, Ala. (RM-2040). The Ne-Ler Co., licensee of Station WTLS, Tallassee, Ala. (petitioner), filed a petition on August 17, 1972, proposing that Channel 240A be assigned to Tallassee, Ala. Tallassee (population 4,809), is located partly in Elmore County (population 33,535) and partly in Tallapoosa County (population 33,840). It has a daytime AM station licensed to the petitioner. Other broadcast stations in the two counties are located in Wetumpka, WETU(AM) (daytime), and Alexander City, WRFS (daytime), and WRFS-FM. Petitioner asserts that Channel 240A could be assigned to Tallassee in conformity with the Commission's minimum mileage separation rule and without affecting the FM Table of Assignments.

5. In support of its request, petitioner states that Tallassee is operated under the mayoral form of government with its own police and fire departments. The petitioner avers that the city has three elementary schools, two high schools and a public library, a community hospital, three banks with total assets in excess of $6,500,000, a Chamber of Commerce and a Junior Chamber of Commerce. It also states that the Lake Martin recreational area is located near Tallassee, that it is one of the largest manmade lakes in the world, and that it is a vacation spot. Petitioner asserts that in addition to providing the first local nighttime facility to Tallassee, the proposed FM assignment would provide a second local aural service at night to both Tallapoosa and Elmore Counties. In view of the foregoing, it appears that it would serve the public interest to consider the assignment of a Class A FM channel to Tallassee.

6. Since the distance between Tallassee and Union Springs is 28 miles, Channel 240A cannot be assigned to each of the two communities (required spacing is 65 miles). To resolve the conflict, we are proposing to assign Channel 240A to Tallassee and Channel 265A to Union Springs, provided that the transmitter site of a Union Springs station is located at least 4 miles southwest of the community in order to meet the spacing requirement with respect to Station WCJM at West Point, Ga., operating on Channel 265A.

7. In view of the foregoing and pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Union Springs, Ala.		265A
Tallassee, Ala.		240A

8. Showings required. Comments are invited on the proposals set forth and discussed above. Proponents will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponents are expected to file comments even if nothing more than to incorporate by reference their petitions, and are expected to state their intentions to apply for their respective channels, if assigned, and, if authorized, to promptly build the station. Failure to make this showing may result in the denial of the petition.

9. Cutoff procedure. As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 22, 1972, and reply comments on or before January 2, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. All filings made in this proceeding will be available for examination by interested parties during regular business

hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, DC.

Adopted: November 8, 1972.

Released: November 13, 1972.

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

[FR Doc.72-19714 Filed 11-15-72;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-459]

NATURAL GAS PRESENTLY FLARED OR VENTED

Special Relief To Encourage Recovery

NOVEMBER 9, 1972.

1. Pursuant to 5 U.S.C. 551, et seq. and sections 4, 5, 7, 8, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 829, 830; 56 Stat. 83, 48; 61 Stat. 459, 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717n, 717o), the Commission gives notice that it will consider adopting rules with respect to special pricing relief to encourage the recovery of natural gas, presently flared or vented, for sale in interstate commerce.

2. Producers at the present time may seek special relief with respect to existing producer sales for contractually authorized rate increases above the applicable area ceiling rate, Permian Basin Area Rate Proceeding, 34 F.P.C. 159 at 225 et seq. They may commence the sale of gas pursuant to the emergency provisions of Orders Nos. 402 and 402A (18 CFR 2.68; May 6, 1970, and June 3, 1970). They may seek either a limited term certificate with pregranted abandonment provision to Orders Nos. 431 and 431-A (18 CFR 2.70, April 15, 1971, and July 31, 1972), or a permanent certificate pursuant to the optional procedures provided in Orders Nos. 455 and 455-A (18 CFR 2.75, August 3, 1972, and September 8, 1972).

3. The Future Requirements Committee (FRC) estimates that the gap between the potential demand for gas and the most likely supply was some 0.9 trillion cubic feet in 1971.[1]

4. The volume of gas vented or flared in 1971 represents approximately one-third of the FRC estimate of supply-demand gap for 1972.[2]

5. Based on careful and comprehensive evaluation of all facts and information available, the Commission proposes to issue a rule providing that the forms of special relief previously mentioned are available to producers who undertake to recover natural gas, presently flared or vented, for sale in the interstate market.

6. We are hereby proposing to amend our General Rules of Practice and Procedure to insert § 2.77, Policy relating to special relief to encourage the recovery of natural gas presently flared or vented, for sale in interstate commerce, in Part 2, General Policy and Interpretations, Subchapter A, Chapter 1, Title 18 of the Code of Federal Regulations.

7. The new § 2.77 reads as follows:

§ 2.77 Policy relating to the availability of special relief to encourage the recovery of natural gas presently flared or vented for sale in interstate commerce.

To induce the recovery of natural gas, presently flared or vented, for sale in interstate commerce we propose that producers may apply for special relief from area rates or may seek to sell such gas pursuant to the provisions of Orders Nos. 418, 431, and 455, as amended.

8. In addition to the above, we solicit comment on any other methods which would encourage the recovery of gas presently flared or vented.

9. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 26, 1972, views, comments, or suggestions in writing concerning all or part of the procedures proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. 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 with the staff of the Federal Power Commission to discuss the matters involved herein. The staff, in its discretion, may grant or deny requests for conference.

10. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Future Gas Requirements of the United States, Future Requirements Committee, Vol.——, No. 4, Oct. 1971, p. 3.

[2] See, Table 1 attached.

TABLE 1
NATURAL GAS VENTED AND FLARED [1] (MILLION CUBIC FEET AT 14.73 P.S.I.A.)

State	1969	1970	1971
Alabama			308
Alaska	32,543	34,808	33,880
Arizona			347
Arkansas	1,326	226	1,734
California	3,074	2,499	575
Colorado	1,326	7,126	2,843
Florida			355
Illinois	93	122	3,997
Indiana			
Kansas	2,666	2,713	2,669
Kentucky			
Louisiana	158,852	154,089	103,564
Maryland			
Michigan	808	809	
Mississippi	8,097	7,233	5,090
Missouri			
Montana	26,458	5,203	4,917
Nebraska			1,558
New Mexico	4,058	2,909	2,823
New York			
North Dakota	22,955	19,862	18,628
Ohio			
Oklahoma	130,766	129,629	39,799
Pennsylvania			
South Dakota			
Tennessee			408
Texas	111,499	100,305	70,222
Utah	2,802	2,852	2,926
Virginia			
West Virginia			
Wyoming	17,632	18,419	3,860
Other States [2]	795	656	
Total	525,750	489,460	300,503

[1] Partly estimated; includes direct losses on producing properties and residue blown to the air.

[2] Alabama, Arizona, Florida, Missouri, South Dakota, and Tennessee.

Source: Mineral Industry Surveys, Bureau of Mines.

[FR Doc.72-19608 Filed 11-15-72;8:45 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 468]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

NOVEMBER 10, 1972.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m. on December 15, 1972:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 34 N., R. 11 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, E½;
Secs. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½;
Secs. 33, 34, 35, 36.

The area described aggregates 22,329.81 acres of public lands.

2. The area surveyed varies from gently rolling in the southern portion becoming progressively rougher and broken to the north. The soil varies from shallow clay loam to sandy clay loam. Scattered to dense cedar and pifion covers most of the township. Vegetation consists of sagebrush, cacti and grama grass.

3. All rights of the State of Arizona to sections 2, 16, and 36 have been conveyed to the United States.

4. The lands are classified for multiple-use management and will be opened only to such forms of disposition as are allowed under the provision of the multiple-use classification on the effective date of the filing of this plat.

5. The lands are closed to the operation of the mining laws but have been and still are subject to the mineral leasing laws. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.72-19678 Filed 11-15-72;8:47 am]

CALIFORNIA

Notice of Filing of Plat of Survey

NOVEMBER 8, 1972.

1. A plat of survey of the lands described below accepted on July 20, 1972, will be officially filed in the California State Office, Bureau of Land Management, Sacramento, Calif., effective at 10 a.m. on December 20, 1972:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 33 N., R. 12 E.

A dependent resurvey of the north boundary and portions of the south and east boundaries and subdivisional lines and the survey of relicted lands along the east shore of Eagle Lake and survey of Tracts 37 through 42. The relicted lands are described as follows:
Sec. 19, lots 14, 15, and 16;
Sec. 30, lots 6, 7, and 9;
Sec. 31, lots 5, 6, 7, and 8.
Containing 59.05 acres not previously surveyed.

2. These surveys were executed to meet certain administrative needs of the Bureau. For the most part, the lands are mountainous in character suitable for grazing, wildlife, recreation, and timber production.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the relicted lands listed above are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on December 20, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning the lands should be addressed to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, CA 95825.

ELEANOR K. WILKINSON,
Chief, Branch of Records and Data Management.

[FR Doc.72-19679 Filed 11-15-72;8:47 am]

Bureau of Mines

MINE WALL COATING (MIN-1943)

Notice of Availability of License for Invention

The Bureau of Mines of the U.S. Department of the Interior announces that the following invention is available for licensing pursuant to the Department's patent regulations, 43 CFR Part 6, Subpart B:

Mine Wall Coating (MIN-1943). A mine wall coating composition, for imparting increased strength, imperviousness, and fire resistance, is compounded from elemental sulfur, dicyclopentadiene, glass fiber, and talc. This composition is applied to mine walls by spraying a molten mixture of the composition.

Written inquiries should be addressed to:

Assistant Solicitor, Branch of Patents, U.S. Department of the Interior, Washington, DC. 20240.

G. A. MELVILLE,
Chief, Division of Procurement and Property Management.

[FR Doc.72-19695 Filed 11-15-72;8:48 am]

National Park Service

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with Executive Order 11671 that a meeting of the Western Regional Advisory Committee of the National Park Service will be held between 9:30 a.m. and 4 p.m., on Tuesday, November 21, 1972. The meeting will be held in the National Park Service Conference Room, Room 14401, 450 Golden Gate Avenue, San Francisco, CA.

The Committee was established by the Secretary of the Interior pursuant to the authority contained in Public Law 91-383. The purpose of the Committee is to meet and consult with the Director, Western Region, National Park Service, on general policies and specific matters related to National Park Service activities in the western region. This region consists of the States of California, Nevada, Arizona, and Hawaii.

The members of the Committee are the following:

Ben F. Avery, Phoenix, Ariz.; David W. Ballie, Jr., Lihue, Hawaii; Lewis S. Eaton, Fresno, Calif.; Frederick B. Eiseman, Jr., Scottsdale, Ariz.; Ed Fike, Las Vegas, Nev.; James R. Hooper, Crescent City, Calif.; Jack H. Walston, La Canada, Calif.; Todd Watkins, Bishop, Calif.; and C. Clifton Young, Reno, Nev.

This meeting is the first for the Committee, and will be devoted to organizational matters. There will be a general orientation, and consideration of matters relating to Committee procedures, including adoption of bylaws and election of officers.

Though space available for observation of the meeting is limited, members of the public will be accommodated on a first-come, first-served basis.

Further information may be obtained from the Office of the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36036, San Francisco, CA 94102 (area code 415, 556-4196).

STANLEY W. HULETT,
Associate Director,
National Park Service.

NOVEMBER 9, 1972.

[FR Doc.72-19737 Filed 11-15-72;8:51 am]

Office of Hearings and Appeals

[Docket No. M 73-1]

WASHINGTON IRRIGATION & DEVELOPMENT CO.

Notice Regarding Modification of Mandatory Safety Standard

In regard petition of Washington Irrigation and Development Co., for modification of Mandatory Safety Standard (30 CFR 77.1605(k)).

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 861(c) (1970)), notice is given that the Washington Irrigation and Development Co., has filed a petition to modify the application of 30 CFR 77.1605(k) to The Centralia Coal Mine.

30 CFR 77.1605(k) provides as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner asserts that the application of this standard to The Centralia Mine would create a greater hazard to its operators than that currently existing. Petitioner states that the main geological formation in the area is clay, which becomes very unstable when wet, and that berms along the haulage roads would retain water causing the road surface to deteriorate. Berms would prevent clearing the roads of mud which is now graded over the shoulder. The average rainfall is 47 inches. Berms holding mud and water on the roads would contribute to brake failures on haulage trucks. In addition, the berms required, 4- to 5-feet high, would flip over trucks striking them.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 2800 Cottage Way, Room W-2426, Sacramento, CA 95825. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.72-19734 Filed 11-15-72;8:53 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

It has been determined that property loss or damage or injury in certain counties in Georgia has resulted from natural disasters caused by prolonged drought from May until September 1972. Some counties had an unusually cold spring. The only general rainfall was during June from Hurricane Agnes which did additional damage to crops. The following counties of Georgia are affected by such natural disasters:

Baker.	Miller.
Baldwin.	Mitchell.
Effingham.	Montgomery.
Emanuel.	Screven.
Jefferson.	Telfair.
Jenkins.	Treutlen.
Johnson.	Washington.
Laurens.	Wheeler.

It has been further determined that in the above counties of Georgia a 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, as amended by Public Laws 91-606 and 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 10th days of November, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-19701 Filed 11-15-72;8:48 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

BROOKLYN COLLEGE AND MEDICAL COLLEGE OF GEORGIA

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 73-00009-99-46040. Applicant: Brooklyn College, Department of Biology, Bedford Avenue and Avenue "H," Brooklyn, NY 11210. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the courses: Biological electron microscopy (Biology U772G), and advanced study (Biology U791.1G, U792.2G), respectively, to familiarize graduate students with preparation of biological materials for electron microscopy and with operation of the electron microscope to examine such prepared material; and to study particle research problems as, for example, the development of chloroplasts in colorless Euglena. Application received by Commissioner of Customs: July 3, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Docket No. 73-00017-33-46040. Applicant: Medical College of Georgia, Department of Anatomy, Augusta, Ga. 30902. Article: Electron miscroscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for various research projects. The principal research project will be a study of cultured liver cells treated with various carcinogenic agents. Other research projects will include studies of skin biopsies from patients with dermatological diseases as well as quantitative studies on the changes in zymogen granules in pancreatic cells in rats treated with pilocarpine. The article will also be used in the course designated Anatomy 814, Electron miscroscopy and cell ultrastructure for instruction in the techniques involved in preparing biological materials for electron microscopy and operation of the electron microscope. Application received by Commissioner of Customs: July 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each applicant requires an electron microscope which is suitable

for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU–4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19703 Filed 11–15–72;8:49 am]

DEPARTMENT OF CHIEF MEDICAL EXAMINER-CORONER

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00019–33–46500. Applicant: Department of Chief Medical Examiner-Coroner, 104 North Mission Road, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological, mainly human tissues, derived from actual coroner's cases, to determine at the fine structural levels the structural bases of transport of macromolecules into and across cells under physiological and pathological conditions. Application received by Commissioner of Customs: July 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Docket No. 73–00021–33–46500. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of the fine structural alterations which occur in the early stages of experimental and human arteriosclerosis. As part of the education for advanced degrees in pathology, candidates for the master's and Ph. D. degrees will be taught to operate the article. Application received by Commissioner of Customs: July 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Docket No. 73–00022–33–46500. Applicant: Dartmouth Medical School, Hanover, N.H. 03755. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations of biological materials, primarily normal and pathological tissues to shed further light on the cellular and subcellular derangements leading to the expression of developmental malformations in mammalian species, including man. The article will also be used for the instruction of medical and graduate students taking courses in microscopic anatomy, cytology, and experimental embryology. Application received by Commissioner of Customs: July 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Docket No. 73–00024–33–46500. Applicant: Ambassador College, 300 West Green Street, Pasadena, CA 91105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments conducted on cellular structures of healthy organ cells, various mesophile and thermophile flagella, normal and altered structures of DNA and its complexes to reveal the changes at the ultrastructural level of the cell due to controlled physiological and pathological conditions based on a normal nutritional standpoint. In addition, experiments will be conducted to study molecular structures of various biological polymers such as amylose and amylopectin in starch granules and studies on DNA, and flagella structures. The article will also be used as a teaching tool in a course on physical chemical techniques offered for advanced chemistry and biology students. Application received by Commissioner of Customs: July 12, 1972. Advice submitted by Department of Health, Education, and Welfare on: October 27, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69–006665–33–46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle) is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70–00077–33–46500) which also relates to an article that is identical to those described above, HEW advises in its respectively cited of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19704 Filed 11–15–72;8:49 am]

STANFORD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00649–33–46040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to elucidate the molecular structure of viruses, membranes, and complex protein and nucleic acid molecules in carrying out the following research projects:

(1) Studies of the synthesis of DNA,

(2) Studies of the structure of multiplication of viruses and the structure of their DNA,

(3) Investigation of the structure of chromosomes,

(4) Investigation of the mechanism of genetic recombination in viruses, and

(5) Studies of the structure of cell membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 27, 1972 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19705 Filed 11–15–72;8:49 am]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73–00007–33–43400. Applicant: University of Pennsylvania, School of Medicine, Department of Pharmacology, 36th and Hamilton Walk, Room 92, Medical School, Philadelphia, PA 19104. Article: Automatic stepping micromanipulator with electronic control unit. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used in research on the activity of nerve cells in the brain and spinal cord. It will be used to place electrodes inside single nerve cells in the brain and spinal cord and to assess their functional status by measuring their electrical activity to determine how nerve cells react to various physiological and pathological conditions. In connection with this research, both predoctoral and postdoctoral students will be learning the use of the instrument and the techniques involved.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precise penetration of cell membranes through electrode advance in a stepping manner. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 27, 1972, that the capability described above is pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19706 Filed 11–15–72;8:49 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 72–00645–58–72500. Applicant: University of Washington, Department of Oceanography, Seattle, Wash. 98195. Article: Cartesian Diver Microrespirometer and accessories. Manufacturer: Ole Dich Instrumentmakers, Denmark. Intended use of the article: The article is intended to be used to measure respiration rates of very small marine organisms, some of them single-celled animals. Respiration rates of animals kept in culture and taken from the waters of Puget Sound will be measured. The article will also be used in Benthos Ecology to teach graduate students the various techniques in respirometry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an integrated system capable of measuring gas volume changes within the range of 0.001 —10 microliters with temperature regulation accurate to ±0.02° C. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 27, 1972, that the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises that it knows of no domestic system matching the pertinent features of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–19707 Filed 11–15–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–526; NDA 13–217; DESI 9947]

A. H. ROBINS CO., INC.

Metaxalone Tablets; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In an announcement (DESI 9947), published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2697), the Commissioner of Food and Drugs announced

his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Skelaxin Tablets containing metaxalone; A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220, (NDA 13-217).

The announcement stated that there is a lack of substantial evidence that this drug is effective for the initial phase of acute skeletal-muscle spasm related to sprains and strains, fractures, dislocations, and trauma to tendons and ligaments and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug application. Interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. No data providing substantial evidence of effectiveness have been received pursuant to the announcement.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 F.R. 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for hearing, warrants the conclusions that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 9, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-19660 Filed 11-15-72;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and Functions*, as follows:

Within the chapter alphabetically coded 3A-00—Office of the Administrator (3A00)—the functional statement for the Office of the Associate Administrator for Program Planning and Evaluation (3A31) is being amended to reflect the addition of the following functions:

(a) Oversees the Coordinating Committee for Health Data Systems, which exercises control over HSMHA statistical activities and makes recommendations to the Administrator for effectively responding to OMB and Secretary's requests; (b) provides economic expertise for all phases of HSMHA's health activities; and (c) operates the National Health Manpower Shortage Clearinghouse.

Functional statements for the three new staffs, Administrative Management Staff (3A3119), Planning Staff (3A3131), and Evaluation Staff (3A3133), are included.

Added to the present statement for the Office of the Assistant Administrator for Operations Analysis (3A3104) are the following functions:

(a) Directs and maintains the Administrator's Health data standardization program; (b) initiates, directs, and maintains the National Health Manpower Shortage Clearinghouse; (c) plans and coordinates HSMHA-wide programs for the development of the technological resources needed to improve the delivery of health care by identifying and evaluating technological and social changes as they impact on the health care system, by examining potential for increased automation and mechanization in public health programs and health care delivery, and by developing plans for and coordinating the implementation of improved techniques in technical resource utilization.

The paragraph entitled "Office of the Assistant Administrator for Resource Development" (3A3106) is hereby deleted.

The changes indicated above result in deleting from chapter 3A–00 the paragraph coded 3A31, 3A3104, 3A3106, 3A3108 and replacing them with the following text:

Office of the Associate Administrator for Program Planning and Evaluation (3A31). Under the direction of the Associate Administrator for Program Planning and Evaluation who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's principal staff arm for program planning, coordination, and evaluation, including the development of program alternatives and policy positions; (2) oversees planning, reporting, and analytical and evaluation functions in support of policy formulation and program implementation; (3) advises the Administrator and his immediate staff on program policy and operational implications arising from activities of the office; (4) collaborates with the Office of the Associate Administrator for Management in the development and implementation of the 5-year program and financial plan for HSMHA's program planning and budgeting system; (5) maintains liaison with other Federal and non-Federal health agencies; (6) coordinates and provides service to the Administrator's Office regarding HSMHA-wide programs of operations analysis (methods and applications), goal-oriented planning and program structure control, and related data management; (7) coordinates a continuing evaluation of HSMHA goals for improving health services to include analysis of trends and developments in this area and derivation of long-term projections for HSMHA activities; (8) plans and coordinates HSMHA-wide programs for the development of human and technological resources necessary to carry out the objectives and programs of HSMHA; (9) oversees the Coordinating Committee for Health Data Systems, which exercises control over HSMHA statistical activities and makes recommendations to the Administrator for effectively responding to requests from the Office of Management and Budget and from the Secretary; (10) provides economic expertise at all stages of HSMHA's health activities; (11) reviews and assesses HSMHA-wide ongoing programs dealing with health care of children; (12) operates the National Health Manpower Shortage Clearinghouse; and (13) assures program coordination and liaison in these areas between the Administrator and the operating program offices.

Immediate Office of the Associate Administrator for Program Planning and Evaluation (3A3101). (1) Administers the Office of Program Planning and Evaluation; (2) advises the Administrator on program planning and evaluation and related matters; (3) facilitates program coordination within HSMHA as well as between HSMHA programs and those administered elsewhere; (4) maintains program and staff liaison within and outside HSMHA; (5) coordinates, and provides staff support for, the various advisory groups within the Office of the Administrator; (6) plans and coordinates HSMHA-wide health manpower programs and the development of health manpower resources and directs the career development program in global community health; (7) monitors HSMHA's economic activities and functions in a liaison capacity with the Department in coordinating economic studies and analyses; (8) reviews and assesses HSMHA-wide ongoing programs dealing with health care of children and mothers and functions in a liaison capacity with the Department on these matters; and (9) directs the Administrator's health data standardization program.

Administrative management staff (3A3119). (1) Serves as principal adviser to the Associate Administrator for Program Planning and Evaluation in the development and implementation of administrative management plans, policies, and guidelines in support of the OPPE mission; (2) performs analyses of administrative resources of the Office of Program Planning and Evaluation to achieve maximum utilization; (3) assesses and identifies personnel management requirements and develops alternative actions for effective implementation; (4) provides technical guidance and information to key staff for budget formulation and execution; and (5) maintains close working relationships with the Office of the Associate Administrator for Management in the conduct of day-to-day administrative functions.

Planning staff (3A3131). (1) Develops and recommends administration program goals, objectives, and plans; (2) plans and directs studies to identify program needs and to develop innovative and alternative ways to achieve objectives; (3) develops general HSMHA planning strategy, and reviews, evaluates, and coordinates program plans in terms of effectiveness in achieving HSMHA's goals and for inclusion in the overall forward plan for departmental submission; (4) plans analyses of budgetary and other financial data to insure consistency with planning guidelines and to determine feasibility and efficacy of proposed programs; and (5) participates in developing and implementing the 5-year program and financial plan.

Evaluation staff (3A3133). (1) Facilitates development of an effective evaluation strategy: (2) coordinates evaluation activities with the Office of the Secretary and conceptualizes, implements, and coordinates HSMHA-wide evaluation strategy; (3) develops evaluation projects for OPPE, which include projects of a specific interest to the Administrator, projects that crosscut program lines, and projects involving HSMHA's interface with other inputs into the health care system: (4) provides advice and technical assistance to programs in developing their evaluation projects and strategies in relationship to HSMHA's priorities and strategies; and (5) augments HSMHA's evaluation capabilities with a training exchange program between HSMHA's personnel and university staff.

Office of the Assistant Administrator for Operations Analysis (3A3141). (1) Plans, develops, implements, and monitors the HSMHA operations analysis program, involving the coordinated application of scientific methods to the solution of planning, programing, and evaluation problems; (2) identifies for the Administrator the need for information and data for use in decisionmaking and administration of HSMHA programs; (3) directs and maintains the Administrator's health data standardization program; (4) fosters improved use of information and data, utilizing existing information sources or new information and data sources, and develops—in cooperation with the Office of Systems Management, other parts of the Office of the Administrator, the National Center for Health Statistics, or other HSMHA programs—such information and data sources required to encompass all HSMHA programs, related Federal activities, health services and resources, and health status; (5) initiates, directs, and maintains the National Health Manpower Shortage Clearinghouse; (6) plans and coordinates HSMHA-wide programs for the development of the technological resources needed to improve the delivery of health care by identifying and evaluating technological and social changes as they impact on the health care system, by examining potential for increased automation and mechanization in public health programs and health care delivery, and by developing plans for and coordinating the implementation of improved techniques in technical resource utilization; (7) directs priority projects in the data management area as requested by the Administrator; and (8) presents data and analyses for use in HSMHA decisionmaking at all organizational levels, Headquarters and field, in relationships with the Office of the Secretary, the Office of Management and Budget, other Federal agencies, the Congress, and State and local governments, and for use by the professional and general public in understanding and utilizing HSMHA program resources.

Office of the Assistant Administrator for Agency Goals (3A3145). Placing special emphasis upon direct participation by youth, directs a continuing evaluation and reevaluation of long-range objectives in terms of the health services needs and resources of the Nation: (1) Conducts long-range studies to identify national health services needs; (2) advises the Administrator on appropriate role of the Health Services and Mental Health Administration in meeting these needs, taking into account the proper functions and responsibilities of other Federal agencies, State and local governments, the views of medical and other student community organizations, and total available resources both public and private; (3) formulates and recommends

the adoption of Administration goals necessary to fulfillment of its role; and (4) continually evaluates the appropriateness of existing objectives and progress toward achieving broad goals.

Dated: October 30, 1972.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-19692 Filed 11-15-72;8:48 am]

AD HOC INTERAGENCY COMMITTEE ON THIRD PARTY PREPAID PRESCRIPTION DRUG PROGRAMS

Notice of Public Meeting

Name. Ad Hoc Interagency Committee on Third Party Prepaid Prescription Drug Programs.

Purpose. The Committee will advise the Secretary concerning third party prepaid prescription drug programs and problems that arise in the areas of administration, reimbursement and antitrust. Problems as they now exist will be defined, and alternative solutions will be presented.

Date. November 21, 1972.

Time. 9:30 a.m. to 4 p.m.

Place. Georgetown Room, Key Bridge Marriott Hotel, Rosslyn, Va.

Agenda. Meeting will deal with a brief introduction into antitrust implications of Third Party Drug Insurance Programs. In addition, extended discussions regarding methods for determining reimbursement policy by drug insurers will be held.

This meeting will be open for public observation.

VINCENT R. GARDNER,
Staff Director,
Ad Hoc Interagency Committee.

NOVEMBER 8, 1972.

[FR Doc.72-19732 Filed 11-15-72;8:51 am]

ADVISORY COMMITTEE ON OLDER AMERICANS

Committee Meeting Announcement

The Advisory Committee on Older Americans was established by the Older Americans Act of 1965 for the purpose of advising the Secretary of Health, Education, and Welfare on matters bearing on his responsibilities under this Act and related activities of his Department.

The committee will hold a regular meeting on November 17, 9 a.m. to 4 p.m., HEW North Building, Room 4131, 330 Independence Avenue SW., Washington, DC. The committee will review final Congressional and Presidential actions on legislation affecting the elderly, consider a report on relationships between Government and voluntary aging sectors and develop recommendations for 1973 Federal legislation for older Americans. Meeting open to public observation.

CLEONICE TAVANI,
Staff Director.

NOVEMBER 9, 1972.

[FR Doc.72-19690 Filed 11-15-72;8:48 am]

SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

Notice of Public Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on November 21, 1972. The meeting will be held in the Department's North Building located at 330 Independence Avenue SW., Washington, DC, Room 5169. The meeting is scheduled to convene at 9 a.m. and adjourn at 5 p.m.

The Committee will discuss issues related to their first annual report to the Secretary on family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: November 9, 1972.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.72-19691 Filed 11-15-72;8:48 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

In the statement of organization, functions, and delegations of authority of the Department, Chapter 2-110, entitled Office of Assistant Secretary for Health and Scientific Affairs (35 F.R. 1123 and 35 F.R. 3948) should be deleted and the following statement added:

SECTION 1N.00 MISSION.—The Assistant Secretary for Health is the principal advisor and assistant to the Secretary on health policy and all health-related activities in the Department. He is responsible for the direction of the health agencies of the Department, for providing leadership and policy guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health.

SEC. 1N.10 Organization.—A. Under the supervision of the Assistant Secretary, the Office of the Assistant Secretary for Health consists of the following principal operating components:

Deputy Assistant Secretary for Policy Implementation.
Deputy Assistant Secretary for Policy Development.
Deputy Assistant Secretary for Population Affairs.
The Surgeon General.
Special Assistant for Nursing Home Affairs.
Special Assistant for Science.
Special Assistant to the Secretary for Drug Abuse Activities.
Office of International Health.

B. In the absence of the Assistant Secretary, the Deputy Assistant Secretary for Policy Implementation functions as Acting Assistant Secretary.

SEC. 1N.20 Functions.—A. The Assistant Secretary for Health: (1) Directs the activities of the Public Health Service, which is composed of the Health Services and Mental Health Administration, the National Institutes of Health and the Food and Drug Administration; and (2) as the Secretary's principal advisor on health, provides leadership and guidance on all other health and health-related activities, including research and development, education and training, the organization, financing and delivery of health care services, and problems of public and environmental health. In addition, he is responsible for the direction of nursing home affairs throughout the Department directing coordination of drug abuse activities throughout the Department and providing the principal point of contact within the Department with the Special Action Office for Drug Abuse Prevention, and exercises specialized responsibilities in the areas of population affairs, international health and in the transportation and disposition of certain hazardous materials. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested.

B. The principal components of the Office of the Assistant Secretary for Health, operating under the general direction and supervision of the Assistant Secretary, have the following functions and responsibilities:

Deputy Assistant Secretary for Policy Implementation. Resolves, and advises on, day-to-day operating problems and is responsible for insuring that established health policy and objectives are effectively carried out through the budget, planning, and legislative processes and through program operations. Makes recommendations to the Assistant Secretary on budget, organizational, and management policies and problems.

Deputy Assistant Secretary for Policy Development. Advises on and conducts policy analysis and development and health policy planning; provides guidance for such activities within the health agencies and with respect to health and health-related issues throughout the Department. Coordinates health data activities, and assists in the evaluation of health and health-related programs. Maintains liasion with other public and nongovernmental health policy analysis and planning activities.

Deputy Assistant Secretary for Population Affairs. Advises on programs of national importance in the fields of population dynamics, fertility, sterility, and family planning. Directs population and family planning activities within the three health agencies of the Department.

Surgeon General. Advises and assists on professional medical matters, especially as they relate to personal, public,

and environmental health (including the transportation and disposition of certain hazardous materials), both nationally and internationally. As the ranking officer of the Public Health Service Commissioned Corps, the Surgeon General functions as principal advisor on top Corps appointments and policies.

Special Assistant for Nursing Home Affairs. Serves as the departmental focal point for managing nursing home affairs. Directs and coordinates nursing home activities in both the health and non-health agencies.

Special Assistant for Science. Advises on matters pertaining to biomedical research and research training, drug research and development, environmental science, and related scientific problems. Serves as a focal point for liaison on matters of science with other Federal departments and agencies and with non-governmental organizations.

Special Assistant to the Secretary for Drug Abuse. Serves as the principal departmental contact with the Special Action Office for Drug Abuse Prevention, receiving, referring and following-up on all major SAODAP requests, coordinates all intra-DHEW staff work on major drug abuse issues, leads and coordinates negotiation of all major policy issues with SAODAP, monitors the implementation of drug abuse legislation and progress toward achievement of defined objectives of drug abuse programs. With the Assistant Secretary for Health, brings directly to the attention of the Secretary major issues requiring Secretarial decision.

Office of International Health. Provides assistance and guidance on, and coordinates, the international health activities of the Department. Prepares analyses of selected international health policies and programs for the Department of State, maintains liaisón with international institutions and organzations and other departments and agencies on internatioal health matters and arranges international technical assistance in the health field at the request of other departments and agencies.

Date: November 9, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-19719 Filed 11-15-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Availability of AEC Draft Environmental Statement, Applicant's Environmental Report, and Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement related to the continuation, modification, or termination of Construction Permit No. CPPR-71 and the proposed issuance of an operating license to the Power Authority of the State of New York for the James A. FitzPatrick Nuclear Power Plant, to be located in Oswego County, N.Y., has been prepared by the Commission's Directorate of Licensing. The draft statement is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The draft statement is also being made available at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

An environmental report and supplements thereto (environmental reports) submitted by the Power Authority of the State of New York are also available for public inspection at the above-designated locations. Notice of availability of the environmental reports was published in the FEDERAL REGISTER on January 18, 1972 (37 F.R. 747).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the environmental reports, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the environmental reports and the draft environmental statement (local agencies may obtain these documents upon request) and, when any comments thereon by Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 10th day of November 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Directorate of Licensing.

[FR Doc. 72-19604 Filed 11-15-72;8:45 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Rescheduled Prehearing Conference

NOVEMBER 14, 1972

In the matter of Power Reactor Development Co. (Enrico Fermi Atomic Power Plant No. 1).

Notice is hereby given that a prehearing conference in the above entitled proceeding, previously scheduled for October 31, 1972 and subsequently postponed (37 F.R. 23198), will now be held at 10 a.m. on Monday, November 20, 1972 in room 111 of the Lafayette Building, 811 Vermont Avenue NW., Washington, DC.

It is so ordered.

Issued at Washington, D.C., this 14th day of November 1972.

For the Atomic Safety and Licensing Board.

CHARLES A. HASKINS,
Chairman.

[FR Doc.72-19831 Filed 11-15-72;8:53 am]

SAFETY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new safety guide which has been developed to provide guidance on acceptable methods of implementing the requirements of Commission regulations relating to water-cooled nuclear powerplants.

A total of 33 of these guides has been completed since the Commission, on November 13, 1970, announced development of a series of these guides.

The primary purpose of the safety guides is to make available to the industry positions that have been developed by the Regulatory Staff and the Commission's Advisory Committee on Reactor Safeguards on safety issues. Although the safety guides are not regulatory requirements, they do specifically identify safety issues that should be considered in the design and in the evaluation of water-cooled nuclear powerplants and describe a set of principles and specifications which will represent an acceptable solution to the Regulatory Staff and Advisory Committee on Reactor Safeguards on these issues. Their use by an applicant will expedite the licensing review process.

Title of the new guide is:

Safety Guide No. 33—Quality Assurance Program Requirements (Operation)

Comments and suggestions in connection with improvements in the guide are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for copies of issued guides should be sent to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Other safety guides currently being developed include the following:

(1) Control of Electroslag Welding.

(2) Design Phase Quality Assurance Requirements.

(3) Cleaning of Fluid Systems and Associated Components of Nuclear Powerplants.

(4) Monitoring and Reporting of Environmental Levels.

(5) Diesel Generator Protective Interlocks.

(6) Availability of Electric Power Sources.
(7) Physical Independence of Safety Related Electric Systems.
(8) Operating Status Indication for Safety Related Systems.
(9) Postaccident and Incident Monitoring.
(10) Flood Design Bases.
(11) Inservice Surveillance of Ungrouted Prestressing Tendons.
(12) Design Loading Combinations for Fluid System Components.
(13) Isolating Low-Pressure Systems Connected to the Reactor Coolant Pressure Boundary and That Penetrate Primary Reactor Containment.
(14) Stainless Steel Overlay Welding.
(15) Preoperational Testing of Redundant Onsite Power Sources to Verify Design Independence.
(16) Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Nuclear Powerplants.
(17) Housekeeping Requirements for Nuclear Powerplants.
(18) Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Powerplants.
(19) Reactor Coolant Pressure Boundary Leakage Detection.
(20) Design Loading Combination for Primary Metal Containment Systems.
(21) Control of Lifting Equipment at Nuclear Powerplant Sites.
(22) Control of the Use of Sensitized Stainless Steel.
(23) Qualification Tests of Continuous-Duty Motors Installed Inside Containment of Nuclear Powerplants.
(24) Protection Against Pipe Whip Inside Containment.
(25) Control Rod Ejection Accident Assumptions for Pressurized Water Reactors.
(26) Shared Emergency and Shutdown Power Systems at Multiunit Sites.
(27) Protective Coatings for Nuclear Reactor Containment Facilities.
(28) Nonmetallic Thermal Insulation for Austenitic Stainless Steel.
(29) Reactor Vessel Closure Studs.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 8th day of November 1972.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.72-19666 Filed 11-15-72;8:46 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Further Notice and Order for Prehearing Conference

In the matter of Southern California Edison Co., San Diego Gas & Electric Co. (San Onofre Nuclear Generating Station, Units 2 and 3).

Please take further notice, that pursuant to the Prehearing Conference Order issued October 31, 1972, in this proceeding, and in accordance to § 2.752 of the rules of practice of the Atomic Energy Commission, and upon consideration of a motion to change the situs of prehearing conference, filed by Scenic Shoreline Preservation Conference, Inc., and Groups United Against Radiation Dangers, the proposed consolidated Intervenors, the further prehearing conference will be held in this proceeding on Tuesday, November 28, 1972, at 10 a.m., Room 520, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

This further prehearing conference will consider:

(1) Further oral argument on the amended and consolidated Petition for Leave to Intervene filed by the proposed consolidated Intervenors, and consider amendments thereto;
(2) Simplification, clarification, and specification of the issues;
(3) The necessity or desirability of amending the pleadings;
(4) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
(5) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;
(6) The setting of a hearing schedule;
(7) Those matters included in paragraph J1 and J2 of the Prehearing Conference Order issued herein on October 31, 1972; and
(8) Such other matters as may aid in the orderly disposition of the proceeding.

Each party shall be represented at this prehearing conference by the attorney who expects to present the evidence at the formal hearing, except that, for good cause, parties may be represented by an attorney associated with the attorney who expects to appear at formal hearing. The attorneys who will appear at this prehearing conference are directed to be prepared to discuss the above-enumerated matters.

This Further Notice and Order for Prehearing Conference supersedes the Atomic Safety and Licensing Board's Notice and Order for Prehearing Conference issued in this proceeding on November 7, 1972.

By Order of the Atomic Safety and Licensing Board.

MICHAEL L. GLASER,
Chairman.

[FR Doc.72-19697 Filed 11-15-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24248; Order 72-11-39]

AEROLINEAS ARGENTINAS

Order Regarding Schedules

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

On September 25, 1972, the Board, pursuant to Part 213 of the Board's Economic Regulations, adopted Order 72-10-19 disapproving certain of the schedules filed by Aerolineas Argentinas on March 2, 1972, and amended on April 10, 1972. The order stated that the Board would consider an application for approval of a proposed schedule pursuant to section 213.3(e) of the Board's Economic Regulations to enable Aerolineas Argentinas to provide turnaround service at Miami by changing the day of operation of existing Flights 390 and 361. On October 30, 1972, Aerolineas filed an application with the Board requesting reinstatement of its entire existing schedule, or alternatively, approval of a proposed schedule. The Board will grant Aerolineas' application only to the extent that it relates to the change of the day of operation of Flights 390 and 361.

The carrier asserts that the Board's order disapproving certain of Aerolineas' schedules is invalid because the order was not "approved" by the President of the United States in accordance with his letter of February 20, 1969, in Docket 18769 (Order 69-2-112). However, subsequent to the issuance of the President's letter in that case, the President on June 3, 1970, approved the Board's enactment of Part 213 of the Economic Regulations amending the permits of certain foreign air carriers, including the permit of Aerolineas Argentinas, enabling the Board to disapprove schedules of foreign air carriers subject only to Presidential "disapproval" (Foreign Air Carrier Permit Terms Investigation, Docket 12063, ER-624, effective June 4, 1970). We have also considered and find unpersuasive the additional arguments advanced by the Argentine carrier in support of withdrawal or modification of our order disapproving certain of the carrier's schedules. Except where disapproved by Order 72-10-19 and approved by the instant order, Aerolineas' schedules, as filed with the Board on March 2, 1972, and amended on April 10, 1972, are authorized.

Accordingly, it is ordered, That:

1. Effective November 13, 1972, Aerolineas Argentinas shall be authorized to operate Flight 390 on Friday and Flight 361 (without Lima as an intermediate stop) on Saturday.

2. Except to the extent granted herein, Aerolineas' application is denied.

3. This order shall remain in effect until December 31, 1972, unless otherwise ordered by the Board.

4. This order shall be served on Aerolineas Argentinas and the Ambassador of Argentina in Washington, D.C.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-19740 Filed 11-15-72;8:53 am]

[Docket No. 22012; Order 72-11-34]

FRONTIER AIRLINES, INC.

Order To Show Cause Regarding Application for Temporary Suspension Authority at Great Bend and Hutchinson, Kans.

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

By application filed on June 12, 1972, Frontier Airlines, Inc. (Frontier), requests that the Board renew for a 2-year period Frontier's temporary suspension at Great Bend and Hutchinson, Kans., authorized by Order 70-8-31, August 10, 1970.[1] Frontier's suspension authority was conditioned upon the provision by Air Midwest, Inc. (Air Midwest), an air taxi operator, of a specified minimum level of service.[2]

In support of its renewal request Frontier asserts, inter alia, that it has been suspended at Great Bend and Hutchinson for almost 2 years and that it would be a financial burden for it to reinstitute service at this time, especially in light of the continued level of traffic boardings at the two cities since Frontier was suspended.

Air Midwest filed an answer in support of Frontier's application.[3]

Upon consideration of the pleadings and all of the relevant facts, we have decided to issue an order to show cause proposing to authorize Frontier to suspend service at Great Bend and Hutchinson, Kans., until August 10, 1974, conditioned upon the provision of replacement services by Air Midwest. For the same reasons we stated in Order 70-8-31, we are of the view that the suspension/replacement arrangement at Great Bend and Hutchinson is in the public interest from an overall transportation standpoint.[4] See also, Orders 72-1-93 and 70-10-21.

We have also examined the facts presented by Frontier's application in light of the A.L.P.A. v. C.A.B.[5] case wherein the Court indicated that the Board should consider whether the statutory conditions set out in section 416 of the Act for exemptions from certification still apply to the air taxi replacement operator. We tentatively find that, with respect to Air Midwest, the statutory conditions for exemption from certification for air taxi operations continue to exist.

Air Midwest, which provides the commuter replacement service at Hutchinson and Great Bend, has conducted air taxi operations since 1967, and now provides short-haul commuter air service to eight cities in addition to Great Bend and Hutchinson.[6]

In providing replacement service at the two cities in issue, Air Midwest carried 2,989 Great Bend-Denver passengers, 1,677 Great Bend-Wichita passengers, 2,474 Great Bend-Kansas City passengers, 1,249 Hutchinson-Denver passengers, 664 Hutchinson-Wichita passengers, and 3,322 Hutchinson-Kansas City passengers, in 1971. Systemwide, the carrier provided scheduled service for 32,881 passengers in 36 short-haul markets.[7] The carrier's total RPM's in that year amounted to only 0.9 percent of the average RPM's for each of the certificated local service carriers.

Air Midwest currently provides the following services to Hutchinson and Great Bend utilizing Beech-99 aircraft:

Markets:	*Round-trip frequencies*
Great Bend-Hutchinson	4
Great Bend/Hutchinson-Wichita	4
Great Bend/Hutchinson-Kansas City	3
Great Bend/Hutchinson-Denver	2
Great Bend/Hutchinson-Dodge City	2
Great Bend/Hutchinson-Garden City	2
Great Bend/Hutchinson-Hays	2
Great Bend/Hutchinson-Salina	1½

In addition, the carrier maintains aircraft liability insurance required by the Board under Part 298 of the Board's Economic Regulations.

On the basis of the foregoing, and on the basis of the findings and conclusions set forth in Order 72-9-39, September 12, 1972, that the certification process is generally inappropriate for replacement commuter carriers, we tentatively conclude that it would not be in the public interest to require Air Midwest to undergo a certification proceeding in order to provide replacement services for Frontier at Great Bend and Hutchinson. Air Midwest's replacement services are neither of sufficient magnitude nor hold such prospects of economic success as to warrant separate certification.

We further tentatively find that certification would be an undue burden on Air Midwest by reason of the limited extent of, and unusual circumstances affecting, its operations. As described above, the carrier's operations are of limited extent in terms of both the replacement services involved and the overall scope of its operations. Furthermore, the very nature of the small aircraft to which Air Midwest is restricted makes the operations limited in extent. The accommodations on these aircraft not only limit the competitive capabilities of Air Midwest but also limit the amount of traffic it can carry and the length of the markets it can serve, compared with a certificated carrier operating large aircraft. Thus, the cost of certification procedures would impose a severe financial burden on the carrier wholly disproportionate to its existing and proposed operations. Moreover, enforcement of section 401 requirements would be an undue burden not only because of the substantial cost of certification procedures, but also because certification would deprive Air Midwest of the necessary operating flexibility it must have to conduct nonsubsidized services with small aircraft in short-haul, low-density markets.

We are also satisfied that there are no safety considerations which would warrant a determination that the substitution arrangement is contrary to the public interest.[8] Not only must Air Midwest conduct its operations in strict conformity with the Federal Aviation Regulations promulgated by the Secretary of Transportation, who is charged by law with insuring the highest degree of safety in air transportation, but Air Midwest has had a successful operating history.

Consequently, for the reasons set forth above, we tentatively find and conclude that Frontier Airlines, Inc., should be authorized to suspend service temporarily at Great Bend and Hutchinson, Kans., until Aug. 10, 1974, subject to the condition that such suspension shall immediately terminate if at any time during the suspension period the air taxi service to Great Bend and/or Hutchinson should for any reason cease or fall below the levels of service described below:

Three daily round trips between Great Bend and Hutchinson, Kans., on the one hand, and Kansas City, Mo., and Wichita,

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[1] Frontier invoked the automatic extension provisions of 5 U.S.C. 558(c), formerly section 9(b) of the Administrative Procedure Act, and, consequently, the suspension authority remains in effect pending final decision by the Board.

[2] Order 70-8-31 specified the following minimum levels of service: Three daily round trips between Great Bend/Hutchinson and Denver, Kansas City, and Wichita. By Order 70-10-21, the Board approved a reduction in the minimum level of replacement service, permitting Air Midwest to provide only one round trip to Great Bend and Hutchinson on weekends and holidays. Order 72-1-93 further modified the suspension order so as to permit the replacement carrier to provide two, rather than three daily round trips between Great Bend and Hutchinson, on the one hand, and Denver, on the other hand.

[3] On Mar. 24, 1972, the Air Line Pilots Association, International, filed a motion in this docket, as well as in a number of other dockets, involving suspension/replacement arrangements, requesting that the matters be set down for evidentiary hearing. Frontier filed an answer opposing ALPA's motion. For the reasons stated herein and in Order 72-9-39, September 12, 1972, regarding the necessity of a hearing, we shall deny ALPA's request for an evidentiary hearing.

[4] Specifically, we found that suspension would reduce Frontier's subsidy need, and that neither Air Midwest's replacement service nor Frontier's suspension would result in any significant inconvenience to the traveling public.

[5] Air Line Pilots Association, International v. C.A.B., 458 F. 2d 848 (C.A.D.C. 1972).

[6] Denver, Dodge City, Garden City, Hays, Kansas City, Mo., Pueblo, Salina, Wichita.

[7] The traffic statistics submitted by commuter carriers are confidential for a period of 1 year. Accordingly, pursuant to sec. 298.66 of the Board's Economic Regulations, the Board, on its own motion, finds that it is in the public interest to disclose this information.

[8] We have informally checked with the FAA and they report that Air Midwest has excellent operations with good management, maintenance, and training and has had no safety or maintenance violations of FAA regulations during the last 12 months, with the exception of a $100 civil fine for operating a flight on Sept. 17, 1971, without the proper equipment.

Kans., on the other hand; and two daily round trips between Great Bend and Hutchinson, Kans., on the one hand, and Denver, Colo., on the other hand (except one round trip between Great Bend and Hutchinson, on the one hand, and Denver, Kansas City, or Wichita, on the other hand, on Saturday, Sunday, and holidays).

Interested persons will be given 21 days following the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to the specific facts in issue, and to support such objections with detailed economic or legal analysis.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and granting the requested suspension;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and suspension authorization set forth herein shall within 21 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A attached hereto, a statement of objections together with such statistical data, and other materials and evidence relied upon to support the stated objections, answers to such objections shall be filed within 14 days, thereafter;

3. Any interested persons requesting an evidentiary hearing shall state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

6. The motion for an evidentiary hearing of the Air Line Pilots Association in Docket 22012 be and it hereby is denied; and

7. A copy of this order shall be served upon all persons listed in Appendix A attached hereto.[1]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-19741 Filed 11-15-72;8:53 am]

[1] Filed as part of the original.

[Docket No. 24909; Order 72-11-30]

DELTA AIR LINES, INC.

Order of Investigation and Suspension Regarding Reduced Coach Fares

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

By tariff revisions[1] marked to become effective November 11, 1972, Delta Air Lines, Inc. (Delta) proposes to reduce by approximately 15 percent its day-coach fares in the Dallas-Los Angeles/San Francisco markets. The reduced fares are to apply on aircraft providing a seat pitch not to exceed 36 inches, with no lounge accommodations. The proposed fares may not be used to construct through fares or be combined with other fares, and do not apply to intermediate points. The proposed reductions would result in a fare of $74.07 (currently $87.04) between Dallas and Los Angeles and $86.11 for San Francisco (currently $100.93), and all the fares are marked to expire on March 31, 1973.

American Airlines, Inc. (American), and Continental Air Lines, Inc. (Continental), have filed defensive tariffs. However, in the latter case the filing goes beyond Delta's proposal. While American restricts the application of its reduced fares to loungeless aircraft, and to aircraft that do not have a seat pitch in excess of 36 inches, Continental's reduced fares would not be restricted in any way as to the cabin configuration and aircraft type to which they would apply.

In support of its proposal, Delta alleges that it is based on the same concept as its earlier proposal which was rejected by the Board,[2] that is, to meet the alleged adverse competitive impact of American's wide-bodied coach lounge. Delta alleges that the current justification has been meticulously designed to meet every deficiency which the Board found in the earlier proposal. The carrier alleges that the time is appropriate insofar as it has been 4 months since the Board decided Phase 6A,[3] that the Board has not yet acted on pending petitions for reconsideration, and that nearly 3 months have passed since Order 72-7-97 was issued. Furthermore, Delta contends that as soon as its earlier proposal had been rejected, American resumed its advertising campaign exploiting its competitive advantage over Delta in these two markets.

In support of its proposal, Delta alleges, inter alia, that when the productivity of lounge aircraft is compared with the productivity of aircraft without lounges, it is clear that the unit costs are automatically and materially higher on lounge equipment than on nonlounge equipment; and that the profit potential of the wide-bodied jet aircraft is reduced some 12 to 14 percent when configured with the uneconomic coach lounge. Delta estimates that the aggregate effect of the proposed fares upon Delta will be additional passenger revenues of approximately $1.6 million, constituting a recapture of at least some of the revenues Delta allegedly lost to American because of the latter's introduction of coach lounge services.

Delta further states that, in rejecting its earlier tariff filing, the Board said that Delta should compare total numbers of revenue passengers on comparably timed flights as a further showing of impact. Delta alleges, however, that such a comparison cannot be made by a loungeless operator; that the Board itself is in a position to make such a comparison internally by analyzing the segment-flow data which is reported to the Board by type of service, by flight, and by equipment type in these markets by both Delta and American; and that these data are not normally released to the carriers for 1 year by the Board.

American and Continental have filed complaints against the proposal requesting that it be suspended. The complainants allege that Delta has failed to establish that it has suffered "adverse economic impact" or has actually lost traffic as a result of American's lounge; that Delta's cost and revenue comparison between loungeless and lounge-equipped aircraft is meaningless as Delta's estimates were calculated on an available seat-mile basis which is valid only when aircraft are operated close to full capacity; and that this is not the proper forum for determining the Board's decision in Phase 6A.

American also alleges that Delta has failed to establish that Delta's proposed lower coach fares are reasonably related to cost; that Delta admits that the existing coach fare is the fare that is reasonably related to cost; that during the first 8 months of 1972, Delta has maintained a larger share of on-board passengers than American; and that advertising, per se, does not establish a case for competitive advantage without considering other factors such as frequency of service, identity in the markets, and service features.

Continental asserts that Delta has omitted any analysis of total schedules and their impact on market share; that out of a total of 27 one-way nonstop frequencies, there are only five wide-bodied departures, three of which are operated by Delta; that none of the wide-bodied jets compete head-to-head; and that American has an overwhelming edge

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] By Order 72-7-97, dated July 28, 1972, the Board rejected a similar tariff proposal by Delta due to the lack of adequate justification.

[3] Order 72-5-101.

with substantially greater identity at all three terminals.

In answer to the complaints,[4] Delta alleges that its proposal is not premature, but long overdue; that Delta has demonstrated to the fullest extent possible the "adverse competitive impact" of American's lounges; that its justification meets every issue raised by American and Continental; and that neither complainant has shown the proposed 15-percent differential to be incorrect.

The Airline Passenger Association has filed an answer to American's complaint urging its dismissal and that the Board permit Delta's reduced fares to become effective.

Upon consideration of the tariff proposals, the complaints and answers thereto, and all other relevant matters the Board finds that the proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposals should be suspended pending investigation.

In our view, neither Delta's justification nor data otherwise available to the Board demonstrate that American's wide-bodied lounges have had a significant adverse competitive impact on Delta's operations in the Dallas-west coast markets. To begin with, the Board in Phase 6A (Seating Configurations) of the "Domestic Passenger-Fare Investigation," Order 72-5-101, determined on the basis of the then available facts of record that any adverse impact on nonlounge operators by competing carriers operating and promoting coach lounges had not been demonstrated. Any carrier seeking to take advantage of the protective measures discussed in that decision has the initial burden of showing that the negative finding of Order 72-5-101 is no longer correct, as applied to a particular market or markets.

Here, Delta alleges that American's vigorous advertising of the coach lounge must be said to suggest that American itself is of the opinion that the coach lounge is a major passenger preference factor, and hence has a substantial adverse competitive impact, else American would not spend so much of its resources on advertising the lounge. While this may be an arguable point, particularly from the standpoint of American's promoting its system operations, it does not show or enable the Board to identify the degree of impact, if any, in the particular markets here involved. The same can be said of Delta's reference to a survey taken by Continental for use in the "Domestic Passenger-Fare Investigation," Docket 21866-6A, which indicates that a substantial portion of the respondents surveyed considered a coach lounge an important criterion in their selection.

An evaluation of Delta's proposal on the basis of the traffic-flow data submitted by the carriers pursuant to ER-586[5] does not reveal a trend which supports Delta's claim of adverse competitive impact. During the time American was operating B-747's, the two carriers' day-coach load factors were quite comparable, indicating no clear advantage for American. When both carriers have been competing with wide-bodied equipment, Delta has carried more passengers per flight in day-coach service than has American. Neither does a comparison of relative market share suggest that American's lounge has been a significant factor in these markets.

If anything, the data suggests that passengers in this market are opting for the greater frequencies provided by American with B-727 aircraft rather than either carrier's wide-bodied aircraft (with or without a lounge) or Delta's DC-8's, which provide fewer frequencies than the B-727 for a given number of seats. Both carriers' load factors on wide-bodied aircraft have consistently been significantly lower than those on their narrow-bodied equipment. See appendix A attached.[6]

American's participation with wide-bodied aircraft at present is very limited. From Dallas to Los Angeles, for example, American offers one DC-10 frequency and various frequencies with conventional equipment, compared to Delta's operation of two B-747 and five DC-8 frequencies, including two stretched versions. It would seem doubtful, as our analysis suggests, that one DC-10 round trip with a 10-passenger coach lounge in a market having 14 daily round-trip frequencies would give American such a competitive advantage as to compel Delta to reduce by 15 percent the coach fares for all seven of its frequencies. This conclusion is buttressed by the low load factors being experienced on wide-bodied equipment, which would appear to indicate only limited attractiveness of a lounge in these markets. Thus, we conclude in these circumstances that the proposed 15-percent reduction in fares is not warranted.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix B hereto,[8] and rules, regulations, or practices affecting such fares and provisions, including subsequent revisions and reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix B hereto are suspended and their use deferred to and including February 8, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24813, 24814, and 24861 are hereby 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 will be filed in the aforesaid tariff and served upon American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., and the Airline Passenger Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[9]
Secretary.

[FR Doc.72-19742 Filed 11-15-72;8:53 am]

[4] Delta has also filed a complaint against American's proposal to match Delta's fares, which American has answered.

[5] These data summarize various traffic and capacity statistics by flight on a monthly basis.

[6] Filed as part of the original document.

[7] Moreover, although not pertinent to disposition of the matter, we have considerable concerns about the restrictions against the application of the fares, e.g., noncombinability, etc.

[8] Filed as part of the original document.

MONTANA AND NORTH DAKOTA AERONAUTICS COMMISSIONS

Notice of Change in Meeting

Notice is hereby given that a meeting with the above Commissions will be held on November 28, 1972, at 2:30 p.m. (local time), in Room 10277, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, to discuss air service needs in Montana and North Dakota. This notice supersedes the one of November 9, 1972 (37 F.R. 23867), which only listed the Montana Aeronautics Commission.

Dated at Washington, D.C., November 13, 1972.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-19739 Filed 11-15-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-1012]

CABLE TELEVISION APPLICATIONS AND PLEADINGS

Revision of Amendment Requirements

NOVEMBER 9, 1972.

On September 14, 1972, the Commission issued a public notice entitled

[9] Concurring statement of Murphy, member, filed as part of the original document.

"Amendment Requirements for Pending Cable Television Applications and Pleadings," FCC 72-825, — FCC 2d —. In that notice, the Commission stated which of its amendments to the cable television rules adopted in its "Reconsideration of Cable Television Report and Order," FCC 72-530, 36 FCC 2d 326, would be applied retroactively to applications and pleadings filed before the effective date of the "Reconsideration," July 14, 1972, and which would not.

In that public notice, the Commission stated that § 76.13(b)(2) of the Commission's rules would not apply retroactively. In view of the need for the information contained in FCC Form 325, the Commission has now determined that § 76.13(b)(2) of the rules will be applied retroactively to March 31, 1972. Consequently, all applications filed on or after March 31, 1972, should be amended to supply the information required by § 76.13(b)(2) of the rules.

Action by the Commission November 9, 1972. Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Reid, and Wiley.

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

[FR Doc.72-19715 Filed 11-15-72;8:50 am]

[Docket No. 16495; FCC 72-992]

DOMESTIC SATELLITE SYSTEM FACILITIES

Procedures for Applications

NOVEMBER 9, 1972.

In response to paragraph 45(b) of the Second Report and Order (Second Report) issued in Docket No. 16495 (35 FCC 2d 844, 860) and the Memorandum Opinion and Order issued on September 14, 1972 (FCC 72-807), the Commission has received statements by the applicants for domestic satellite systems as to their present intentions with respect to pursuing pending applications.

Requests for immediate processing, prior to a resolution of issues raised by pending petitions for reconsideration of the Second Report and related pleadings of the parties, have been received from Western Union Telegraph Co. (Western Union); Hughes Aircraft Co., and GTE Satellite Corp. (Hughes/GTE); American Satellite Corp. (American Satellite), a newly formed corporation owned by Fairchild Industries, Inc. and Western Union International, Inc.; and RCA Global Communications, Inc. and RCA Alaska Communications, Inc. (the RCA applicants). Requests for deferral, pending a resolution of issues raised by pending pleadings or for other reasons, have been received from American Telephone & Telegraph Co. (A.T. & T.); Communications Satellite Corp. (Comsat); MCI Lockheed Satellite Corp. (MCIL); and Western Tele-Communications, Inc. (WTCI).

Immediate processing of system applicants. Processing of those system applicants requesting immediate processing has been commenced. Such processing will proceed on an individual basis, apart from the proceedings in Docket No. 16495, at a pace geared to the speed at which each applicant makes any additional showings or amendments (consistent with the Second Report) that may be required by the Commission or desired by the applicants, and may take account of the preference of the particular applicant as to the order in which various components of its proposed system are processed.[1] Basic findings, required by statute or as a result of the conditions of policy adopted in the Second Report, will be made in conjunction with Commission action on the first applications of each applicant that are considered, whether such applications constitute the entire system proposal of that applicant or only a portion thereof. Any grant will, of course, be fully subject to the outcome of Docket No. 16495 (see Memorandum Opinion and Order in Docket No. 16495 issued on September 14, 1972, FCC 72-807). However, it is not contemplated that parties to Docket No. 16495 will participate in the processing of applications for individual systems, except upon express invitation of the Commission and to the extent indicated in any such invitation.

Deferred processing of system applicants. Processing of those system applicants that have requested deferral will be held in abeyance pending a request by any such applicant for processing. Such request may be made at any time, according to the desires of the particular applicant in the light of evolving circumstances, and may encompass any modifications or amendments to the pending system applications that are consistent with the Second Report or any Commission action taken upon reconsideration. Upon receipt of any such request for processing, processing of the relevant applications will be commenced as promptly as possible, provided that the request is not contingent upon future events and the particular proposal involved is not determined by the Commission to be contrary to the policies adopted in the Second Report or any Commission action taken upon reconsideration.

Earth stations only. Applications for earth stations only, to be operated with space segment facilities owned by another entity subject to the Commission's jurisdiction, will be processed upon request filed after a construction permit for the relevant space segment has been issued. This procedure does not pertain to AT&T and GTE, whose applications for earth stations and other associated terrestrial facilities were filed as an integral part of the proposed system of the space segment applicant. As noted in paragraph 16 of the Memorandum Opinion and Order issued in Docket No. 16495 on September 14, 1972 (FCC 72-807), the Commission has received some informal expression of interest in the possibility of domestic earth stations to be operated on a temporary, experimental basis with the Canadian Telsat system. The statement of intent filed by American Satellite also contemplates this mode of operation for its proposed Phase I. In the event that the Canadian statute governing the Telsat system is amended to permit such use, applications for earth stations to operate in this manner may be submitted for the Commission's consideration. The Commission will resolve any broad policy issues associated with such proposals in conjunction with its action on the first application of this type that is ripe for Commisison consideration.

Orbital arc locations, frequency usage and polarization. The Second Report adopted paragraph 152a of the staff recommendation attached to the Memorandum Opinion and Order issued on March 17, 1972, in Docket No. 16495 which provided as follows (35 FCC 2d at 859; 34 FCC 2d 1, 72-73):

> The assignment of orbital arc locations will be made by subsequent order of the Commission. We will assign orbital locations for satellites authorized to serve Alaska and Hawaii in that portion of the orbital arc that is 5° or more west of the orbital locations that have been selected by Canada and is capable of illuminating those States as well as CONUS. Other authorized satellites will be assigned orbital locations in that portion of the orbital arc that is 5° or more east of the Canadian locations and is capable of illuminating CONUS. The orbital locations for satellites authorized to utilize 4 and 6 GHz frequencies, in whole or in part, will be separated by no more than 3° (or allow for intervening assignments separated by 3°) unless good cause is shown for a wider separation. In assigning orbital arc locations, the Commission would endeavor to make maximum allowance for the authorization of future satellites utilizing 4 and 6 GHz frequencies. The assignment of any orbital location for use by a particular satellite shall not grant the licensee any right to the use of that orbital location for another satellite.[91] Nor shall the initial assignments preclude the Commission from changing orbital location assignments during the life of the initially authorized satellites, as required by the public interest, convenience or necessity.[92]

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[1] Applications for terrestrial interconnection facilities for earth stations will not be processed, in any event, until after the relevant earth station sites have been cleared from an interference standpoint.

[91] In determining whether a space segment licensee will be permitted to use the same orbital location for another satellite (such as an existing ground spare) to replace a satellite that has failed short of its design life, the Commission will be guided by the circumstances then prevailing (including the length of time, if any, the failed satellite was operational, the current state of the technology, and the then existing demands on that portion of the orbital arc available for assignment).

[92] In the event that changes in orbital location assignments are found necessary, the Commission will endeavor to make such reassignments in a manner which will be least prejudicial to the affected licensees, all relevant factors considered.

The assignment of orbital arc locations, including specification of frequency usage and polarization, will be made by the Commission after it has been finally determined, inter alia, upon consideration of the petitions for reconsideration, what domestic system or systems will be initially designated to provide service to Alaska and Hawaii.

Section 214 authorization. In the 1970 Report and Order in Docket No. 16495 inviting the submission of concrete applications to assist the Commission in formulating policy in the domestic satellite field, the Commission stated that potential common carrier applicants should request certification pursuant to section 214 of the Communications Act, as well as make application for construction permits under title III (22 FCC 2d 86, 99 at paragraph 32). The pending system applications submitted in response to that invitation are very voluminous and only a limited number of copies were filed pursuant to paragraph 38 of the 1970 Report (22 FCC 2d at 103). Before processing of such applications is completed and any section 214 authorization is issued, the Commission must be furnished with sufficient copies of the application for certification pursuant to section 214 to enable it to comply with the service requirements of section 214(b).

Common carrier applicants for domestic satellite facilities that have already requested processing, or that in the future request processing, should submit (or resubmit) applications for Section 214 certification, separately from the applications for construction permits, in the form and with the number of copies specified by §§ 63.52 and 63.53 of the Commission's rules and regulations. Such separate application need not be accompanied by additional copies of the applications for construction permits, but should include a descriptive summary of the proposed system and the facilities for which application has been made, as well as the information specified in § 63.01 of the rules to the extent practicable. In the event that it appears to any applicant that some of the information specified by § 63.01 is not relevant to applications for facilities of this nature or should be submitted at some later stage (e.g., § 63.01(h)), a statement to that effect with supporting reasons will be sufficient for initial processing. Further, for good cause shown, construction permits may be issued prior to section 214 authorization, subject to the usual conditions. All necessary section 214 authorization will be required prior to the grant of authority to commence operations.

Filing fees. Pursuant to paragraph 38 of the 1970 Report in Docket No. 16495 and § 1.1113 (footnote 7) of the Commission's rules and regulations, and filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems to be considered in conjunction with that of Western Union in Docket No. 16495. However, the grant fees are applicable to any grant, and all subsequent applications are subject to the filing as well as the grant fees.

In light of the Commission's conclusions in paragraphs 16 and 17 of the Second Report, which have not been challenged in the petitions for reconsideration, the applications accepted for filing for consideration in conjunction with that of Western Union in Docket No. 16495 will now be processed on an individual basis. In order to avoid, insofar as practicable, placing those pending applicants who have already filed amendments in a disparate position as compared to those who have deferred filing amendments, we will treat the question of filing fees as follows.

The applicable grant fees will be charged for the authorization of any and all domestic satellite facilities. There will be no filing fee for amendments to facilities that were timely filed and accepted for consideration in Docket No. 16495. This exception includes amendments filed by new corporations or other entities that are successors in interest to the position of pending applicants before the Commission. However, where any amendment proposes new facilities, e.g., an additional earth station or space station, the filing fees will apply. Further, where any amendment constitutes in essence a proposal for a new system, with basically different facilities from those proposed in the pending applications, the filing fees will apply. New applications, submitted by new or pending applicants, will be subject to the filing fees.

Further processing procedures. The foregoing comprises the public notice concerning processing procedures contemplated by footnote 11 to paragraph 45(b) of the Second Report. As recognized in paragraph 15 of the Second Report, the "initial implementation of domestic satellites does not confront us with a normal or routine situation" and some "departure from conventional standards may be required if the public is to realize the potential benefits of this high capacity technology" (35 FCC 2d at 849–850). Rather than attempting to delineate in advance the kind of showings that may be required on such questions as financial qualification or the absence of potential burden or detriment to customers for essential communications services now provided by common carrier applicants, we think it preferable to consider the case of each applicant individually on the basis of its particular circumstances. In the course of processing, each applicant will be advised of any further information that may be required and of any additional procedures that appear appropriate in its instance. Should any question of general applicability arise in course of processing, which appears to warrant clarification for the benefit of pending and/or future applicants, the Commission may issue a further public notice concerning processing procedures or take such other appropriate measures as in its judgment would best serve the public interest.

Action by the Commission November 8, 1972. Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Wiley and Hooks, with Commissioner Reid concurring.

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

[FR Doc.72-19716 Filed 11-15-72;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

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:

D. G. Aldridge, executive vice president, United States Lines, Inc., 1 Broadway, New York, NY 10004.

Agreement No. 10022, among the above-named carriers, establishes the United States/Europe Discussion Agreement for the development and interchange of information relating to cargo movements, shipper requirements, cost of service, tariff rates and rules, practices in connection with the receipt and delivery of cargo and interchange with connecting land carriers with respect to the trades between Europe and all coasts of the United States.

Upon approval, the agreement is to remain in effect for a period of 1 year from the date of such approval, with the right to seek approval for an additional 6 months. No substantive agreement deriving from the discussions conducted is to be implemented unless filed with and approved by the Federal Maritime Commission.

Dated: November 13, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19757 Filed 11-15-72;8:54 am]

AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015, or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

The American Great Lakes-Mediterranean Eastbound Conference, Agreement No. 9000, has filed an application for permission to institute an exclusive patronage (dual rate) contract system pursuant to section 14b of the Shipping Act, 1916.

Dated: November 13, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19755 Filed 11-15-72;8:54 am]

UNIVERSAL ALCO LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Lebron Shields, Vice President, Universal Alco Ltd., 1001 North America Way, Dodge Island, Miami, FL 33132.

Agreement No. 10021, among Universal Alco Ltd., Tropical Shipping & Construction Co., Ltd., and Norwegian Caribbean Lines, common carriers by water operating in the trade between Florida ports and ports in the Bahama Islands provides for the establishment of a cooperative working agreement whereby the carriers agree to exchange information and to cooperate in developing information relating to:

1. Freight rates, handling charges, equipment demurrage charges and practices, warehousing and storage charges, and related data bearing on the rate structure of common carrier steamship services required by shippers;

2. Cost of service and tariff rules;

3. Practices in connection with the receipt and delivery of cargo and pickup and delivery charges including interchange with connecting land carriers and all other procedures outlined in their respective tariffs.

The purpose of exchanging this information is to explore the possibility of establishing a rate agreement to be filed with the Federal Maritime Commission for approval at a later date. Nothing in the agreement authorizes the parties thereto to carry out any substantive agreement which may be reached except upon the prior approval of the Commission. The agreement shall remain in effect for 1 year, however, its duration may be extended with the Commission's approval. It shall be canceled if a rate agreement is finally submitted and subsequently approved by the Commission.

Dated: November 13, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19756 Filed 11-15-72;8:54 am]

INTERNATIONAL FREIGHT SERVICES ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Joseph Di Maio, doing business as International Freight Services, 859 Cowan Road, Burlingame, CA 94010.

Surfaceair Multi-Modal Corp., c/o Frank De Martino, 175 West 13th Street, New York, NY 10011.

OFFICERS

Frank De Martino, president/treasurer; A. J. Therman, vice president/secretary.

Richard C. Claprood, Jr., 4920 East Fifth Avenue, Columbus, OH 43219.

Lawrence Diebold McCall, 620 National Avenue, Gretna, LA 70053.

Brag International, Inc., 25 Broadway, New York, NY 10004, Officer, Benjamin F. Butler, president.

Dated: November 13, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19754 Filed 11-15-72; 8:54 am]

[Independent Ocean Freight Forwarder License 136]

J. S. STASS CO., INC.

Order of Revocation

NOVEMBER 10, 1972.

J. S. Stass Co., Inc., 1 World Trade Center, New York, N.Y. 10048, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 136 for

revocation because under a purchase agreement with Universal Transcontinental Corp., it will operate as a division of that corporation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That Independent Ocean Freight Forwarder license No. 136 of J. S. Stass Co., Inc., be and is hereby revoked effective October 31, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon J. S. Stass Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-19751 Filed 11-15-72;8:54 am]

JADRANSKA LINIJSKA PLOVIDBA—RIJEKA

Notice of Issuance of Certificate [Casualty]

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certicate 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 540):

Jadranska Linijska Plovidba—Rijeka ("Jadrolinija"), Rijeka, Palace "Jadran", Rijeka, Yugoslavia.

Dated: November 9, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19752 Filed 11-15-72;8:54 am]

JADRANSKA LINIJSKA PLOVIDBA—RIJEKA

Notice of Issuance of Certificate [Performance]

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):

Jadranska Linijska Plovidba—Rijeka ("Jadrolinija"), Rijeka, Palace "Jadran," Rijeka, Yugoslavia.

Dated: November 9, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19753 Filed 11-15-72;8:54 am]

N.V. NEDERLANDSCH-AMERIKAANSCHE STOOMVAART-MAATSCHAPPIJ "HOLLAND-AMERIKA LIJN" (HOLLAND-AMERICA LINE)

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-9 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,016.

Whereas, N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line) Pier 40, North River, New York, NY 10014, has ceased to operate the passenger vessel *Ryndam*; and

Whereas, N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line) has returned Certificate (Performance) No. P-9 and Certificate (Casualty) No. C-1,016 for revocation.

It is ordered, That Certificate (Performance) No. P-9 and Certificate (Casualty) No. C-1,016 covering the S.S. *Ryndam* be and are hereby revoked effective November 7, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission:

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-19750 Filed 11-15-72;8:54 am]

FEDERAL POWER COMMISSION

[Project 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for Change in Land Rights

NOVEMBER 9, 1972.

Public notice is hereby given that an application was filed September 1, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Central Vermont Public Service Corp. (Correspondence to: Mr. Donald L. Rushford, General Counsel, Central Vermont Public Service Corp., 77 Grove Street, Rutland, VT 05701) for the approval of change in land rights for the Lamoille River Project No. 2205, located on the Lamoille River, a navigable waterway of the United States, in Franklin County, Vt.

Commission approval is sought for the granting of an easement to the State of Vermont Highway Department by the Central Vermont Public Service Corporation, licensee. The easement would give the Highway Department drainage rights over a parcel of land 0.35 acre in size located between State Highway 104A and the north shore of Arrowhead Mountain Lake on the Lamoille River. The purpose of the easement is to widen a railroad underpass, which has been the scene of numerous accidents, from one to two lanes. At present, the road narrows at the underpass. Rockfill necessary to stabilize a sloped area after the widening would encroach 15 to 20 feet into Arrowhead Mountain Lake and would affect approximately 250 feet of a 10 mile shoreline.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 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.72-19722 Filed 11-15-72;8:50 am]

[Docket No. CI73-333]

DORCHESTER EXPLORATION, INC.

Notice of Application

NOVEMBER 13, 1972.

Take notice that on November 6, 1972, Dorchester Exploration, Inc. (Applicant), 1204 Vaughn Building, Midland, Tex. 79701, filed in Docket No. CI73-333 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 Co. of America in Eddy County, N. Mex., 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 2,000 Mcf of natural gas per day at 35.0 cents per Mcf at 14.65 p.s.i.a. for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 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 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.72-19782 Filed 11-15-72;8:52 am]

[Docket No. CS71-828]

DOROTHEA B. PRENTISS

Notice of Redesignation

NOVEMBER 10, 1972.

By letter of September 11, 1972, Dorothea B. Prentiss has advised the Commission that as the sole beneficiary under the will of her deceased husband, W. P. Prentiss, she has been placed in possession of his estate by probate court orders and requests that the Commission redesignate the small producer certificate issued in Docket No. CS71-828 to the estate of W. P. Prentiss.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS71-828 to the estate of W. P. Prentiss is redesignated as that of Dorothea B. Prentiss.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19723 Filed 11-15-72;8:50 am]

[Docket Nos. RI73-81, etc.]

HUMBLE OIL & REFINING CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

NOVEMBER 9, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI73-81	Humble Oil & Refining Co.	132	10	West Texas Gathering Co. (Emporer Field, Winkler County, Tex., Permain Basin).	$168,223	10-13-72		1-2-73	18.0675	19.0713	RI69-51.
	do	134	10	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex., Permian Basin).	1,255	10-13-72		1-2-73	15.0563	15.5581	RI68-339.
	do	210	12	El Paso Natural Gas Co. (East La Barge Field, Lincoln and Sublette Counties, Wyo.).	4,812	10-13-72		6-1-73	[1] [3] 19.7926	[2] [3] 20.6538	RI72-76.
	do	249	11	El Paso Natural Gas Co. (Green River Bend Field, Lincoln and Sublette Counties, Wyo.).	1,018	10-13 72-		6-1-73	[1] [3] 19.7926	[2] [3] 20.6538	RI70-870.
	do	345	6	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	2,451	10-13-72		1-2-73	[1] 16.24	[2] 17.1275	RI70-469.
	do	362	3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	668	10-13-72		1-2-73	[1] 15.7325	[2] 16.6238	RI70-469.
	do	403	16	do	2,591	10-13-72		1-2-73	[1] 16.24	[2] 17.1275	RI70-469.
	do	411	6	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex., Permian Basin).	1,928	10-13-72		1-2-73	17.5656	18.5694	RI69-52.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	....do	443	4	El Paso Natural Gas Co. (Mendel Field, Pecos County, Tex., Permian Basin).	[3]	10-13-72		1-2-73	17.5656	18.5694	RI69-722.
	....do	447	7	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	14,880	10-13-72		1-2-73	18.0675	19.0713	RI69-91.
	....do	509	3	El Paso Natural Gas Co. (West Fort Chadbourne Field, Runnels County, Tex., Permian Basin).	1,080	10-13-72		6-1-73	30.0	31.0	RI73-39.
RI73-82	Terra Resources, Inc	33	1	Montana-Dakota Utilities Co. (Poison Creek Unit, Freemont County, Wyo., Montana-Wyoming Area).	3,385	10-12-72		4-12-73	[4] [5] 22.75	[4] [5] 26.0	
RI73-83	Pubco Petroleum Corp	15	4	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	12,630	10-16-72		1-2-73	15.6163	16.6238	RI70-112.
RI73-84	Thomas D. Bailey	1	[6] 6	El Paso Natural Gas Co. (San Juan Basin, N. Mex.).		10-16-72	11-16-72	[7] Accepted			
	....do		7		6,312	10-16-72		4-16-73	[8] 15.2693	[4] 22.0	RI71-390.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes a double amount of contractually due tax reimbursement.
[2] Includes only the contractual amount of tax reimbursement for future sales of gas.
[3] No current sales of gas.
[4] Subject to B.t.u. adjustment.
[5] Increase from initial certificated rate to initial contract rate.
[6] Contract amendment.
[7] Accepted for filing to be effective on the date shown in the "Effective date" column.
[8] The pressure base is 15.025 p.s.i.a.

The proposed increases of Humble under its FPC Gas Rate Schedule Nos. 132, 134, 345, 362, 403, 411, 443, and 447, and the proposed increase of Pubco Petroleum Corp., do not exceed the rate limits for a 1-day suspension and are suspended for 1 day from the expiration of the 60-day notice period. The other increases involved here exceed the rate limits for a 1-day suspension and are suspended for 5 months from the expiration of the statutory notice period or the contractual effective date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate, and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-19606 Filed 11-15-72;8:45 am]

INDIANA & MICHIGAN ELECTRIC CO.

[Docket No. E-7740]

Notice of Extension of Time

NOVEMBER 10, 1972.

On November 8, 1972, Commission staff counsel filed a motion for a postponement of the procedural dates established by the order issued August 11, 1972, in the above-designated matter. The dates proposed by staff counsel are as follows:

Staff service date	Dec. 14, 1972
Prehearing conference	Jan. 3, 1973
Intervener service date	Jan. 11, 1973
I & M rebuttal service date	Jan. 25, 1973
Hearing date	Feb. 6, 1973

The motion states that all parties have been contacted and raise no objection to the proposed staff service date of December 14, 1972, and the proposed prehearing conference date of January 3, 1973, and all but one agree with the remaining proposed dates. The Indiana and Michigan Municipal Distributor Group (IMMDG) objects to the last three dates and requests a further extension of time as follows:

Intervener service date	Jan. 16, 1973
I & M rebuttal service date	Jan. 30, 1973
Hearing date	Feb. 13, 1973

The motion further requests the tentative adoption of the proposed dates and that action be deferred on the request by IMMDG until all parties have had an opportunity to answer.

Upon consideration, notice is hereby given that:

(1) The procedural dates fixed by the order issued August 11, 1972, are postponed as follows:

Staff service date	Dec. 14, 1972
Prehearing conference	Jan. 3, 1973

(2) Answers may be filed on or before November 17, 1972, to the requested modification of the date for the service of evidence by interveners, the date for the service of rebuttal evidence by Indiana and Michigan Electric Co., and the date for the commencement of the hearing. Action with respect to those dates is deferred until after November 17, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19724 Filed 11-15-72;8:50 am]

[Docket No. CS68-1]

KKA CORP.

Notice of Redesignation

NOVEMBER 10, 1972.

By letter dated September 1, 1972, KKA Corp. has advised the Commission that it has undergone a corporate name change from Amini Oil Corp. to KKA Corp.

Accordingly the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS68-1 to Amini Oil Corp. is redesignated as that of KKA Corp.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-19725 Filed 11-15-72;8:50 am]

[Docket No. RP72-119]

McCULLOCH INTERSTATE GAS CORP.

Notice of Filing of Proposed Stipulation and Agreement

NOVEMBER 10, 1972.

Pursuant to § 1.36(a) of the Commission's rules of practice and procedure,

notice is hereby given that on November 1, 1972, McCulloch Interstate Gas Corp. (McCulloch) filed a proposed stipulation and agreement setting forth settlement of the proceedings in the above-styled docket.

On May 1, 1972, McCulloch Interstate tendered for filing proposed changes in its Rate Schedule PL–1 and Second Revised Sheet No. 11 to its FPC Gas Tariff Original Volume No. 1 to become effective on June 1, 1972. The proposed rates applicable to deliveries to Colorado Interstate Gas. Co. (McCulloch Interstate's only gas customer reselling gas in interstate commerce) constituted an increase in revenues of 2.69 cents per Mcf, or approximately $589,000 annually, based upon average estimated sales of 60,000 Mcf per day for the twelve (12) months ending December 31, 1971, as adjusted. This increase in revenues reflected an increase in rate of return to 9.62 percent and an increase in depreciation rate to 8.33 percent. The proposed increased rates became effective November 1, 1972, subject to refund.

The settlement agreement provides, inter alia, for a rate of return of 9.1875 percent and a rate of depreciation of 5.75 percent. The revenues under the settlement agreement would be 1.70 cents per Mcf, or approximately $372,300 annually.

The settlement agreement is on file with the Commission and is available for public inspection. Comments with respect to the settlement agreement may be filed with the Commission on or before November 24, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–19726 Filed 11–15–72;8:51 am]

[Docket No. RP72–149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice Postponing Prehearing Conference and Extending Time

NOVEMBER 10, 1972.

On October 24, 1972, the Missouri Public Service Commission filed a motion to postpone the prehearing conference from November 28, 1972, to December 5, 1972, for the reason that the date of November 28, 1972, conflicts with the NARUC Annual Convention. On November 6, 1972, Mississippi River Transmission Corp. filed an answer, stating that it does not oppose the motion but, that if the prehearing conference is to be postponed, it be postponed to at least December 12, 1972. On November 9, 1972, Laclede Gas Co. filed an answer stating that it has no objection to the December 12, 1972 date, but requests that the other scheduled dates be changed. The letter states that counsel for Mississippi River Transmission Corp., and Commission staff concur.

Upon consideration, notice is hereby given that the procedural dates fixed by the order of the Chief Administrative Law Judge on October 11, 1972, are changed as follows:

(1) The prehearing conference is postponed to December 12, 1972, at 10 a.m., e.s.t.

(2) Intervenors' evidence to be filed and served on or before December 28, 1972.

(3) Applicant's rebuttal evidence to be filed and served on or before January 12, 1973.

(4) The hearing is postponed to January 23, 1973, at 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–19727 Filed 11–15–72;8:51 am]

[Docket No. CS72–739]

SOUTHERN HYDROCARBONS PRODUCTION CO., INC.

Notice of Redesignation

NOVEMBER 10, 1972.

By letter dated August 5, 1972, Southern Hydrocarbons Production Co., Inc., has informed the Commission that by amendment to the Articles of Incorporation, effective July 26, 1972, the corporate name of Sohyde Production Co., Inc., holder of a small producer certificate in Docket No. CS72–739, was changed to Southern Hydrocarbons Production Co., Inc.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS72–739 to Sohyde Production Co., Inc., is redesignated as that of Southern Hydrocarbons Production Co., Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–19728 Filed 11–15–72;8:51 am]

FEDERAL RESERVE SYSTEM

FIRST ARKANSAS BANKSTOCK CORP.

Notice of Amended Application

First Arkansas Bankstock Corp., Little Rock, Ark., has amended its application, filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of L. E. Lay & Co., Inc., Little Rock, Ark. Notice of the application was originally published in the FEDERAL REGISTER on September 12, 1972 (37 F.R. 18496).

The proposed subsidiary would engage in the activities of making or acquiring for its own account or for the account of others real estate mortgage loans and servicing such loans. Other activities would include acting as an insurance agent or broker with respect to insurance that is directly related to an extension of credit or the performance of other financial services by L. E. Lay & Co., Inc. Applicant states that substantially all of the insurance policies of L. E. Lay written to date have been accident and health or life insurance policies written in connection with the mortgages originated or brokered by L. E. Lay & Co., Inc. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

The effect of the amendment is to request separate Board consideration and authorization for the mortgage banking and insurance agency activities. Interested persons may express their views on the question whether consummation of the proposals can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Comments on the applications including any views or request for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 22, 1972.

Board of Governors of the Federal Reserve System, November 9, 1972.

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

[FR Doc.72–19670 Filed 11–15–72;8:46 am]

FIRST AT ORLANDO CORP.

Acquisition of Banks

First at Orlando Corp., Orlando, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Guaranty Bank of Miami, Miami, Fla., and 90 percent or more of the voting shares of West Dade Bank, Miami, Fla. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications 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 applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 6, 1972.

Board of Governors of the Federal Reserve System, November 9, 1972.

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

[FR Doc.72–19673 Filed 11–15–72;8:46 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corp., 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 not less than 80 percent of the voting shares of the Lee County Bank, Fort Myers, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 6, 1972.

Board of Governors of the Federal Reserve System, November 9, 1972.

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

[FR Doc.72-19672 Filed 11-15-72;8:46 am]

FIRST STEUBEN BANCORP, INC.

Acquisition of Bank

First Steuben Bancorp, Inc., Steubenville, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the First National Bank of Hopedale, Hopedale, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1972.

Board of Governors of the Federal Reserve System, November 8, 1972.

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

[FR Doc.72-19671 Filed 11-15-72;8:46 am]

OAKLAND BANSHARES, INC.

Formation of Bank Holding Company and Proposed Retention of Insurance Agency

Oakland Banshares, Inc., Oakland, Iowa, 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 95.45 percent of the voting shares of Oakland Savings Bank, Oakland, Iowa. 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)).

Oakland Banshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Spencer Insurance Agency, Oakland, Iowa. Notice of the application was published on August 17, 1972, in The Oakland Acorn, a newspaper circulated in Oakland, Iowa.

Applicant states that it engages in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 224.4(b).

Interested persons may express their views on the question whether consummation of the proposal under section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1972.

Board of Governors of the Federal Reserve System, November 9, 1972.

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

[FR Doc.72-19674 Filed 11-15-72;8:47 am]

ORBANCO, INC.

Proposed Acquisition of Far West Securities Co.

Orbanco, Inc., Portland, Oreg., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Far West Securities Co., Spokane, Wash. Notices of the application were published on October 2, 1972, in the Spokane Daily Chronicle, a newspaper circulated in Spokane, Wash., and on October 5, 1972, in the Tri-City Herald, a newspaper circulated in Kennewick, Wash.

Applicant states that the proposed subsidiary would engage in the following activities: Making or acquiring for its own account or for the account of others, loans and other extensions of credit; and acting, directly or indirectly, as insurance agent or broker for insurance that is directly related to an extension of credit by any subsidiary of the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1972.

Board of Governors of the Federal Reserve System November 9, 1972.

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

[FR Doc.72-19675 Filed 11-15-72;8:47 am]

POSTAL SERVICE

BUILDINGS AND GROUNDS; SURPLUS REAL PROPERTY

Management and Disposal; Restatement of Interim Regulations

In the daily issue of February 1, 1972 (37 F.R. 2471), the Postal Service published a notice adopting certain regulations codified in Title 41, Code of Federal Regulations, including regulations relating to conduct on Federal property, as interim regulations of the U.S. Postal Service. This was amended by publication of a notice in the daily issue of March 21, 1972 (37 F.R. 5776). Notice is hereby given that the regulations, "Conduct on Postal Property" set out elsewhere in this issue, are adopted as permanent regulations of the Postal Service, effective upon publication.

Accordingly, the notice published February 1, 1972 is revised to read as follows:

1. Part 101–19—Management of Buildings and Grounds, of Title 41, Code of Federal Regulations, except Subpart 101–19.3—Conduct on Federal Property, and Subpart 101–19.4—Standard Practices for Financing, shall apply, as modified below, to the management of buildings and grounds owned and leased by the Postal Service. Financing of the operation and maintenance of buildings and grounds occupied jointly by the Postal Service and other agencies shall be provided for by agreements between the other occupying agencies, or the General Services Administration, and the Postal Service.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services by Part 101–19 with regard to Government-owned and Government-leased buildings and grounds are vested hereby in the U.S. Postal Service with regard to Postal Service-owned and Postal Service-leased buildings and grounds. Any reference in Part 101–19 to "GSA," "General Services Administration," or "Administrator" shall be construed in a manner consistent with the preceeding sentence for the purpose of applying Part 101–19 to Postal Service-owned and Postal Service-leased buildings and grounds. Any reference in Part 101–19 to "Federal" building(s) or to "building(s)," shall be construed to mean "Postal Service" building(s).

2. The sections listed below contained in Subpart 101–47.3—Surplus Real Property Disposal, Subpart 101–47.49—Illustrations, of Title 41, Code of Federal Regulations, shall apply, except as noted, to the management and disposal of surplus real property by the Postal Service:

Sec.	
101–47.303–3	Studies.
101–47.303–4	Appraisal.
101–47.304–1	Publicity.
101–47.304–2	Soliciting cooperation of local groups.
101–47.304–3	Information to interested persons.
101–47.304–4	Invitation for offers.
101–47.304–5	Inspection.
101–47.304–6	Submission of offers.
101–47.304–7	Advertised disposals.
101–47.304–8	Report of identical bids.
101–47.304–9	Negotiated disposals; except that paragraph (a)(5) shall not apply.
101–47.304–10	Disposals by brokers.
101–47.304–11	Documenting determinations to negotiate.
101–47.304–12	Explanatory statements; except that subsections (d), (e), and (f) shall not apply.
101–47.305–1	General.
101–47.305–2	Equal offers.
101–47.305–3	Notice to unsuccessful bidders.
101–47.306–1	Negotiations.
101–47.307–1	Form of deed or instrument of conveyance.
101–47.307–2	Conditions in disposal instruments.
101–47.309	Disposal of leases, permits, licenses, and similar instruments.
101–47.310	Disposal of structures and improvements on Government-owned land.
101–47.312	Non-Federal interim use of property.
101–47.313–1	Disposal of easements to owner of servient estate.
101–47.313–2	Grants of easements in or over Government property.
101–47.400	Scope of subpart.
101–47.401–1	Policy.
101–47.401–2	Definitions.
101–47.401–5	Improvements or alterations.
101–47.4911	Outline for explanatory statements for negotiated sales.
101–47.4913	Outline for protection and maintenance of excess and surplus real property.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services under the above-listed sections are vested in the U.S. Postal Service for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service. Any reference in the sections to "GSA," "General Services Administration," "Administrator," "disposal agency," "head of the disposal agency," or "holding agency," shall be construed, for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service, to refer to the U.S. Postal Service. Any reference in the sections to "surplus real property" shall be construed, for the purpose of applying the sections to the management and disposal of real property by the Postal Service, to include any property of the Postal Service which is determined to be excess to the needs of the Postal Service.

(39 U.S.C. 401, 410, 2008(c))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.72–19718 Filed 11–15–72;8:50 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

NOTICE OF PUBLIC MEETING

Notice is hereby given, pursuant to Executive Order 11671, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on December 8 and 9, 1972, at 9 a.m., in Room 800, 2100 Pennsylvania Avenue NW., Washington, DC.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 91–230. The Council is directed to:

(1) Review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

(2) Review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

(3) Evaluate programs and projects carried out under this title and disseminate the results thereof; and

(4) Make recommendations for the improvement of this title, and its administration and operation.

The meeting of the Committee shall be open to the public. The proposed agenda includes a discussion of the annual report of the Council. Records shall be kept of all Council proceedings (and shall be available for public inspection at the office of the Council's Executive Secretary, located in Room 818, 2100 Pennsylvania Avenue NW., Washington, DC).

Signed at Washington, D.C., on November 10th, 1972.

GERALD J. KLUEMPKE,
Executive Secretary.

[FR Doc.72–19738 Filed 11–15–72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5259]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Proposed Issue and Sale of Notes

NOVEMBER 10, 1972.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, NY 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, LA 70112; Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, AR 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, LA 70174; Mississippi Power & Light Co., Electric Building, Jackson, Miss. 39205; New Orleans Public Service Inc., Post Office Box 60340, New Orleans, LA 70160.

Notice is hereby given that Middle South Utilities, Inc. (MSU), a registered holding company, its public utility subsidiary companies, Arkansas Power & Light Co. (AP&L), Louisiana Power & Light Co. (LP&L), Mississippi Power & Light Co. (MP&L) and New Orleans Public Service, Inc. (NOPSI) (collectively referred to as "Operating Companies"), and System Fuels, Inc. (SFI), a joint nonutility subsidiary company of Operating Companies, 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) 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.

By order dated December 17, 1971 (Holding Company Act Release No. 17400), the Commission authorized Operating Companies to organize a new jointly owned subsidiary company, SFI, to plan and implement programs for the procurement of fuel supplies for the generating units of Operating Companies.

SFI estimates that to assure the availability to Operating Companies of an adequate supply of fuel oil, it will be necessary for SFI to maintain an inventory of fuel oil varying between 1 million barrels and 3 million barrels, depending upon the requirements of Operating Companies as estimated from time to time. The maximum cost of the inventory fuel oil to be held in storage by SFI is estimated at approximately $12 million.

To finance the maintenance of the requisite inventory of fuel oil through December 31, 1974, SFI proposes to issue and sell its unsecured promissory notes (Notes), in an aggregate amount not exceeding $12 million outstanding at any one time, to The Hibernia National Bank in New Orleans (Hibernia) from time to time for a period of 2 years from the date of an agreement (Loan Agreement) among Hibernia, SFI, Operating Companies, and MSU.

A group of nine banks (Participating Banks) will participate to the extent of 80 percent of borrowings made under the Loan Agreement. The participation of each Participating Bank in the maximum borrowings under the Loan Agreement will be as follows:

Participating bank	Participation in total $12,000,000 borrowing	
	Percent	Amount
Whitney National Bank of New Orleans, La.	20	$2,400,000
First National Bank of Commerce of New Orleans, La.	15	1,800,000
National American Bank of New Orleans, La.	10	1,200,000
Deposit Guaranty National Bank, Jackson, Miss.	10	1,200,000
First National Bank of Jackson, Miss.	10	1,200,000
First National Bank in Little Rock, Ark.	6	720,000
Commercial National Bank, Little Rock, Ark.	4	480,000
Simmons First National Bank of Pine Bluff, Ark.	3	360,000
Mississippi Bank & Trust Co., Jackson, Miss.	2	240,000
Total	80	9,600,000

Hibernia's participation in the total borrowings will be the balance of 20 percent, or $2,400,000.

The Notes will be dated as of the date of borrowing, and will mature 2 years from the date of the Loan Agreement with acceleration upon the happening of certain specified acts of default. Each note will bear interest, payable quarterly, at a rate per annum of three-quarters of 1 percent plus the average rate in effect at the three commercial banks having the largest participations in the borrowings for prime commercial loans of 90-day maturities. Adjustments are to be made from time to time, to reflect any change in such average prime commercial loan rates, any such adjustment to become effective on the first day of the month following the month in which any such change in the average occurs. The Notes will be prepayable at any time without premium or penalty, and are to be guaranteed by MSU as to principal and interest. Operating Companies will covenant and agree that, unless otherwise consented to by Hibernia, any existing or future indebtedness of SFI to any or all of them will be made subordinate as to interest and principal with respect to any promissory notes issued by SFI under the Loan Agreement: *Provided, however,* That so long as SFI is not in default of any of its obligations under the Loan Agreement, it may duly pay interest on such subordinated indebtedness and repay principal of any such indebtedness incurred for purchase of capital assets, so long as no proceeds from the Notes are used for such repayments.

It is stated that on or before September 30, 1974, a program for the financing of the fuel oil inventory after expiration of the Loan Agreement will be formulated by SFI and, to the extent necessary, will be the subject of future filings with the Commission.

Pursuant to the aforementioned Commission order of December 17, 1971, SFI may borrow from Operating Companies, from time to time through 1973, an aggregate amount not to exceed $30 million outstanding at any one time, for terms of not more than 10 years. SFI has represented it will at all times, unless the Commission shall otherwise expressly authorize, maintain the aggregate of its capital stock, surplus, and principal amount of its indebtedness to Operating Companies, at an amount equal to at least 35 percent of SFI's total capitalization.

Fees and expenses to be paid in connection with the proposed transactions are estimated at $8,500, including counsel fees of $6,000 and $500 for administrative services, at cost, performed by the system service company, Middle South Services, Inc. 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 December 5, 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 declarants at the above-stated addresses, 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 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.72-19735 Filed 11-15-72;8:51 am]

[811-1374]

SECOND FEDERAL STREET FUND, INC.

Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 10, 1972.

Notice is hereby given that the Second Federal Street Fund, Inc. (Second Federal), 225 Franklin Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as a diversified, open-end management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Second Federal has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Second Federal asserts, among other things, that on September 13, 1972, it was merged with and into Federal Street Fund, Inc. (Federal), a Massachusetts corporation also registered under the Act as a diversified, open-end management investment company; that said merger was accomplished in accordance with Massachusetts law; that Federal remains as the surviving corporation; that Second Federal has not engaged in any business and has no securities outstanding; and that it has ceased to have a corporate existence through its merger with and into Federal.

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 effectiveness 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 December 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally

or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–19736 Filed 11–15–72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 954]

ARIZONA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1972, because of the effects of excessive rainfall and flooding, damage resulted to property located in the State of Arizona;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to Graham and Greenlee Counties, Ariz., suffered damage or destruction resulting from excessive rainfall and flooding from October 18 through 22, 1972.

OFFICE

Small Business Administration District Office, 112 North Central Avenue, Phoenix, AZ 85004.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1973.

Dated: October 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–19682 Filed 11–15–72;8:47 am]

[License No. 09/09–0162]

BRENTWOOD ASSOCIATES, INC.

Notice of Application for a Licensee as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1972)) under the name of Brentwood Associates, Inc., 11661 San Vicente Boulevard, Los Angeles, CA 90049, for a license to operate in the State of California as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

Frederick J. Warren, 12319 19th Helena Drive, Los Angeles, CA 90063, Chairman of the Board of Directors.

Berge K. Hagopian, 11048 Cashmere Street, Los Angeles, CA 90049, Vice President and Director.

Timothy M. Pennington III, 1101 North Bundy Drive, Los Angeles, CA 90049, President, Treasurer, and Director.

Susan S. Kaplan, 6402 Graves Avenue, Van Nuys, CA 91406, Secretary.

Brentwood Associates, 11661 San Vicente Boulevard, Los Angeles, CA 90049, 100 percent.

Brentwood Associates (the applicant's parent), is a California limited partnership engaged in the business of venture capital investment. The voting securities of Brentwood Associates are held by its two general partners who will be two of the three directors of the applicant and two of its three officers. An employee of Brentwood Associates will be the applicant's third director and president.

In addition to the two general partners noted above, Brentwood Associates has 12 limited partners none of whom takes or is permitted to take any part in the management or control of the affairs or business of Brentwood Associates.

The company will begin operations with an initial capitalization of $510,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

Dated: November 8, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72–19684 Filed 11–15–72;8:47 am]

[Declaration of Disaster Loan Area 953]

COLORADO

Declaration of Disaster Loan Area

Whereas it has been reported that during the month of October 1972, because of heavy rainfall and flash flooding, damage resulted to property located in the State of Colorado;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in La Plata County, Colo., with Durango the principal town affected, suffered damage or destruction resulting from heavy rains and flash flooding on October 20 and 21, 1972.

OFFICES

Small Business Administration Regional Office, 721 19th Street, Room 426A, Denver, CO 80202.

Chamber of Commerce, 2301 Main Avenue, Post Office Box 1311, Durango, CO 81301.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1973.

Dated: October 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–19683 Filed 11–15–72;8:47 am]

[License No. 02/02–0131]

INVESTOR ENTERPRISES, INC.

Surrender of License

Notice is hereby given that Investor Enterprises, Inc., 295 Madison Avenue,

New York, NY 10017, incorporated under the laws of the State of New Jersey on May 18, 1961, has surrendered its License No. 02/02-0131, issued by the Small Business Administration (SBA) on December 29, 1961.

Investor Enterprises, Inc., has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Investor Enterprises, Inc., is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: November 8, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-19686 Filed 11-15-72;8:47 am]

KARR INVESTMENT CORP.

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR 107.701 (1972)) for transfer of control of Karr Investment Corp. (Karr), 1134 Corrugated Way, Columbus, OH 43201, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 05/06-0007.

Karr was licensed May 24, 1960, and its private capital is $151,800. The proposed transfer of control is subject to and contingent upon the approval of SBA.

Mr. William Karr, the sole stockholder, proposes to sell all of the issued and outstanding capital stock of Karr to Equity Resources Corp. (Equity), a bank holding company, 88 East Broad Street, Columbus, OH 43215. Simultaneously, Equity will resell 51 percent of the stock to Messrs. Simon Sokol and Richard H. Stowell in equal amounts.

At closing, Karr will have unencumbered cash in an amount equal to the debt which is outstanding to SBA. All other assets shall be retained by and all other liabilities shall be paid by Mr. William Karr as of the closing date at which time Equity, and Messrs. Sokol and Stowell will contribute $150,000 in the ratio of their equity interests.

The proposed officers and directors of Karr will be:

Richard H. Stowell, 314 South Drexel Avenue, Columbus, OH 43209, President and Director.

Simon Sokol, 2346 Fishinger Road, Columbus, OH 43221, Vice President, Secretary, Treasurer, and Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and management, and the probability of successful operations of the company under such management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to the Acting Associate Administration for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: November 8, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-19685 Filed 11-15-72;8:47 am]

[License No. 01/02-0295]

NORTHERN BUSINESS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application for transfer of control of Northern Business Capital Corp., 7-9 Isaac Street, South Norwalk, CT 06856, a Federal licensee under the Small Business Investment Act of 1958, as amended, has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations Governing Small Business Investment Companies (13 CFR 107.701 (1972)).

Northern Business Capital Corp. was licensed by SBA on August 14, 1963, and has 1,716 shares of capital stock issued and outstanding as follows:

	Shares	Percent
Mr. Joseph Kavanewsky	572	33⅓
Joseph Kavanewsky, Inc. (wholly owned by Joseph Kavanewsky)	572	33⅓
Kavanewsky & Kavanewsky, Inc. (wholly owned by Joseph Kavanewsky)	572	33⅓
Totals	1,716	100

Mr. Kavanewsky proposes to dissolve Joseph Kavanewsky, Inc. (a wholly owned corporate entity), in November 1972, and convey the stock of the licensee to himself.

There are no other changes involving SBA's consideration of the application for change of control.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 10 days after the date of publication of this notice.

A similar notice shall be published in a newspaper of general circulation in South Norwalk, Conn.

Dated: November 8, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-19687 Filed 11-15-72;8:47 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEE

Notice of Meetings and Agenda

The regular fall meetings of committees of the Labor Research Advisory Council will be held on November 28 and 29 in Room 4454, General Accounting Office Building, 441 G Street NW, Washington, DC.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, NOVEMBER 28

9:30 a.m. Committee on Prices and Living Conditions:

1. Progress report on Consumer Price Index Revision—concepts, surveys, and operations.
2. Export and import price indexes.
3. Discussion of quality change.

1:30 p.m. Committee on Wages and Industrial Relations:

1. General review of on-going projects.
2. Report of Subcommittee on the General Wage Index.
3. Proposed work for Employment Standards Administration.
4. Wages and industrial relations studies in the public sector.
5. Publication and uses of new union-nonunion information.

WEDNESDAY, NOVEMBER 29

9:30 a.m. Committee on Productivity and Technology:

1. Manpower impact of government expenditures and policies.
2. BLS role in the project of measuring productivity in the Federal Government.
3. Work on output per man-hour indexes adjusted for effects of shifts in industrial composition.
4. Construction labor requirement studies.
5. Measures of international comparisons of output per man-hour and unit labor cost.

1:30 p.m. Committee on Manpower and Employment:

1. Transfer of Manpower Administration Programs to BLS.
2. Budget.
3. Establishment statistics program.
4. State manpower projections.
5. Labor force topics.

It is suggested that persons planning to attend these meetings as observers

contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (area code 202) 961-2247.

Signed at Washington, D.C., this 8th day of November 1972.

GEOFFREY H. MOORE,
Commissioner of Labor Statistics.

[FR Doc.72-19664 Filed 11-15-72;8:46 am]

Occupational Safety and Health Administration

DECISION OF THE REGIONAL ADMINISTRATOR, REGION II

Decision Concerning Inspection; Mobil Oil Refinery, Paulsboro, N.J.

Pursuant to section 8(f)(2) of the Occupational Safety and Health Act of 1970 (84 Stat. 1600; 29 U.S.C. 651 et seq.) and the regulations promulgated thereunder, 29 CFR § 1903.12(a) and 14(d), an informal conference was held at the Office of the Regional Administrator, OSHA, U.S. Department of Labor, 1515 Broadway, New York, NY, on April 17, 1972, to afford the Oil, Chemical, and Atomic Workers International Union, AFL-CIO, an opportunity to discuss its contention that the OSHA inspection of the Mobil Oil Refinery, Paulsboro, N.J., was deficient in that it failed to uncover and cite a number of alleged violations.

The inspection, which was the subject of the informal conference, occurred during October, November, and December 1971, and took 25 working days to complete. As a result three serious and 90 nonserious citations were issued against Mobil Oil Corp. There were 354 violations of 93 standards. Penalties totaling $7,350 were assessed against and paid by Mobil.

The inspection was well conducted. However, after a review of the testimony adduced at the informal hearing, it is my opinion that further investigation in the following areas is warranted, so as to insure that all violations were cited.

1. *Filter plant.* The original complaint mentioned reports of employee dizziness in the filter plant. Testing indicated no recordable gases or fumes. The obvious condition in this plant was the dust concentration. Air sample results indicated dust concentrations were within acceptable limits, that is, they did not exceed the standard. Although it was mutually agreed by employer and employee representatives that conditions were representative of normal operations in the plant during the test period, it is my opinion that retesting would be advisable so as to assure that no airborne contaminants exceed applicable standards.

2. *TCC No. 1.* Employee representatives have asserted that yellow fumes emanated from this unit. There is apparent agreement that these fumes occur only during the "turnaround" of this unit which occurs every several months. Inspection and testing of the fumes during this "turnaround" would be appropriate.

3. *Ammonia building.* Employee representatives have asserted that leakages of high concentrations of ammonia were creating a hazardous condition. Investigation indicated that there were high concentrations of ammonia present at the refinery, but only under emergency conditions, and that equipment was provided and satisfactorily used by employees when such emergency conditions existed. However, reinvestigation into excessive concentrations of ammonia is considered appropriate and the frequency of such emergencies and the adequacy of ventilation will be further considered.

4. *Maintenance asbestos operation.* Employee representatives have asserted that the conditions at the refinery at the time of inspection were not representative of normal operations. The asbestos cutting operation was evaluated and employee exposure to asbestos was well within acceptable limits; no retesting of this operation is appropriate. Intermittent operations in the plant where asbestos is applied to equipment will be evaluated.

5. *Conveyor system.* Employee representatives have asserted that not all buttons of the electrical system or the stoppage of the conveyor were tested. Although several buttons were tested and found satisfactory, additional tests will be performed on reinspection.

6. *Drum storage ramp area.* Employee representatives asserted that the ramp at the drum storage area was slippery and hazardous. Inspection had indicated that a nonslip aggregate material was applied to the ramp. However, so as to assure that in fact the condition of the ramp is not hazardous, reinspection of the maintenance of the ramp surface is considered appropriate.

The foregoing decision was issued at New York on the 27th day of July, 1972.

[Sec. 6(e), 84 Stat. 1597, 29 U.S.C. 655(e)]

ALFRED BARDEN,
Regional Administrator.

[FR Doc.72-19665 Filed 11-15-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 118]

ASSIGNMENT OF HEARINGS

NOVEMBER 13, 1972.

Cases assigned for hearinfl, 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-9269 Sub 15, Bestway Motorfreight, Inc., now assigned January 8, 1973, at Olympia, Wash., is postponed to February 26, 1973, at Olympia, Wash.

MC-F-11023, Dundee Truck Line, Inc.—Control—Modern Motor Express, Inc., MC 109914 Sub 27, Dundee Truck Line, Inc., and MC-F-11504, Indianhead Truck Line, Inc.—Control and Merger—Dundee Truck Line, Inc., et al, now being assigned hearing January 22, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 136611, Red & White Market & Transfer, Inc., now being assigned hearing February 1, 1973 (2 days), at Hastings, Nebr., in a hearing room to be later designated.

MC 124211 Sub 200, Hilt Truck Line, Inc., now being assigned hearing February 5, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 218, Hilt Truck Line, Inc., MC 135874 Sub 1, LTL Perishables, Inc., now being assigned hearing February 7, 1973 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-60430 Sub 20, Friedman's Express, Inc., now being assigned hearing February 5, 1973 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 114019 Sub 236, Midwest Emery Freight System, Inc., now being assigned hearing December 11, 1972 (2 days), at Chicago, Ill., in Room 865, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-11601, Motor Dispatch, Inc.—Control—Contract Carriers, Inc., now being assigned hearing December 13, 1972 (3 days), at Chicago, Ill., in Room 865, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-11599, Helms Motor Express, Inc.—Purchase—Fox Transfer Co., now assigned December 6, 1972, at Washington, D.C., is postponed indefinitely.

AB-5 Sub 19, Philadelphia, Baltimore, and Washington Railroad Co., and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Writz, trustees of the property of Penn Central Transportation Co., Debtor, abandonment between Wawa, Pa., Colora, Md., is continued to December 5, 1972 (4 days), at the New Garden Township Municipal Building, New Garden Township, Chester County, Pennsylvania Highway 41 South Avondale, Pa.

MC 127957 Sub 2, Dominick Spinelli, doing business as Direct Way Auto Shippers, now being assigned hearing January 15, 1973 (2 days), at Miami, Fla., in a hearing room to be later designated.

MC 125659 Sub 3, Ace Driveaway System, Inc., now being assigned hearing January 17, 1973 (3 days), at Miami, Fla., in a hearing room to be later designated.

MC 107107 Sub 414, Alterman Transport Lines, Inc., Extension—New Orleans, La., now being assigned hearing January 22, 1973 (1 day), at Miami, Fla., in a hearing room to be later designated.

MC 83539 Sub 327, C & H Transportation Co., Inc., now being assigned hearing January 23, 1973 (1 day), at Miami, Fla., in a hearing room to be later designated.

MC 117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now being assigned continued hearing January 24, 1973 (3 days), at Miami, Fla., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-19749 Filed 11-15-72;8:52 am]

[Notice 161]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceeding 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-7379. By order of November 6, 1972, the Motor Carrier Board approved the transfer to Stone Transfer & Storage Co., a corporation, Oklahoma City, Okla., of certificates Nos. MC-74077 and MC-74077(Sub-No. 3), issued to George L. Stone, doing business as Stone Transfer & Storage Co., Oklahoma City, Okla., authorizing the transportation of: Household goods and uncrated new household furniture, between Oklahoma City, Okla., and points within 150 miles, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Nebraska, New Mexico, and Texas. Ted Holshouser, attorney, 817 Barbour, Norman, OK 73069.

No. MC-FC-74014. By order entered November 1, 1972, the Motor Carrier Board approved the transfer to Phillip D. Bloch, doing business as Phill's Truck Service, Missoula, Mont., of the operating rights set forth in certificates Nos. MC-84759 and MC-84759 (Sub-No. 6), issued June 24, 1971 and December 13, 1971, respectively, to Wilbur E. Ast, Gene Ast, Donald R. Ast, and Gerald Halman, doing business as Miller Brothers Truck Line, Salmon, Idaho, authorizing the transportation of general commodities, with the usual exceptions, between specified points in Idaho and Montana. Larry D. Ripley, Post Office Box 1559, Boise, ID 83701, attorney for applicants.

No. MC-FC-74022. By order of November 8, 1972, the Motor Carrier Board approved the transfer to Southwest Equipment Rental, Inc., doing business as Southwest Motor Freight, Pico Rivera, Calif., of the operating rights in certificates No. MC-40915 (Sub-No. 19), MC-40915 (Sub-No. 21), MC-40915 (Sub-No. 23), MC-40915 (Sub-No. 28), MC-40915 (Sub-No. 31), MC-40915 (Sub-No. 32), MC-40915 (Sub-No. 33), and MC-40915 (Sub-No. 42) issued April 27, 1971, May 11, 1971, June 16, 1971, January 10, 1972, August 24, 1971, June 2, 1971, May 11, 1971, and January 14, 1972 respectively to Boat Transit, Inc., Newport Beach, Calif., authorizing the transportation of various commodities from and to specified points and areas in the United States, except Hawaii and Alaska. Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-19748 Filed 11-15-72;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 13, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42569—*Joint water-rail container rates—Showa Shipping Co., Ltd.* Filed by Showa Shipping Co., Ltd. (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

FSA No. 42570—*Phosphatic feed supplements to Houston, Tex.* Filed by M. B. Hart, Jr., agent (No. A6327), for interested rail carriers. Rates on phosphatic feed supplements in carloads, as described in the application, from Bonnie, Coronet, and Occidental, Fla., to Houston, Tex.

Grounds for relief—Rail-barge and market competition.

Tariff—Supplement 99 to Southern Freight Association, agent, tariff ICC S-784. Rates are published to become effective on December 14, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-19744 Filed 11-15-72;8:51 am]

[Exception No. 3; Service Order No. 1112]

DENVER AND RIO GRANDE WESTERN RAILROAD CO. AND SOUTHERN PACIFIC TRANSPORTATION CO.

Exception of Service Order

It appearing, that the Denver and Rio Grande Western Railroad Co., owns 100 freight cars numbered 40,000-40,099, inclusive, and having AAR mechanical designation XM; that the Denver and Rio Grande Western Railroad Co., has no present need for such cars; and that there is need for such cars by shippers served by the Southern Pacific Transportation Co.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Service Order No. 1112, section (a), paragraph (1), Part (xiv), the Southern Pacific Transportation Co., is hereby authorized to use cars of the Denver and Rio Grande Western Railroad Co., numbered 40,000-40,099, in common with cars owned by the Southern Pacific Transportation Co. Such Denver and Rio Grande Western Railroad Co. cars, while being used by the Southern Pacific Transportation Co., shall be subject to section (a) (1) (vii) Exception of Service Order No. 1112.

Effective Date: November 9, 1972.

Issued at Washington, D.C., November 9, 1972.

RAILROAD SERVICE BOARD,
[SEAL] ROBERT L. OSWALD,
Secretary.

Members,
Pfahler, Teeple, and Byrne.

[FR Doc.72-19747 Filed 11-15-72;8:52 am]

[ICC Order No. 74; Rev. Service Order 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, is unable to transport traffic to and from the following stations on its lines because of track damage caused by flooding:

Wilkes-Barre, Pa.
Lebanon, Pa.
Frederick, Md.

It is ordered, That:

(a) *Rerouting traffic.* The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, being unable to transport traffic to and from Wilkes-Barre, Pa., Lebanon, Pa., or Frederick, Md., because of track damage caused by flooding, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to

carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., November 15, 1972.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-19746 Filed 11-15-72;8:52 am]

WESTERN MARYLAND RAILWAY CO.

[ICC Order No. 75; Rev. Service Order 994]

Rerouting Traffic

TO ALL RAILROADS: In the opinion of Lewis R. Teeple, agent, the Western Maryland Railway Co. is unable to transport certain traffic over its line between Westminster, Md., and Cedarhurst, Md., because of track damage caused by flooding.

It is ordered, That:

(a) The Western Maryland Railway Co., being unable to transport certain traffic over its line between Westminster, Md., and Cedarhurst, Md., because of track damage caused by flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., November 15, 1972.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.72-19745 Filed 11-15-72;8:52 am]

[Notice No. 93]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 10, 1972.

Important notice. The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 808 (Sub-No. 46), filed August 29, 1972. Applicant: ANCHOR MOTOR

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and automobile chassis*, from the plantsite of General Motors Corp. at Pontiac, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, and West Virginia, under continuing contract or contracts with General Motors Corp. NOTE: Applicant states that no duplicating authority is being sought. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 1263 (Sub-No. 17), filed October 17, 1972. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 all points within 10 miles of St. Joseph, Mo., and 15 miles of Platte City, Mo., as off-route points in connection with McCarty's regular route operations between Kansas City and St. Joseph, Mo., for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 2202 (Sub-No. 420), filed October 10, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Connor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment (1) between Davenport, Iowa, and the junction of U.S. Highways 54 and 40, serving the junction of U.S. Highways 54 and 40 for purposes of joinder only, from Davenport over U.S. Highway 61 to the junction of U.S. Highways 61 and 54, thence over U.S. Highway 54 to the junction of U.S. Highways 54 and 40, and return over the same route and (2) between Rock Island, Ill., and St. Louis, Mo., serving St. Louis, Mo., for purposes of joinder only, from Rock Island over U.S. Highway 67 to the junction of U.S. Highway 67 and Illinois Highway 125, thence over Illinois Highway 125 to the junction of Illinois Highways 125 and 78, thence over Illinois Highway 78 to the junction of Illinois Highway 78 and U.S. Highway 67, thence over U.S. Highway 67 to St. Louis and return over the same route. Restriction: Restricted against the transportation of traffic originating at or destined to points in Missouri, and points in the St. Louis, Mo., commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 421), filed October 19, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Hoffman Taff, Inc., located at or near Verona, Mo., as an off-route point in connection with applicant's presently authorized regular-route authority to and from Springfield, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo., or Akron, Ohio.

No. MC 2202 (Sub.-No. 422), filed October 24, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Combustion Engineering, Inc., located in Forward Township, Allegheny County, Pa., in connection with applicant's presently authorized regular-route authority to and from Pittsburgh, Pa., serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 2202 (Sub-No. 423), filed October 24, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Northern Indiana Public Service Co. located at or near Wheatfield, Ind., as an off-route point in connection with applicant's presently authorized regular route authority, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 11207 (Sub-No. 319), filed October 13, 1972. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials gypsum and gypsum products, composition board, insulating materials, urethane and urethane products, and related materials, supplies and accessories, incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Wayne County, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 17051 (Sub-No. 9), filed October 19, 1972. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. 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: *Wearing apparel, equipment materials and supplies* used or useful in the manufacture and sale of wearing apparel for account of Excelled Sportswear, between Somerset, N.J., New York, N.Y., and Athens, 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 New York, N.Y., or Newark, N.J.

No. MC 22301 (Sub-No. 14), filed October 9, 1972. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben Street, Sioux City IA 51105. Applicant's representative: Paul Beck (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, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, and those requiring special equipment), serving the Western Electric Co., Material Management Center at or near Underwood, Iowa, as an off-route point in connection with carrier's otherwise authorized regular route operation to and from Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30237 (Sub-No. 24), filed October 14, 1972. Applicant: YEATTS

TRANSFER CO., a corporation, Box 666, Altavista, VA 24517. Applicant's representative: W. Barney Arthur, Box 551, Altavista, VA 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from points in Monroe County, Mich.; Harrison County, Ind.; and Mercer County, Ohio, to points in Virginia and West Virginia. NOTE: Applicant states that the requested authority can be tacked at Altavista, Va., with service to all points serviced by present authority. 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 Cincinnati, Ohio, or Washington, D.C.

No. MC 30605 (Sub-No. 151), filed October 10, 1972. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, KS 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles), serving the warehouse site of Western Electric Co., Inc., located at or near Underwood, Iowa, as an off-route point in connection with applicant's regular route operations to and from Omaha, Nebr. From Council Bluffs over Iowa Highway 191 approximately 12 miles northeast of Council Bluffs, Iowa, to the warehouse site of Western Electric Co., Inc., and return over the same route, serving no intermediate points and for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Council Bluffs, Iowa.

No. MC 30887 (Sub-No. 183), filed October 13, 1972. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, MD 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Fulton, Ky. 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 33426 (Sub-No. 2), filed October 11, 1972. Applicant: FULLER TRANSPORTATION, INC., Post Office Box 198, West Columbia, SC 29169. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from points in Charleston County, S.C., to points in Chatham County, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charleston, S.C., or Charlotte, N.C.

No. MC 42487 (Sub-No. 796), filed October 10, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, commodities of unusual value, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration), between Flagstaff, Ariz., and Liberal, Kans., from Flagstaff over Interstate Highway 40 to Albuquerque, N. Mex., thence over Interstate Highway 25 to Raton, N. Mex., thence over U.S. Highway 64 to Hooker, Okla., thence over U.S. Highway 54 to Liberal, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route authority, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 42487 (Sub-No. 797), filed October 11, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kingsport, and Bristol, Tenn.-Va., over U.S. Highway 11-W, restricted to the transportation of traffic received from or delivered to connecting carrier terminals at Bristol, Tenn.-Va., or terminals of connecting carriers located on the above route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 52110 (Sub-No. 129), filed October 10, 1972. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete construction forms, molds, tools, and accessories* necessary for their installation, between Des Moines, Iowa, Fort Wayne, Ind., Metuchen, N.J., Buffalo, N.Y., and Detroit, Mich., on the one hand, and, on the other, points in Delaware, Illinois, Iowa, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority duplicates that authority it presently holds in certificate No. MC 52110 and subs thereunder, authorizing the transportation of general commodities, over regular routes, between the places named above on the one hand, and, on the other, points throughout a 23-State area generally encompassing the northeast quarter of the United States. Applicant further 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 Des Moines, Iowa, or Washington, D.C.

No. MC 52465 (Sub-No. 44), filed October 10, 1972. Applicant: RICE TRUCK LINES, 1627 Third Street NW., Great Falls, MT 59404. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillers' dried grain*, with, or without solubles, from the United States-Canada international boundary line located at or near Oroville, Wash., to points in Washington, Idaho, Montana, Oregon, Utah, and California, restricted to traffic having a prior movement in foreign commerce. 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 in any city in the States of Montana or Washington.

No. MC 55896 (Sub-No. 37), filed October 6, 1972. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum tanks, knocked down, and aluminum plates*, from the plantsite of Chicago Bridge and Iron Co., at or near Indian Oaks, Ill., to points in Indiana, Michigan, Ohio, and St. Louis, Mo. 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 Chicago, Ill.

No. MC 59150 (Sub-No. 72), filed October 16, 1972. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in vehicles equipped with mechanical refrigeration, household goods, furniture, alcoholic beverages, explosives and dangerous articles, and commodities of unusual value), in cargo vans and/or cargo containers, and empty cargo vans and cargo containers, between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. 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 Jacksonville, Fla.

No. MC 59640 (Sub-No. 31), filed October 16, 1972. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. 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 and food business houses, and in connection therewith, *equipment, materials and supplies* used in connection of such business (except commodities in bulk), between the warehouse facilities of Supermarkets General Corp. at Mahwah, N.J., on the one hand, and, on the other, points in Hudson, Middlesex, Union, and Essex Counties, N.J., restricted to traffic which has a prior or subsequent movement by water or rail; New York, N.Y., and points in Nassau, Westchester, Rockland, and Suffolk Counties, N.Y.; Parkesburg and Philadelphia, Pa., and points in Bucks, Delaware, Berks, Dauphin, Montgomery, Cumberland, York, Lehigh, and Northampton Counties, Pa.; New Milford, Conn., and points in Fairfield, New Haven, Hartford, and Middlesex Counties, Conn.; points in New Castle, Kent, and Sussex Counties, Del.; points in Wicomico County, Md., and the facilities of Supermarkets General Corp. at Baltimore, Md., and points in Hampden County, Mass., under a continuing contract or contracts with Supermarkets General Corp. NOTE: Applicant states that the authority sought herein is only to permit applicant to serve the new warehouse facilities of Supermarkets General Corp. at Mahwah, N.J., in the area it is now authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 65916 (Sub-No. 16), filed September 11, 1972. Applicant: WARD TRUCKING CORP., Second Avenue and Seventh Street, Greenwood, Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products*, from the facilities of PPG Industries, Inc., at or near Cumberland, Md., to points in that part of Pennsylvania on and north of U.S. Highway 22, and on and east of U.S. Highway 15. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 69116 (Sub-No. 147), filed October 20, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Allan C. Zuckerman, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels, moldings and accessories* used in the installation thereof, from Memphis, Tenn., to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and warehouse facilities of Evans Products Co., at Memphis, 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 Chicago, Ill.

No. MC 76032 (Sub-No. 296), filed October 16, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Kenneth A. Willhite (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 warehouse site of Western Electric located at or near Underwood, Iowa, as an off-route point in connection with applicant's presently held regular-route 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 79142 (Sub-No. 2), filed October 13, 1972. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, NY 11378. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Essential oils, aroma chemicals, and flavors* (except in bulk), between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Avenel, Belleville, Clifton, East Hanover, East Rutherford, Elizabeth, Maywood, Newark, Piscataway, and Totowa, N.J. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 80430 (Sub-No. 144), filed September 28, 1972. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings, including wrought iron and/or steel pipe; steel conduit, tubing and fittings*, from Sharon and Wheatland, Pa., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its regular route authority between Sharon and Wheatland, Pa., on the one hand, and, on the other, various points in Iowa, Minnesota, and Wisconsin which exist in Docket MC 80430 as can be seen are tacked over Chicago. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 85465 (Sub-No. 49), filed October 5, 1972. Applicant: WEST NEBRASKA EXPRESS, INC., Box 952, Scottsbluff, NE 69361. Applicants' representative: Stockton and Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to report in *Descriptions in Motor Carrier Certificates*, 66 M.C.C. 273, from O'Neil, Nebr., to points in Pennsylvania, Illinois, Indiana, Ohio, Michigan, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 862), filed October 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods*, in vehicles requiring mechanical refrigeration, from LaFargeville, Arkport, and Binghamton, N.Y. to points in North Carolina, South Carolina, Georgia, and Florida. 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 New York, N.Y.

No. MC 106603 (Sub-No. 125), filed October 2, 1972. Applicant: DIRECT

TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood particle or composition boards*, from Oxford, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Missouri, Tennessee, and Wisconsin. NOTE: Applicant also holds contract carrier authority under MC 426240 and Subs, therefore dual operations and common control may be involved. Applicant further states that the requested authority can be tacked with its existing authority, but due to the circuitry which would be involved, does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110192 (Sub-No. 2) (Correction), filed September 11, 1972, published in the FEDERAL REGISTER issue of October 19, 1972, and republished as corrected this issue. Applicant: HIRAM LEIGH, doing business as SANDERS & LEIGH, Liberty, KY 42539. Applicant's representative: Fred F. Bradley, Post Office Box 773, Courthouse, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Casey County, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Casey County. The purpose of this republication is to correct the tacking information. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Louisville, or Lexington, Ky.

No. MC 112063 (Sub-No. 16), filed October 10, 1972. Applicant: P. I. & I. MOTOR EXPRESS, INC., 2727 Freeland Road, Post Office Box 685, Sharon, PA 16146. Applicant's representative: Milan Tatalovich, 123 West Liberty Street, Post Office Box 166, Girard, OH 44420. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, tubing, conduit and fittings, and accessories therefor*, which are unloaded by carrier's trailer mounted mechanical unloading devices, from the plantsite of Wheatland Tube Co., located at Chicago, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan; points in New York on or west of U.S. Highway 15, including the commercial zone of Rochester, N.Y.; and points in Pennsylvania on or west of U.S. Highway 219 beginning at its junction with New York border above Bradford, Pa., and continuing southward to its junction with the West Virginia border. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 113106 (Sub-No. 37), filed October 13, 1972. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials;* and (2) *agricultural related chemicals and seed*, in containers, from points in East Hempfield Township, Lancaster County, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 248), filed October 16, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* and *plastic tubing*, with or without plastic fittings, from the plantsite of Tex-Tube Division, Detroit Steel Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113362 (Sub-No. 249), filed October 10, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by the R. T. French Co., from Springfield, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, 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 Springfield or Kansas City, Mo.

No. MC 113855 (Sub-No. 260), filed October 16, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road Southeast, Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary line between the United States and Canada located in North Dakota and Montana, to points in New Hampshire, New Jersey, New York, Vermont, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Indiana, Iowa, Illinois, Ohio, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Nevada, Washington, Oregon, and California. NOTE: Applicant states that tacking is possible but not intended. 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.

No. MC 113865 (Sub-No. 17), filed September 7, 1972. Applicant: STAUFFER TRUCK SERVICE, INC., Rural Route No. 1, Taylor, MO 63471. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, dry animal and poultry mineral mixtures, and animal and poultry tonics, insecticides* (except agricultural), *livestock and poultry feeders and equipment, premiums and advertising matter relating to such products*, from Quincy, Ill., to points in Alabama, under a continuing contract or contracts with Moorman Mfg. Co. of Quincy, Ill. NOTE: Applicant presently holds common carrier authority in certificate No. MC 123245 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago or Springfield, Ill.

No. MC 114211 (Sub-No. 178), filed October 13, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and prefinished paneling*, from the plantsite of Plywood Panels, Inc., and the port of entry located at or near New Orleans, La., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 114211 (Sub-No. 179), filed October 24, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Kenneth R. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts* and *attachments thereof*, from the plant and warehouse site of Ford Motor Co. at Romeo, Mich., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa,

Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, the Upper Peninsula of Michigan, ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, Mich., Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 114211 (Sub-No. 180), filed October 25, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulkheads and bulkhead accessories* from points in Douglas County, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114533 (Sub-No. 264), filed August 22, 1972. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories and supplies*, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois lying in those counties on and south of the northern boundaries of Adams, Brown, Cass, Menard, Logan, De Witt, Piatt, Champaign, and Vermilion and points in Indiana lying in those counties on and west of the eastern boundaries of the counties of Parke, Clay, Green, Martin, Dubois, and Perry restricted to shipments weighing not more than 100 pounds. 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 Chicago, Ill.

No. MC 115331 (Sub-No. 334), filed September 29, 1972. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grass seed*, in containers; *fertilizer and seed distributors; grass catchers; chemicals*, in containers; *mowers and mower parts; agricultural implements* weighing less than 50 pounds, *turf aerators; rubber or plastic products; lawn sprinklers; electric metal signs*, and *advertising displays and matters;* and (2) *commodities*, the transportation of which falls within the partial exemption of section 203 (b) (6) of the Interstate Commerce Act, when moving in mixed loads with commodities specified in (1) above, from Marysville, Ohio, to points in Arkansas, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Florida, Minnesota, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, and Wisconsin. 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 St. Louis, Mo., or Washington, D.C.

No. MC 115496 (Sub-No. 16), filed August 14, 1972. Applicant: LUMBER TRANSPORT, INC., Cochran, Ga. 31014. Applicant's representative: James L. Flemister, 1220 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsites of Edmundson Griffin Lumber Co., located at Bleckley County, Ga., to points in North and South Carolina and Alabama. 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 115840 (Sub-No. 80), filed October 10, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Pipe, and iron and steel articles*, from Anniston, Ala., to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and those in Louisiana east of the Mississippi River; (b) *materials, and supplies* (except in bulk) used in the operations or production, processing, and transportation of pipe and iron and steel articles or foundries, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and those points in Louisiana on and east of the Mississippi River, to Anniston, Birmingham, and Bessemer, Ala.; and (2) *insulating materials and supplies* (except in bulk), and *mineral wool*, loose or in packages, from Birmingham, Ala., to points in Arkansas, Florida, Tennessee, those in Louisiana north and west of a line beginning at the Texas-Louisiana State line at or near Merryville, La., and extending along the U.S. Highway 190 to the Mississippi River, and thence northerly along the Mississippi River to the Louisiana-Mississippi State line at or near Angola, La., and those points in Mississippi north of U.S. Highway 80. NOTE: Common control may be involved. Applicant states it intends to tack the requested authority with its lead certificate and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115840 (Sub-No. 81), filed October 19, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, pipe and tubing*, from New Orleans, La., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Ohio, Oklahoma, and Texas. 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 New Orleans, La.; Gulfport or Jackson, Miss.

No. MC 117119 (Sub-No. 467), filed October 16, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, frozen vegetables and dehydrated potatoes* (except in bulk(, from Hart, Holland, and Lake Odessa, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that it holds authority which possibly could be tacked or joined, however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Washington, D.C.

No. MC 117883 (Sub-No. 174), filed October 16, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, frozen vegetables, and dehydrated potatoes*, from Hart, Holland, and Lake Odessa, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine,

Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Ore-Ida Foods, Inc., at Hart, Holland, and Lake Odessa, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at the same time and place as other carriers filing similar applications.

No. MC 119435 (Sub-No. 3), filed October 13, 1972. Applicant: WADDELL TRANSFER, INC., Post Office Box 61, Hockett Street, Marion, VA 24354. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder block, concrete block, clay and clay products, shale and shale products, concrete and concrete products, mortar mixes and brick, block and tile raw materials*, (1) between Glasgow, Richland, and Richmond, Va., on the one hand, and on the other, points in Kentucky, Maryland, North Carolina, Tennessee, and West Virginia and (2) between Elizabethton, Johnson City, Kingsport and Knoxville, Tenn., on the one hand, and, on the other points in Kentucky, North Carolina, Virginia, and West Virginia, under contract with General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 119493 (Sub-No. 94), filed October 10, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material* used in the sale and distribution of malt beverages, from the plant and warehouse facilities of Lone Star Brewing Co. at San Antonio, Tex., to points in Arkansas and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 119522 (Sub-No. 18), filed October 6, 1972. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, IN 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, rough stampings, and packing devices*, between Portland, Ind. and Detroit, Mich. NOTE: Applicant presently holds contract carrier authority in permit No. MC 34865 and Subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119656 (Sub-No. 8), filed October 13, 1972. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dismantled railroad cars and equipment*, between Logansport, Ind., and Chicago, Ill., and from Logansport, Ind., to Joliet, Ill., and Youngstown, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119702 (Sub-No. 38), filed September 11, 1972. Applicant: STAHLY CARTAGE CO., a corporation, 130 A Hillsboro Avenue, Post Office Box 486, Edwardsville, IL 62025. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and liquid fertilizer*, in bulk, from Walcott, Iowa to points in Illinois and Wisconsin; (2) *Bagged fertilizer, dry fertilizer and liquid fertilizer*, in bulk, between Erie, Ill. on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin; (3) *Anhydrous ammonia*, from Bellevue, Iowa, to points in Illinois and Wisconsin; and (4) *Dry fertilizer and liquid fertilizer*, in bulk, from the plantsite of Hawkeye Chemical Co., near Clinton, Iowa, to points in Illinois 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 St. Louis, Mo., or Chicago, Ill.

No. MC 119767 (Sub-No. 297), filed September 18, 1972. Applicant: BEAVER TRANSPORT, CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from St. Louis, Mo., to points in Michigan; and (2) *Dairy products and byproducts*, from St. Louis, Mo., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121082 (Sub-No. 5), filed October 10, 1972. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell Avenue, Detroit, MI 48238. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Patterns*, from the plantsite of Simplicity Pattern Co., Inc., at Niles, Mich., to points in Ohio on and west of Ohio Highway 4 from Sandusky to Springfield, and on and north of U.S. Highway 40 from Springfield to the Indiana boundary; points in Indiana on and north of U.S. Highway 50; points in Illinois on and north and east of Interstate 74; points in Wisconsin on and south of U.S. Highway 18. NOTE: Applicant states that tacking is possible, but applicant has no present intention of tacking. Common control may be involved. The sole purpose of the instant application is to convert the Certificates of Registration in MC 121082 Sub-Nos. 1 and 2 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 123383 (Sub-No. 62), filed October 16, 1972. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies and accessories incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp., located at points in Wayne County, N.C., to points in Virginia, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 123695 (Sub-No. 5), filed July 5, 1972. Applicant: BRIGGS TRANS., INC., One Brownstone Avenue, Portland, OR 06480. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils, greases, waxes and antifreeze preparations*, in packages and containers and return of empty containers, having a prior movement by rail in a piggy-back service, between points in Massachusetts and

Connecticut, on the one hand, and, on the other, points in Connecticut, Massachusetts, and New York, under contract with Cities Service Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or New York, N.Y.

No. MC 124170 (Sub-No. 32), filed October 13, 1972. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, MI 48207. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and food products*, from points in Michigan on and south of U.S. Highway 10, and on and west of U.S. Highway 27 to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites or Ore-Ida Foods, Inc., and/or warehouse facilities used by Ore-Ida Foods, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it is authorized to serve supporting shipper's plantsites in Montcalm City, Mich., in its Sub 15, in transporting virtually the same commodities as here sought to the destination states that are here sought, so there is a partial duplication. Applicant offers to surrender Sub 15 for cancellation if this authority is granted in its entirety. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 124266 (Sub-No. 1), filed October 5, 1972. Applicant: NELSON GWILLIM, Route 2, Box 144, Carlinville, IL 62626. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and processed meat, dairy and ice cream products, poultry, and other food products*, between points in Missouri, Minnesota, Colorado, Wisconsin, Iowa, Oklahoma, Texas, Arkansas, Georgia, Tennessee, Kentucky, Indiana, Michigan, and Illinois, under contract with Prairie Farms Dairy, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 124511 (Sub-No. 9), filed October 10, 1972. Applicant: JOHN F. OLIVER, Post Office Box 223, Mexico, MO 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory and refractory products*, from points in Audrain, Callaway and Montgomery Counties, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 124579 (Sub-No. 8), filed October 13, 1972. Applicant: WIKEL BULK EXPRESS, INC., Route 1, Huron, OH 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, invert sugar* and *blends of liquid and invert sugar and corn syrups*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Indiana, Michigan, Pennsylvania, and New York; and (2) *contaminated, rejected, refused and returned shipments of commodities*, in bulk, in tank vehicles, named in (1) above, from destination points named in (1) above, to Toledo, Ohio, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 114377, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 125254 (Sub-No. 16), filed October 16, 1972. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., Post Office Box 714, 1201 East Fifth Street, Muscatine, IA 52761. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Muscatine, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127042 (Sub-No. 102), filed October 13, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shampoo, drugs, toilet preparations, cleaning compounds, and supplies and materials used by beauty supply businesses* (except commodities in bulk), from Brookfield, Mo., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Neveda, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 127042 (Sub-No. 103), filed October 16, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds* (except in bulk), from Chicago, Ill. to points in Washington, Oregon, California, Montana, Idaho, Utah, Colorado, North Dakota, South Dakota, Nebraska, Missouri, Kansas, Nevada, New Mexico, Wyoming, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 104), filed October 24, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scented oils, cleaning compounds, toilet preparations, and supplies* (except in bulk), from Madrid, Iowa, to points in California, Wyoming, Colorado, Missouri, Kansas, Nebraska, Arizona, New Mexico, Washington, Oregon, Utah, Texas, Nevada, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 127834 (Sub-No. 82), filed October 13, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, compositions boards, insulation materials, urethane and urethane products and related materials, supplies and accessories*, incidental thereto (except commodities in bulk), from Port Clinton, Ohio to points in Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128270 (Sub-No. 6), filed October 6, 1972. Applicant: REDEIHS INTERSTATE, INC., 7869 Melton Road, Gary, IN. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and*

contractor's equipment, materials, and supplies, between Indian Oaks, Ill., and points in Missouri, Iowa, Wisconsin, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 133), filed October 9, 1972. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: David C. Freeman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedsprings, bedstead rails, cots and cot frames, unupholstered day beds, bed frames, springs, and spring assemblies, metal sleeper fixtures and materials* used in the manufacture of the foregoing commodities, between Hominy, Okla., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Mississippi, Ohio, Kentucky, Tennessee, Alabama, Pennsylvania, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and Georgia 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 Kansas City, Mo.

No. MC 128404 (Sub-No. 6), filed October 10, 1972. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., Post Office Box 3037, Knoxville, TN 37917. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, between Knoxville, Tenn. and points in Tennessee, Kentucky, Virginia, and North Carolina; (2) *Plastic conduit and pipe and accessories therefor*, between Knoxville, Tenn. and points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; (3) *Plastic conduit and pipe and accessories therefor*, from Toledo, Ohio to those destination points named in (2) above; and (4) *Precast and prestressed concrete products, and plastic conduit and pipe, and accessories therefor*, from Johnson City and Bristol, Tenn. to those destination points named in (2) above. 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 Knoxville, Tenn.

No. MC 128527 (Sub-No. 31), filed September 29, 1972. Applicant: MAY TRUCKING CO., a Corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, plywood paneling, dimensional lumber cut to size, woodmill products prefinished molding, stiles, headers, jambs, laminated plastics and related articles*, packaged or bundled for the convenience of the shipper or consignee to be used in the manufacturing of mobile homes, motor homes, and recreational vehicles, from the site of Champion Home Builders distribution center, located at or near Weiser, Idaho, to the plantsites of Champion Home Builders located at points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129749 (Sub-No. 2), filed October 16, 1972. Applicant: FOUNDRY SERVICE CORP., 11 South Third Street, Post Office Box 499, Hammonton, NJ 08037. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Mauricetown and South Vineland, N.J., to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, Virginia, and the District of Columbia, under contract with Jesse S. Morie and Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133032 (Sub-No. 4), filed October 2, 1972. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt Road, Little Rock, AR 72202. Applicant's representative: Donald R. Partney, 35 Glenmore Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, from Nashville, Ark., to points in Denver, Boulder, Weld, Adams, Arapahoe, Larimer, Jefferson, Douglas, Gilpin, Clear Creek, Park, Costilla, Alamosa, and Conejos Counties, Colo.; points in Florida and points in Texas on and east of a line beginning at the Texas-Mexico border at Del Rio, Tex., and extending north along U.S. Highway 377 to junction with U.S. Highway 90, thence west along U.S. Highway 90 to junction with U.S. Highway 285, thence north along U.S. Highway 285 to the Texas-New Mexico State line, under contract with Little Rock Crate & Basket Co., Little Rock, Ark. NOTE: Applicant holds common carrier authority under MC 118016, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 134071 (Sub-No. 4), filed September 22, 1972. Applicant: MODULAR TRANSPORTATION CO., a corporation, 421 West Fulton Street, Grand Rapids, MI 48601. Applicant's representative: William D. Parsley, 1200 Bank of Lansing building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, component parts, materials, accessories, supplies, and other equipment* used in the erection, construction, or installation of such buildings, between the plantsite of Inland-Scholz Housing Systems Co. near Milan, Mich. on the one hand, and, on the other, Kansas City, Kans., and points in the United States east of the western State boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, under a continuing contract or contracts with Inland-Scholz Housing Systems Co. of Milan, Mich. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 134145 (Sub-No. 31), filed October 5, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobile clothing and related accessories*, from Seattle, Wash. to Aurora, Colo.; Idaho Falls, Idaho; Carol Stream, Ill.; Lansing and Trout Lake, Mich.; St. Paul and Thief River Falls, Minn.; Reno, Nev.; Rochester, N.Y.; Lockhaven, Pa.; Bethel and Randolph, Vt.; and Neenah, Wis., under a continuing contract or contracts with Arctic Enterprises, Inc. of Thief River Falls, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 135007 (Sub-No. 20), filed October 10, 1972. Applicant: AMERICAN TRANSPORT, INC., 108 East Renfro Circle, Millard, NE 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and rugs* from a point at or near Crow Agency, Mont., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, and Louisiana, under continuing contract with William Volker & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 135067 (Sub-No. 3), filed October 5, 1972. Applicant: HANS. L. SANDBERG, doing business as: SANDBERG TRUCKING CO., 405 South McCoy, Granville, IL 61326. 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: *Malt beverages and related advertising materials*, from Newport, Ky.; Evansville, Ind.; Minneapolis and St. Paul, Minn.; Sheboygan, La Crosse, Monroe, and Potosi,

Wis., to Freeport, Peru, and Rockford, Ill. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers: Lassandro Distributing Co., De Fay & Son Beverage Co., and Rutgens Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135936 (Sub-No. 10), filed October 5, 1972. Applicant: LIEBMANN TRANSPORTATION CO., INC., U.S. Highway 65 North, Iowa Falls, IA 50126. Applicant's representative: C. H. Rogers, Post Office Box 1022, Iowa Falls, IA 50126. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products; meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denison, Carroll, and Iowa Falls, Iowa and Garden City, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. 136212 (Sub-No. 2) (Amendment), filed July 3, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished as amended this issue. Applicant: JENSEN TRUCKING COMPANY, INC., 213 South Washington Street, Post Office Box 37, Papillion, NE 68406. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 303806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from Monte Alto, Edinberg, San Antonio, Dallas, and Corpus Christi, Tex., and their respective commercial zones to points in Louisiana, Mississippi, Tennessee, Arkansas, North Carolina, South Carolina, Georgia, Florida, Alabama, Virginia, West Virginia, Maryland, New Jersey, Pennsylvania, New York, Indiana, Massachusetts, Connecticut, Kentucky, Ohio, Michigan, Illinois, Delaware, and Washington, D.C., restricted to traffic originating at the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this amendment is to correctly identify the product the supporting shipper sells and ships. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Omaha, Nebr.

No. MC 136212 (Sub-No. 3) (Amendment), filed July 3, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished as amended this issue. Applicant: JENSEN TRUCKING COMPANY, INC., 213 South Washington Street, Post Office Box 37, Papillion, NE 68046. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from Monte Alto, Edinberg, San Antonio, Dallas, and Corpus Christi, Tex., and their respective commercial zones to points in Arizona, New Mexico, Colorado, Utah, Nebraska, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas, Oklahoma, Missouri, and California, restricted to traffic originating at the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this amendment is to correctly identify the product that the supporting shipper sells and ships. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Omaha, Nebr.

No. MC 136568 (Sub-No. 1), filed October 9, 1972. Applicant: MISSISSIPPI MOVING & STORAGE COMPANY, a corporation, 5570 North McRaven Road, Jackson, MS 39209. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between Jackson and Meridian, Miss., on the one hand, and, on the other, points in Clarke, Copiah, Hinds, Issaquena, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Smith, Warren, and Yazoo Counties, Miss., and Choctaw, Greene, Hale, Marengo, and Sumter Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement in containers (except as to unaccompanied baggage and personal effects), beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 136690 (Sub-No. 1), filed October 13, 1972. Applicant: J & S TRUCKING CO., INC., Route 2, Box 341, Carrollton, GA 30117. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meat*, in vehicles equipped with mechanical refrigeration, from the plantsites of Duffey Boneless Beef Co. and Duffey Sausage Co., Inc., Carrollton, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Tennessee, Kentucky, Ohio, Michigan, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Missouri, Arkansas, Alabama, Mississippi, Louisiana, and Texas. Restriction: The operations sought above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Duffey Boneless Beef Co., a division of Duffey Sausage Co., Inc., of Carrollton, Ga.; (2) (a) *fresh and frozen meats*, in vehicles equipped with mechanical refrigeration, from Carrollton, Ga., to points in North Carolina and South Carolina; (b) *fresh and frozen meats*, in vehicles equipped with mechanical refrigeration, from points in New Jersey and Massachusetts to the plantsite of Du-Gro Frozen Foods, Inc., Carrollton, Ga.; and (c) *french fried potatoes*, blanched and uncooked, in vehicles equipped with mechanical refrigeration, from points in Michigan to the plantsite of Du-Gro Frozen Foods, Inc., Carrollton, Ga. Restriction: The above described operations is limited to a transportation service to be performed, under a continuing contract, or contracts, with Du-Gro Frozen Foods, Inc., of Carrollton, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136721 (Sub-No. 2) (Correction), filed September 27, 1972, published in the FEDERAL REGISTER, issue of November 2, 1972, and republished as corrected this issue. Applicant: FREEMAN C. COREY, doing business as FREEMAN C. COREY & SON, R.F.D. No. 1, Washburn, ME 04786. Applicant's representative: John M. Cleary, 914 Washington Building, Washington, D.C. 20005. NOTE: The FEDERAL REGISTER notice of November 2, 1972, states that the authority is "from the account of A. E. Staley Manufacturing Company, * * *." This should read "*for* the account * * *" etc. The rest of the notice remains as previously published.

No. MC 136810 (Sub-No. 1), filed September 11, 1972. Applicant: PROSPEX INDUSTRIES LIMITED, No. 703, 1112 West Pender Street, Vancouver, BC, Canada. Applicant's representative: Ray Pauls (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plates, steel sheets and steel coils*, from the ports of entry on the international boundary line between the United States-Canada located at or near Lynden, Blaine, and Sumas, Wash., to points in Washington and Oregon, restricted to traffic having a prior movement in foreign commerce, under contract with Lambton Steel Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Blaine, Wash.

No. MC 136905 (Amendment), filed June 26, 1972, published in the FEDERAL REGISTER issue of October 27, 1972, and republished as amended this issue. Applicant: HOLLIS WILLIAMS, doing

business as HOLLIS WILLIAMS TRUCKING, 314 Oak Avenue, Sulphur Springs, TX 75482. Applicant's representative: Ralph W. Pulley, Jr., Suite 4555, First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Valves, valve blanks, valve components, valve materials, machinery and machinery parts* used in the manufacturing and servicing of valves, between the manufacturing and storage facilities of Rockwell Manufacturing Co., in Hopkins County, Tex., on the one hand, and, on the other, points in Texas, Louisiana, and Mississippi, under contract with Rockwell Manufacturing Co. NOTE: Applicant states that no single load transported shall exceed 3,500 pounds. The purpose of this republication is to add machinery to the commodity description and to eliminate an equipment limitation contained in the original application, also to reflect a change in applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tyler, or Texarkana, Tex.

No. MC 136932 (Amendment), filed July 26, 1972, published in the FEDERAL REGISTER issue of August 24, 1972, and republished as amended this issue. Applicant: MERCHANTS' SPEEDY DELIVERY LIMITED, 1716 Langlois Avenue, Windsor 14, ON, Canada. Applicant's representative: Frank J. Kerwin, Jr., 700 Canada Building, 374 Ouellette Avenue, Windsor 14, ON, Canada. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dies and repair parts for use in industrial machinery, automobile parts, metal stampings, uncrated furniture, and appliances*, between the international boundary between the United States and Canada on the one hand, and, Detroit, Mich., on the other. Restricted (1) against transportation in bulk, in tank vehicles; (2) to shipments moving from one consignor to one consignee; (3) to traffic which originates in or is destined to the city of Windsor and the townships of Sandwich West and Sandwich South, Colchester North, Colchester South, Anderdon, and Malden in the county of Essex and Province of Ontario, and (4) restricted to an express type expedited service. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 136942 (Sub-No. 2), filed October 4, 1972. Applicant: HOWARD SMITH, doing business as H. S. TRUCKING, 498 State Route 7, Steubenville, OH 43952. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Industrial rolls or rollers*, uncrated, loose, and in open cradles, between Three Rivers, Mich., on the one hand, and, on the other, Canton, Louisville, Steubenville, Toronto, Warren, Yorkville, and Youngstown, Ohio; Aliquippa, Allenport, Ambridge, Beaver Falls, Brackenridge, Butler, Clairton, Connellsville, Dravosburg, Duquesne, Greensburg, Homestead, Jeannette, Leechburg, Midland, Monessen, New Castle, New Kensington, Pittsburgh, Sharon, Vandergrift, Washington, and Zelienople, Pa.; and Beechbottom, Clarksburg, Fairmont, Follansbee, Weirton, Wellsburg, and Wheeling, W. Va., under a contract or contracts with Dayco Corp. of Dayton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136944 (Sub-No. 3), filed October 2, 1972. Applicant: STANLEY E. MARSH, R.F.D. 3, Mount Vernon, MO. 65712. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, MO 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk, in tank vehicles), from Peoria, Pekin, Lemont, and Plainfield, Ill., and St. Louis, Mo., to Oklahoma City, Okla., under contract with C & C Wholesale Liquor Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 138100, filed September 18, 1972. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, Portland, OR 97217. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (including shakes, shingles, and roof panels), *wooden fencing, particleboard, chipboard, and hardboard* (except gypsum board, paperboard, and pulpboard), between points in Washington, Oregon, California, Idaho, and Nevada; (2) *prefabricated wooden buildings, wooden cabinets and doors*, from Portland, Oreg., to points in Oregon, Washington, Idaho, Montana, California, and Nevada; and (3) *feed, feed ingredients, and fertilizer* (except liquid commodities in bulk), from points in California to points in Oregon and Washington. NOTE: Applicant holds contract carrier authority under MC 128285 and subs thereunder. By the instant application, applicant seeks to convert its contract carrier permits to a certificate of public convenience and necessity. Applicant further states that no extension of authority is sought. Upon the grant of this application, applicant will surrender its permits for cancellation. Therefore no duplicating authority or dual operations will result. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138129, filed October 3, 1972. Applicant: ELLIS TRANSPORT, INC., 2345½ West Kearney, Springfield, MO 65802. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cups, plates, containers, and accessories*, from Springfield, Mo., to points in Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, Colorado, Oklahoma, Texas, Arkansas, Kansas, Illinois, and New Mexico, under contract with Lily-Tulip Division, Owens-Illinois, Inc. NOTE: Applicant holds common carrier authority under 119766, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 113908 (Sub-No. 241), filed October 6, 1972. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, in tank and/or hopper-type containers and empty tank and hopper-type containers, between points in the United States including Alaska and Hawaii, restricted to shipments having prior or subsequent movement in interstate or foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant respectfully submits that the grant of the instant application will have a beneficial impact on the human environment.

No. MC 136727 (Sub-No. 2), filed September 14, 1972. Applicant: GRIFFIN TRANSFER & STORAGE CO., INC., Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Joe M. Griffin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment material and supplies including tools* used in the construction and maintenance of telephone system and communication, between Morganton, N.C., and points in the counties of Burke, McDowell, Yancey, Mitchell, Avery, Watauga, Caldwell, Alexander, and Catawba, N.C., under contract with Western Electric Co., Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-19618 Filed 11-15-72;8:45 am]

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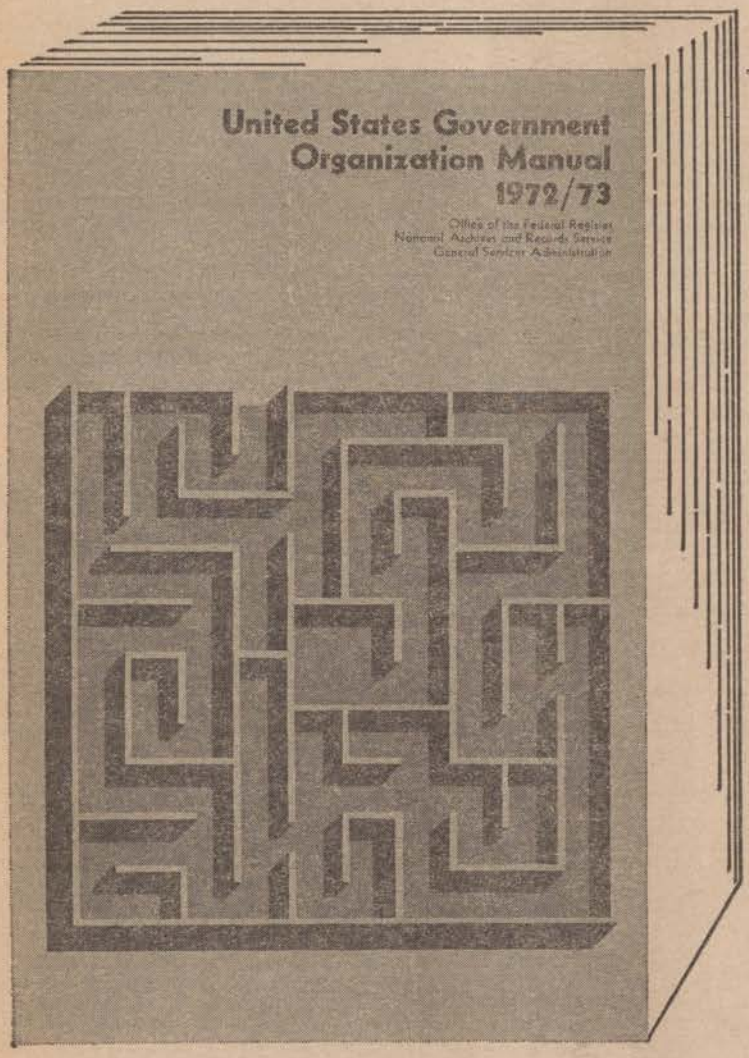

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