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# Presidential Documents

## Title 3—The President

PROCLAMATION 4175

### Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products

*By the President of the United States of America*

#### A Proclamation

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has under consideration a number of substantial proposals relating to the management of the oil import program under Proclamation No. 3279,<sup>1</sup> as amended. Pending final decisions and announcements on those proposals, he has recommended that the Secretary of the Interior be delegated authority to provide interim allocations for the allocation period commencing January 1, 1973, and for succeeding allocation periods.

The Director, with the advice of the Oil Policy Committee, has also recommended that occasional shortages of certain finished petroleum products important to the national security should be relieved by delegating authority to the Secretary of the Interior to permit additional imports from the United States Virgin Islands. Such delegated authority then could be used with the Director's existing authorities relating to Puerto Rico and the use of Western Hemisphere crude oil in the development of programs to assist in meeting these shortages.

The Director, with the advice of the Oil Policy Committee, has found that such changes would not adversely affect the national security.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim

<sup>1</sup> 24 F.R. 1781; 3 CFR, 1959-1963 Comp., p. 11.



that, effective as of the date of this Proclamation, Proclamation No. 3279, as amended, is further amended as follows:

1. Subparagraph (4) of paragraph (b) of section 3 is amended by adding the following sentence at the end thereof:

"Whenever the Secretary, upon recommendation of the Director of the Office of Emergency Preparedness, finds that there may be shortages in the supply of any finished product or products in Districts I-IV, which products are deemed by the Director of the Office of Emergency Preparedness to be important to the national security, the Secretary may allocate imports of any such product or products manufactured in the Virgin Islands in excess of the limitation in the preceding sentence for such product or products, for such time and under such conditions as he may deem consistent with the purposes of this proclamation."

2. Section 3A is amended to read as follows:

"Commencing with the allocation period January 1, 1973, through December 31, 1973, the Secretary, with the concurrence of the Director of the Office of Emergency Preparedness, is authorized to make an interim allocation for any allocation period or portion thereof to any person who held an allocation of imports of crude oil and unfinished oils or of No. 2 fuel oil during the preceding allocation period. No such interim allocation shall exceed the like allocation held in such preceding allocation period by such person. However, the Secretary may adjust the allocation to any person limited by the previous sentence if such person would have been eligible for a larger allocation in 1973 under the regulations applicable during the allocation period commencing January 1, 1972. Any license issued under such interim allocation may be utilized for imports hereafter entering the United States prior to December 31, 1972, if authorized by the Secretary. Any allocation subsequently made to any person who receives an interim allocation pursuant to this section, shall be reduced by an amount equal to the interim allocation made pursuant to this section."

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.72-21952 Filed 12-18-72;3:55 pm]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

##### Election and Change of Election

By virtue of the authority vested in the U.S. Civil Service Commission by section 9(a) of Public Law No. 86-724, 74 Stat. 851, the regulations for the Retired Federal Employees Health Benefits Program are amended to provide that retired employees and survivors who are enrolled in either basic or major medical coverage under the Uniform Plan on January 1, 1973, will be automatically enrolled in basic plus major medical coverage. Premium rates charged retirees and survivors enrolled in basic plus major medical will be reduced on January 1, 1973, to \$0.50 for self only and \$1 for self and family enrollments. This change has become possible because of the reserve posture of the Uniform Plan.

Accordingly, effective on publication in the FEDERAL REGISTER (12-20-72), § 891.201 is amended by the addition of a new paragraph (f) as set out below.

##### § 891.201 Election.

(f) Retired employees and survivors who, on January 1, 1973, were enrolled for either basic coverage only or major medical coverage only of the Uniform Plan are, effective January 1, 1973, automatically enrolled in basic plus major medical coverage of the Uniform Plan.

(5 U.S.C. sec. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.72-21778 Filed 12-19-72;8:47 am]

## Title 39—POSTAL SERVICE

### Chapter I—U.S. Postal Service

#### PART 124—NONMAILABLE MATTER

##### Restrictions on Mailings of Turtles and Turtle Eggs

In the daily issue of October 25, 1972 (37 F.R. 22812), the Postal Service, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rule making, published proposed regulations restricting

the mailing of turtles (including terrapins and other related animals) as well as viable turtle eggs, to shipments which are certified free from bacteria of the genus *Salmonella* and the genus *Arizona*. Interested persons were given 30 days within which to submit written data, views, and arguments concerning the proposed regulations. After consideration of all comments received, the Postal Service has determined to adopt the proposed regulations without substantive change. For purposes of clarification, language has been added specifying that turtles of foreign origin are nonmailable.

Accordingly, the following amendments to the regulations of the Postal Service are hereby made, to be effective on the 30th day following the date of this publication in the FEDERAL REGISTER.

In § 124.3 *Perishable matter*, subdivision (i) of paragraph (c) (2) is amended to read as follows:

##### § 124.3 Perishable matter.

(c) *Live animals.* \* \* \*

(2) *Other animals.*—(i) *Mailable.* Small, harmless, cold-blooded animals (except snakes) which do not require food or water or attention during handling in the mail and which do not create sanitary problems or obnoxious odors are mailable. For example, the following are mailable: Baby alligators and cayman not exceeding 20 inches in length, bloodworms, earthworms, mealworms, chameleons, frogs, toads, goldfish, hellgrammites, newts, salamanders, leeches, lizards, snails, and tadpoles. Turtles (including terrapins, tortoises and all other animals of the Order *Testudinata*, Class *Reptilia*) with a carapace not exceeding 2½ inches in length, and viable turtle eggs, may be accepted for mailing only when accompanied by a certificate issued by the State Health Department of the State of origin certifying that such turtles or viable turtle eggs are free from bacteria of the *Salmonella* and *Arizona* genera. The certification shall be based upon results obtained through test procedures specified by the Department of Health, Education, and Welfare. (See 42 CFR 72.26(c); 37 F.R. 24670.) The mailing containers shall be marked in bold block letters: "Turtles or Turtle Eggs—Complies with PSM, 124.3(c) (2)". Turtles with a carapace exceeding 2½ inches in length, and all turtles of foreign origin, are nonmailable. Animals mailed into the Trust Territory of the Pacific Islands are subject to permit issued by the Director of Agriculture of that Territory.

(39 U.S.C. 401, 404(1), and 18 U.S.C. 1716)

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc.72-21851 Filed 12-19-72;8:49 am]

## Title 7—AGRICULTURE

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

[Amdt. 16]

#### PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

##### Container, Pack, and Container Marking Regulations

##### Correction

In F.R. Doc. 72-20877, appearing on page 25817 of the issue for Tuesday, December 5, 1972, in § 906.340(a) (2) (i) (c) (2), the number "110" in the first line should read "100".

#### PART 967—CELERY GROWN IN FLORIDA

##### Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967) regulating the handling of celery grown in Florida was published in the FEDERAL REGISTER December 1, 1972 (37 F.R. 25528). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than December 12, 1972. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were unanimously recommended by the Florida Celery Committee, established pursuant to said marketing agreement and this part, it is hereby found and determined that:

##### § 967.208 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal year ending July 31, 1973, by the Florida Celery Committee for its maintenance and functioning and for such purposes as the Secretary may determine to be appropriate, will amount to \$74,350.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one-half of 1 cent (\$0.005) per crate of celery handled by him as the first handler thereof during said fiscal year.

(c) As provided in § 967.62, unexpended income in excess of expenses for the fiscal year ending July 31, 1973, may be carried over as an operating reserve.



(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable celery from the beginning of such fiscal year, and (2) the current fiscal year began on August 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable celery beginning with such date.

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

Dated: December 15, 1972.

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

[FR Doc. 72-21844 Filed 12-19-72; 8:50 am]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 223—REENTRY PERMITS

In § 223.2, the first sentence is amended by adding "United Arab Emirates" to the areas in which an application for extension of a reentry permit may be submitted to an American consular officer. As amended, the first sentence of § 223.2 reads as follows:

##### § 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I-143 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America (except Venezuela), in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Rumania, the Union of Soviet Socialist Republics, Yugoslavia, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, United Arab Emirates, and

in Africa (including the United Arab Republic) when the applicant is temporarily sojourning in one of the aforementioned places. \* \* \*

#### PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

In § 234.2, paragraph (b) is amended in the following respects: the second sentence thereof is revised and the fifth sentence is revoked. As amended, § 234.2(b) reads as follows:

##### § 234.2 Examination in the United States of alien applicants for benefits under the immigration laws.

(b) *Selection of civil surgeons.* When a civil surgeon is to perform the examination, he shall be selected by the district director having jurisdiction over the area of the alien's residence. The district director shall select as many civil surgeons as he determines to be necessary to serve the needs of the Service in a locality under his jurisdiction. The civil surgeon selected shall be a licensed physician with no less than 4 years' professional experience. Officers of county medical societies shall be consulted to obtain the names of competent surgeons willing to make the examinations. An understanding shall be reached with respect to the fee which the surgeon will charge for the examination. The alien shall pay the fee agreed upon directly to the surgeon making the examination.

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

##### § 238.4 [Amended]

The listing of transportation lines under "At Bermuda" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Delta Air Lines, Inc."

#### PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.1, the second sentence of paragraph (a) is amended by adding "Norfolk, Va." to the enumeration of officers in charge. As amended, § 242.1(a) reads as follows:

##### § 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* Every proceeding to determine the deportability of an alien in the United States is commenced by the issuance and service of an order to show cause by the Service. In the proceeding the alien shall be known as the respondent. Orders to show cause may be issued by district directors, acting district directors, deputy district directors,

and officers in charge at Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; San Diego, Calif.; Salt Lake City, Utah; St. Louis, Mo.; Spokane, Wash.

#### PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

##### § 316a.2 [Amended]

The listing of American institutions of research of § 316a.2 *American institutions of research* is amended by adding the following institution of research in alphabetical sequence: "Harvard-Yenching Institute."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (12-20-72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 223.2, confers a benefit on the persons affected thereby; the amendment to § 234.2(b) relates to agency management; the amendment to § 238.4 adds a transportation line to the listing; the amendment to § 242.1(a) relates to agency management; and the amendment to § 316a.2 adds an institution of research to the listing.

Dated: December 14, 1972.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[FR Doc. 72-21800 Filed 12-19-72; 8:48 am]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

#### PART 225—BANK HOLDING COMPANIES

##### Nonbanking Activities

By notice of hearing regarding the proposed acquisition of voting shares of companies engaging in underwriting credit life and credit accident and health insurance; and of possible rulemaking thereto, the Board of Governors announced it was considering adding underwriting credit life and credit accident and health insurance to the list of activities that it has determined under section 4(c)(8) of the Bank Holding Company Act to be closely related to banking or managing or controlling banks by amending § 225.4(a) of its Regulation Y. A hearing considering six applications to engage in the activity as well as pos-



sible rulemaking was held on March 24, 1972, after notice thereof was published with respect to five of the applications in the FEDERAL REGISTER on February 2, 1972 (37 F.R. 2542), and with respect to the sixth application on February 29, 1972 (37 F.R. 4230).

In January 1971, the Board's initial publication of proposed activities under section 4(c) (8) included "acting as insurer for the holding company and its subsidiaries with respect to insurance sold by the holding company or any of its subsidiaries as agent or broker." After a hearing on insurance activities, the Board in August 1971, announced that it had deferred adoption at that time of general regulatory provisions regarding insurance underwriting activities as closely related to banking.

Following consideration of the comments received and the record of the March 24 hearing as well as the Board's prior proceeding on insurance activities and the Board's experience prior to the 1970 amendments to the Bank Holding Company Act, the Board has determined that the operation of a credit life and credit accident and health insurance program including the underwriting of such insurance directly related to extensions of credit by a bank holding company system is closely related to banking. The operation of such a program assures a bank or bank-related firm of repayment of a credit extension in the event of death or disability while at the same time providing the borrower with financial security in the event of a death or disability. Further, the legislative history of the Bank Holding Company Act indicates that Congress felt that the operation of a credit life and credit accident and health insurance program is closely related to banking. Accordingly, the Board has amended § 225.4(a), by changing the period at the end thereof to a semicolon and adding subparagraph (10) as set forth below and has redesignated footnote 3 in § 225.4(b) (1) and footnote 4 in § 225.4(d) as footnotes 4 and 5 respectively, effective December 11, 1972.

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

#### § 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.*  
\* \* \* The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

(10) Acting as underwriter for credit life insurance and credit accident and health insurance which is directly re-

lated to extensions of credit by the bank holding company system.<sup>3</sup>

By order of the Board of Governors,  
effective December 11, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-21754 Filed 12-19-72; 8:45 am]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter III—Economic Development Administration, Department of Commerce

#### PART 308—RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES

On October 13, 1972, notice of proposed revisions of regulations governing relocation assistance and land acquisition policies under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Part 308, Title 13, Chapter III, Code of Federal Regulations) was published in the FEDERAL REGISTER (37 F.R. 21646). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revisions. After consideration of all such relevant matter as was presented by interested persons, the revision as so proposed is hereby adopted as set forth below, subject to the following major changes:

1. In paragraph (d) of § 308.2 "January 2, 1971" is changed to read "the effective date of the Act."

2. In § 308.72 the words "certified or registered" are inserted before the words "first class mail."

3. A new § 308.73 is added requiring State agencies to make prompt payment to displaced persons who make proper application for relocation assistance benefits and setting a time limit for submission of application for benefits.

*Effective date.* These revised regulations take effect immediately.

Dated: December 14, 1972.

ROBERT A. PODESTA,  
Assistant Secretary  
for Economic Development.

The Economic Development Administration is revising Part 308 of Chapter III of Title 13 of the Code of Federal Regulations to read as follows:

\*To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

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*AUTHORITY:* The provisions of this Part 308 are issued under sec. 213 (b) and (c), 84 Stat. 1901; 42 U.S.C. 4633.

#### Subpart A—Introduction

##### § 308.1 Purpose.

The purpose of the regulations in this part and procedures is to provide for the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to undertakings by State agencies with financial assistance by EDA.



### § 308.2 Definitions.

(a) "State agency" means 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.

(b) "Act", as used in this part, means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(c) "Person" means any individual, partnership, corporation, or association.

(d) "Displaced person" means any person who, on or after the effective date of the Act, moves from real property or moves his personal property from real property as a result of the acquisition of such real property in whole or in part, or as a result of the written order of the acquiring State agency to vacate real property for a program or project undertaken with EDA financial assistance; and solely for the purposes of sections 202 (a) and (b), and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation for such program or project.

(e) "Regional Directors" means those officials of EDA appointed by the Assistant Secretary for Economic Development pursuant to the authority delegated to him by the Secretary of Commerce as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 89-136, to further the aims and objectives of said Act.

(f) "Business" means any lawful 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 purpose of implementing section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) "Farm operation" means 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 be capable of contributing materially to the operator's support.

### Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

#### § 308.10 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing sections 205(c) (3) and 206(b) of the Act.

#### § 308.11 Determination.

(a) *Availability.* No State agency shall proceed with the phase of any project which phase will cause the displacement of any person until it has provided satisfactory assurance to the EDA Regional Director that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) *Support.* This determination or assurance should be based on a current survey and analysis of available replacement housing by the displacing State agency. Such survey and analysis must take into account the competing demands on available housing.

(c) *Waiver.* The Regional Director may in unusual situations waive the determination required by paragraph (a) of this section. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by section 214 of the Act.

(d) *Decent, safe, and sanitary housing.* A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weathertight condition, and which meets local housing codes. The displacing State agency and the Regional Director shall consider the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual circumstances or in unique geographic areas.

(1) *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.

(2) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local

codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the State agency causing the displacement, with the concurrence of the Regional Director.

(3) *Occupancy standards.* Occupancy standards for replacement housing shall comply with State agency approved occupancy requirements, with the concurrence of the Regional Director, or comply with local codes.

(e) *Absence or inadequacy of local standards.* In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the head of the State agency, with the concurrence of the Regional Director, may establish the standards.

### Subpart C—Moving and Related Expenses

#### § 308.20 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 202(a) of the Act.

#### § 308.21 Actual reasonable expenses in moving.

(a) *To be allowed.* (1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that it is necessary.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment, including such modification as deemed necessary by the displacing agency of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of 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 that the displacing State agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible under regulations issued by the head of the State agency with the concurrence of the Regional Director.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the head of the displac-



ing State agency, with the concurrence of the regional director, determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved, but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the head of the State agency responsible for the program or project causing the displacement and with the concurrence of the regional director, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

**§ 308.22 Nonallowable moving expenses and losses.**

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the head of the State agency with the concurrence of the regional director determines should be excluded.

**§ 308.23 Expenses in searching for replacement business or farm.**

(a) *To be allowed.* (1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour.

(4) In the discretion of the head of the displacing State agency with the concurrence of the regional director, necessary broker, real estate or other professional fees to locate a replacement business or farm operation under circumstances prescribed in Federal agency regulations.

(b) *Limitation.* The total amount a displaced person may be paid for searching expenses may not exceed \$500 unless the head of the displacing State agency with the concurrence of the regional director determines that a greater amount is justified based on the circumstances involved.

**§ 308.24 Actual direct losses by business or farm operations.**

When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated costs of moving 50 miles, whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

**Subpart D—Payments in Lieu of Moving and Related Expenses**

**§ 308.30 Scope of subpart.**

The provisions set forth in this subpart are to guide State agencies and regional directors in implementing section 202 (b) and (c) of the Act.

**§ 308.31 Dwellings—schedules.**

(a) Subsection 202(b) provides that at the option of the displaced person he may receive a moving expense allowance not to exceed \$300, based on schedules established by each agency head, and a dislocation allowance of \$200. State agencies with the concurrence of the regional director may pay a moving expense allowance based on moving allowance schedules maintained by the respective State highway departments. These schedules should provide for adequacy of reimbursement in every locality. The Federal Highway Administration will approve all such schedules on a current basis, and will make them available to displacing agencies upon request.

(b) Where there are no highway department schedules, the heads of the Federal agencies undertaking or providing Federal financial assistance to a project causing displacement in such

areas shall cooperate in the development of a single moving expense schedule for the use of all displacing agencies.

(c) A displaced person who elects to receive a payment based on a schedule shall be paid under the schedule used in the jurisdiction in which displacement occurs regardless of where he relocates.

**§ 308.32 Businesses.**

(a) *Eligibility:* A person displaced from his business, as defined in subsection 101(7) (A), (B), and (C) of the Act, is eligible under subsection 202(c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The head of the State agency responsible for the program or project causing displacement shall, by regulation, with the concurrence of the Regional Director, prescribe appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

(b) Those businesses described in subsection 101(7) (D) of the Act are not eligible under subsection 202(c) for a payment in lieu of moving and related expenses.

(c) Where a displaced person is displaced from his place of business, no payment shall be made under subsection 202(c) of the Act until the head of the displacing State agency, with the concurrence of the Regional Director, determines (1) that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing State agency only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(i) The type of business conducted by the displaced concern.

(ii) The nature of the clientele of the displaced concern.

(iii) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

**§ 308.33 Farms—partial taking.**

Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by subsection 202(c) of the Act shall be made only if the displacing State agency determines, with the concurrence of the Regional Director, that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

**§ 308.34 Nonprofit organizations.**

Where a nonprofit organization is displaced, no payment shall be made under subsection 202(c) of the Act until the



head of the displacing State agency determines, with the concurrence of the Regional Director:

(1) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(2) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

#### § 308.35 Net earnings.

The term "average annual net earnings" as used in subsection 202(c) of the Act means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for a project, or during such other period as the head of the displacing State agency with the concurrence of the Regional Director, determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings," it may nevertheless receive the \$2,500 minimum payment authorized by subsection 202(c).

#### § 308.36 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000.

### Subpart E—Replacement Housing Payments for Homeowners

#### § 308.40 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 203(a) of the Act.

#### § 308.41 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment, authorized by section 203(a) of the Act, not to exceed \$15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned and occupied the property covered or qualified under section 217 of the Act for not less than 180 days prior to displacement. The term "initiation of negotiations" means the day on

which the acquiring State agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing State agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this paragraph may be eligible for a replacement housing payment under Subpart F of this part.

#### § 308.42 Comparable replacement dwelling.

For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

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

(b) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(c) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968.

(d) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors,

(2) Public utilities, and

(3) Public and commercial facilities.

(e) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(f) Within the financial means of the displaced family or individual.

(g) Available on the market to the displaced person.

(h) If housing meeting the requirements of this paragraph is not available on the market, the head of a displacing State agency may, upon a proper finding of the need therefor, and with the concurrence of the Regional Director, consider available housing exceeding these basic criteria.

#### § 308.43 Computation of replacement housing payment.

The replacement housing payment of not more than \$15,000 comprises the following:

(a) *Differential payment for replacement housing.* The head of the displacing State agency with the concurrence of the Regional Director may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The State agency may establish, with the concurrence of the Regional Director, a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one State agency is causing displacement in a community or an area, the respective heads of the State agencies concerned shall coordinate the establishment of the schedule for replacement housing payments.

(2) *Comparative method.* The State agency may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of a comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) *Alternative to subparagraphs (1) and (2) of this paragraph.* When neither above-described method is feasible, the head of the State agency with the concurrence of the Regional Director may develop criteria for computing the payment.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The head of the State agency, with the concurrence of the Regional Director, shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage, i.e., one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. The following shall be considered in computing the interest payment:



(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by the commercial banks in the general area in which the replacement dwelling is located.

(3) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed, not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(c) *Incidental expenses.* (1) The head of the State agency with the concurrence of the Regional Director shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(i) Legal, closing, and related costs including title search, preparation of conveyance instruments, notary fees, surveys, preparation of plats, and charges incident to recordation.

(ii) Lenders', FHA, or VA appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA, or VA.

(v) Credit report.

(vi) Title policies or abstracts of titles.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title 1, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

#### Subpart F—Replacement Housing Payments for Tenants and Certain Others

##### § 308.50 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 204 of the Act.

##### § 308.51 Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed \$4,000, as authorized by section 204, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the

property or actually occupied the property covered or qualified under section 217 of the Act for not less than 90 days prior to displacement. The term "initiation of negotiations" means the day on which the acquiring agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. Tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under section 203 of the Act.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204, when he rents a decent, safe, and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe, and sanitary not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

##### § 308.52 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed \$4,000.

(a) *Rental replacement housing payment.* The head of the State agency with the concurrence of the regional director may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings as described in § 308.42 and which are available on the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations if such rent was reasonable. The State agency with the concurrence of the regional director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of the regulations in this part, "economic rent" is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule should be based on a current analysis of the market to

determine an amount for each type of dwelling required. When more than one State agency is causing the displacement in a community or an area, the respective heads of the agencies shall cooperate in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 308.42. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The State agency with the concurrence of the Regional Director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) *Exceptions.* The head of the State agency with the concurrence of the Regional Director may establish the average month's rent paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the head of the State agency with the concurrence of the Regional Director shall develop criteria for computing the payment.

(5) *Disbursement of rental replacement housing payments.* All rental replacement housing payments in excess of \$500 will be made in four equal annual installments.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses in the purchase of replacement housing, as follows:

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for purchase of the dwelling using a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 308.43(c).

(3) The maximum payment may not exceed \$4,000, except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount, in making the downpayment.



(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

**§ 308.53 Computation of replacement housing payments for certain others.**

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E of this part because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed \$4,000. The payment will be computed in the same manner as shown in § 308.52(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E of this part because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed \$4,000. The payment will be computed in the same manner as shown in § 308.52(b).

**Subpart G—Relocation Assistance Advisory Services**

**§ 308.60 Relocation assistance advisory program.**

The head of the State agency shall provide a relocation assistance advisory program including such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in section 205(c) of the Act and acceptable to the regional director, for persons displaced as a result of EDA assisted programs or projects. In the implementation of this section, when more than one State agency is causing displacement in a community or area, the heads of the agencies shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, State agencies shall consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area. The head of the State agency with the concurrence of the regional director shall issue regulations and procedures requiring officials responsible for programs displacing persons, businesses, and farm operations to contact State and local agencies in the community to determine the availability of housing resources and to assure coordination of all relocation activities in the community.

**Subpart H—Federally Assisted Programs**

**§ 308.70 Assurances.**

(a) *Information.* The State agency shall provide EDA with a statement assuring EDA that the affected persons will be adequately informed of the benefits, policies, and procedures described in this part.

(b) *Inability to provide assurances.* The State agency shall provide an assur-

ance to EDA that will comply with the provisions of this part as required by sections 210 and 305 of the Act. In the event a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement should be supported by an opinion of the chief legal officer of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. Except that after July 1, 1972, the assurances shall be completely applicable to all States.

(c) *Compliance.* The State agency shall provide an assurance that it will comply with the provisions of sections 301 and 302 of the Act, as required by section 305 of the Act. If unable to comply with any of these policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. Such opinion shall contain a full discussion of the issues involved and shall cite legal authority in support of any conclusion of legal inability to comply with any of the provisions set forth in sections 301 and 302 of the Act.

(d) *Monitoring assurances.* The Regional Directors shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

**§ 308.71 Administration—relocation assistance programs.**

If a State agency elects to contract for services pursuant to section 212 of the Act, it shall enter into a written contract consistent with EDA regulations and subject to the concurrence of the Regional Director.

**§ 308.72 Notification procedures.**

To the greatest extent practicable, at least 90 days written notice of displacement must be given by the head of the State agency to each individual, family, business, or farm to be displaced. Such notice shall be served personally or by certified or registered first class mail.

**§ 308.73 Applications for benefits.**

(a) A displaced person who makes proper application to the State agency for a payment authorized by title II of the Act shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(b) Applications for benefits under the Act must be made to the State agency within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the State agency makes final payment of all costs of that real property, whichever is the later date. The head of the State agency, with the concurrence of the Regional Director, may extend this period upon a proper showing of good cause.

**Subpart I—Uniform Real Property Acquisition Policy**

**§ 308.80 Scope of subpart.**

The provisions set forth in this subpart are to guide State agencies and Re-

gional Directors in implementing Title III of the Act.

**§ 308.81 Acquisition policies.**

Before initiation of negotiations for the acquisition of real property, the head of the State agency, with the concurrence of the Regional Director, shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the State agency's approved appraisal of the fair market value of the property. When negotiations are initiated the owner of such real property shall be provided with a written statement of, and summary of the basis for, the amount estimated as the just compensation. The summary statement of the basis for the agency's determination of just compensation should include, as a minimum, the following:

(a) Identification of the real property and the estate or interest therein to be acquired, including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property, and

(b) The amount of the estimated just compensation for the property to be acquired, as determined by the acquiring agency, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(c) For the purpose of promoting uniformity under section 301(3) of the Act, the head of each State agency acquiring real property shall, with the concurrence of the Regional Director, establish standards for appraisals used in real property acquisition, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers consistent to the maximum extent possible under State law with the Uniform Appraisal Standards for Federal Land Acquisition published in 1972 (or at such later date as may become relevant if such Uniform Standards are revised) by the Interagency Land Acquisition Conference.

**§ 308.82 Payment or reimbursement for necessary expenses.**

The State agency shall provide EDA with a statement that, as required by section 305 of the Act, property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act.

**Subpart J—Administrative Review**

**§ 308.90 Scope of subpart.**

The provisions set forth in this subpart are to guide State agencies in providing administrative review of decisions made with respect to duties and responsibilities established under the Act.

**§ 308.91 Right to review.**

Any person aggrieved by a determination as to:

(a) Eligibility for a payment authorized by the Act, or

(b) The amount of such payment, shall have the right to have his application reviewed by the head of the State agency acquiring real property. The head



of the State agency shall establish procedures which at the minimum guarantee claimants under the Act (1) prompt consideration of all requests for administrative review, (2) prompt written notice to the claimant of any determination made in connection with his application, including a full explanation concerning any amount claimed which has been disallowed, and (3) prompt payment of any amounts which are determined to be due the claimant.

[FR Doc.72-21785 Filed 12-19-72; 8:50 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-NW-11]

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

##### Alteration of Transition Area

On November 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 23578) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pasco, Washington Transition Area.

Interested persons were given 30 days in which to submit written comments. No objections were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

**Effective date.** This amendment shall be effective 0901 G.m.t., February 1, 1973.

(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 Seattle, Washington, on December 11, 1972.

C. B. WALK, Jr.,  
Director, Northwest Region.

In § 71.181 (37 F.R. 2143) the description of the Pasco, Wash., transition area as amended (37 F.R. 7880) is further amended as follows: to the description add, “; within 3 miles north and 7.5 miles south of the Pasco VOR 288° radial extending from 8 miles west of the VOR to 18 miles west of the VOR.”

[FR Doc.72-21781 Filed 12-19-72; 8:47 am]

[Airspace Docket No. 72-SO-129]

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

##### Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tion is to redesignate the Meridian, Miss. (NAS Meridian) control zone.

The Meridian (NAS Meridian) control zone is described in § 71.171 (37 F.R. 2056 and 4704). In the description, the effective times are cited as “0800 to 1800 hours, local time, Saturday, and 1200 to 2200 hours, local time, Sunday, and Federal legal holidays.” The effective times have been changed to “0700 to 1700 hours, Saturday, and 0900 to 1900 hours, local time, Sunday, and Federal legal holidays.” It is necessary to redesignate the control zone accordingly. Since this amendment is 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 § 71.171 (38 F.R. 351), the Meridian, Miss. (NAS Meridian) control zone (37 F.R. 4704) is amended as follows:

“ \* \* \* 0800 to 1800 hours, local time, Saturday, and 1200 to 2200 hours, local time, Sunday, and Federal legal holidays \* \* \* ” is deleted and “ \* \* \* 0700 to 1700 hours, local time, Saturday, and 0900 to 1900 hours, local time, Sunday, and Federal legal holidays \* \* \* ” is substituted therefor.

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

Issued in East Point, Ga., on December 1, 1972.

DUANE W. FREER,

Acting Director, Southern Region.

[FR Doc.72-21779 Filed 12-19-72; 8:47 am]

[Airspace Docket No. 72-GL-66]

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

##### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Columbus, Ohio (Lockbourne AFB), control zone.

The Esselburne Field Airport, Columbus, Ohio, has been closed. Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

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

In § 71.171 (38 F.R. 351), the Columbus, Ohio (Lockbourne AFB) control zone is amended by deleting “and within a 1-mile radius of the center latitude 39° 54’21” N, longitude 82°51’17” W. of Esselburne Field, Columbus, Ohio.”

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

Issued in Des Plaines, Ill., on November 28, 1972.

LYLE K. BROWN,  
Director, Great Lakes Region.

[FR Doc.72-21780 Filed 12-19-72; 8:47 am]

[Docket No. 12438, Amdt. 121-100 and 127-30]

#### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

#### PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

##### Maintenance, Preventive Maintenance, and Alterations Programs

The purpose of these amendments to Parts 121 and 127 of the Federal Aviation Regulations is to make certain clarifying changes to the provisions of § 121.367(c) and § 127.133(c) which pertain to programs required to ensure that aircraft released to service are airworthy and properly maintained.

Section 121.367 prescribes program requirements for aircraft inspections, maintenance, preventive maintenance, and alterations that apply to all Part 121 certificate holders. The purpose of paragraph (c) of that section is to ensure the airworthiness and proper maintenance of each aircraft released to service by a Part 121 certificate holder for operations governed by that Part. Therefore, the wording of paragraph (c) should be such as to clearly reflect its applicability not only to aircraft released by air carriers for service in air transportation, but also to those released by commercial operators for operation in air commerce under Part 121. Accordingly, for purposes of clarification this amendment replaces the words “operation in air transportation” currently in paragraph (c) with the more appropriate words “operation under this Part.”

In order to maintain uniformity in the wording of similar regulatory provisions in different parts of the Federal Aviation Regulations, the same clarifying changes are made by this amendment to § 127.133(c) of Part 127 of the Federal Aviation Regulations.

Since these amendments are merely clarifying in nature, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective on less than 30 days’ notice.

In consideration of the foregoing, Parts 121 and 127 of the Federal Aviation Regulations are amended, effective December 20, 1972, as follows:

1. Paragraph (c) of § 121.367 is amended to read as follows:

§ 121.367 Maintenance, preventive maintenance, and alterations programs.

\* \* \* \* \*

(c) Each aircraft released to service is airworthy and has been properly maintained for operation under this part.

2. Paragraph (c) of § 127.133 is amended to read as follows:



**§ 127.133 Maintenance, preventive maintenance, and alterations programs.**

(c) Each helicopter released to service is airworthy and has been properly maintained for operation under this part.

(Secs. 313(a), 601, 604, 605, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, 1425; sec. 6(e), Department of Transportation Act, 49 U.S.C. 1655(c))

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

J. H. SHAFFER,  
Administrator.

[FR Doc. 72-21782 Filed 12-19-72; 8:47 am]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter I—Federal Power Commission

#### SUBCHAPTER A—GENERAL RULES

[Docket No. R-461; Order 463]

### PART 1—RULES OF PRACTICE AND PROCEDURE

#### PART 2—GENERAL POLICY AND INTERPRETATIONS

#### Publication of Materials in the Federal Register

DECEMBER 12, 1972.

This order clarifies the published statement of Commission policy as set forth in Part 2, general policy and interpretations, Subchapter A, Chapter I, Title 18 Code of Federal Regulations, § 2.1. That section as prescribed by order issued February 21, 1959 (Order 211, 24 F.R. 1345) concerns publication of an initial notice in the FEDERAL REGISTER of a proceeding instituted before the Commission. Notice published in the FEDERAL REGISTER is a primary means of informing the general public of the commencement of such proceedings.

The Commission, in accordance with statutory requirements and policy considerations, publishes numerous materials in the FEDERAL REGISTER. To facilitate maximum public awareness of its procedures, the Commission believes it desirable to furnish a list of those matters or proceedings in which notice will be given by publication in the FEDERAL REGISTER. We believe subparagraphs (1) and (2) should be added to § 2.1, paragraph (a), as provided below, of the statements of general policy and interpretations to delineate the proceedings where such notice will be given.

We are also modifying § 1.19 of the Commission's rules of practice and procedure, Part I, Subchapter A, Chapter I, Title 18 Code of Federal Regulations by adding paragraph (c) (1), (2), and (3), as provided below, to clarify the procedures of the Commission under which notice is published in the FEDERAL

REGISTER and to provide a form of notice for use by an Applicant or moving party in filings with the Commission in connection with relief sought in the instances delineated in § 2.1(a) (1).

In interpreting the policy of the Commission, as stated in this order, a broad construction of the notice requirement will obtain. Accordingly, where the phrase "unless otherwise directed" appears, the Secretary will give notice in all instances where he determines the public interest warrants, giving attention to all underlying considerations. The Secretary, as indicated infra, is the Commission official responsible for publication of notice in the FEDERAL REGISTER.

In tandem, these changes will effect efficiencies and improve the Commission's administration of the provisions of the Federal Power Act, 16 U.S.C. 791 (a), et seq., and the Natural Gas Act, 5 U.S.C. 717(a), et seq.

The Commission finds:

(1) It is appropriate and in the public interest in administering the Federal Power Act, 16 U.S.C. 825 g, h, and the Natural Gas Act, 15 U.S.C. 717 n, o, to set forth Commission policy and practice in regard to initial notice of certain proceedings published in the FEDERAL REGISTER as hereinafter ordered.

(2) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendments here adopted. They constitute statements of general policy and rules of practice and procedure.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825g, 825h) and the provisions of the Natural Gas Act, as amended, particularly sections 15 and 16 (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Section 2.1 of Part 2, statements of general policy and interpretations, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding subparagraphs (1) and (2) to paragraph (a) to read as follows:

§ 2.1 Initial notice; service; and information copies of formal documents.

(a) \* \* \*

(1) It is the policy of the Commission to publish notice in the FEDERAL REGISTER upon the institution of the following proceedings before the Commission:

(i) *Natural gas pipeline companies and public utility rate schedules and tariffs.* (A) Initial rate schedule filings and changes in rates schedules proposed by public utilities and changes in rate schedules or tariffs proposed by natural gas pipeline companies, including purchased gas adjustment clauses.

(B) Changes in rates proposed by natural gas companies for field sales.

(C) The filing of proposed settlement agreements by natural gas pipeline companies and public utilities.

(D) The filing, either by motion or petition, of proposed modifications of settlement agreements or proposed

amendments to settlement orders, as referred to in paragraph (a) (1) (i) (C) of this section.

(E) Tracking rate schedule or tariff filings made pursuant to settlement agreements.

(F) Rate schedule or tariff filings made by natural gas pipeline companies or public utilities in compliance with Commission orders.

(G) Reports of refunds by natural gas pipeline companies and public utilities.

(H) Settlement agreements which are placed into the hearing record and certified by the Presiding Administrative Law Judge to the Commission.

(I) Complaints against natural gas pipeline companies and public utilities, unless otherwise directed.

(ii) *Interconnections, service and exportation pursuant to the Federal Power Act.* (A) Applications for interconnection and service under section 202(b).

(B) Applications for interconnection and service under section 202(c), unless otherwise directed.

(C) Applications for interconnections for emergency use only under section 202(d), unless otherwise directed.

(D) Applications pursuant to section 207.

(E) Applications for authority to export electric energy to a foreign country under section 202(e).

(iii) *Hydroelectric, Federal Power Act.* (A) Applications for preliminary permits pursuant to section 4(f).

(B) Applications for licenses for constructed or unconstructed projects, or notice of declaration of intention, sections 4(e), 23(a) (b).

(C) Applications for amendment of license, unless otherwise directed.

(D) Application for relicenses or non-power licenses, or a recommendation for takeover, sections 14 and 15.

(E) Applications for transfer of license, section 8.

(F) Applications for surrender of license, section 6.

(G) Proceeding for revocation or termination of license, sections 6, 13, 26.

(H) Issuance of annual licenses, section 15.

(I) Lands withdrawn pursuant to an application for preliminary permit or license, and the vacation of such land withdrawals, section 24.

(J) Complaints against licensees, unless otherwise directed.

(iv) *Corporate electric.* (A) Applications pursuant to sections 203, 204, of the Federal Power Act, and applications or complaints pursuant to section 305 of the Federal Power Act.

(v) *Accounting, gas and electric.* (A) Applications pursuant to sections 4, 23, 301, and 302 of the Federal Power Act.

(B) Applications pursuant to sections 8 and 9 of the Natural Gas Act.

(vi) *Federal rates.* (A) Application for confirmation and approval of rate schedules for Federal hydroelectric projects.

(vii) *Natural gas pipeline certificates, exportations, and importations, Natural*



Gas Act. (A) Applications for exemption under section 1(c).

(B) Applications for authorization to import and export gas under section 3.

(C) Applications for orders directing physical connection of facilities and sale of natural gas under section 7(a).

(D) Applications for permission and approval to abandon under section 7(b).

(E) Applications for permanent certificates under section 7(c).

(F) Settlement agreements in certificate cases.

(G) Complaints against natural gas pipeline companies, filed by individuals and companies, unless otherwise directed.

(viii) *Independent producers.* (A) Orders suspending rates for independent producers and initiating a hearing thereon.

(B) Filing of offers of settlement.

(C) Small producer applications and petitions for relief relating to small producer matters.

(D) Petitions for special relief under the Commission's area rate opinions.

(ix) *Presidential permits, gas and electric.* (A) Applications for permits under Executive Order No. 10485.

(x) *Environmental statements.* (A) Notice to be published pursuant to Order series 415.

(xi) *Miscellaneous, gas and electric.* (A) Order instituting an investigation in which hearings are fixed or in which an opportunity is given for filing comments or petitions to intervene.

(B) Show cause order, in which hearings are fixed or in which an opportunity is given for filing comments or petitions to intervene.

(C) Order or notice consolidating proceedings for hearing purposes or severing a proceeding formerly consolidated for hearing purposes.

(D) Applications for declaratory order, disclaimers of jurisdiction, or waiver of Commission regulations, unless otherwise directed.

(E) Requests for redesignation pursuant to § 3.5(a) (26) of this subchapter, unless otherwise directed.

(F) Requests for extension of time pursuant to § 3.5(a) (10) of this subchapter, unless otherwise directed.

(G) Consolidations and severance pursuant to § 3.5(a) (6) of this subchapter, unless otherwise directed.

(H) Notice of correction of a document in any of the above categories.

(I) Notice of meetings of advisory committees established by the Commission.

(J) Notices of conferences in docketed rulemaking proceedings.

(K) Such other notices or orders as may be submitted by the Secretary for publication.

(2) "Otherwise directed," as referred to above, shall be interpreted to mean notice given by the discretion of the Secretary.

(B) Section 1.19 of Part 1, rules of practice and procedure, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding

paragraph (c) (1), (2), and (3), which reads as follows:

§ 1.19 Notice.

(c) Publication of notice in the FEDERAL REGISTER shall be carried out with the following provisos:

(1) It shall be the responsibility of the Secretary to act on the behalf of the Commission as liaison with the Office of the Federal Register, National Archives and Records Service of the General Services Administration, to approve documents to be submitted for publication in the FEDERAL REGISTER, and to certify the necessary copies. The Office of Administrative Operations is responsible for the reproduction of copies and the dispatching of documents approved by the Secretary for publication.

(2) The aforementioned duties are to be carried out in compliance with Chapter I, Title I, Code of Federal Regulations, which contains the rules and regulations established by the Office of the Federal Register to govern the preparation and submission of material for publication.

(3) It shall be the responsibility of the Applicant or movant to submit in triplicate, in conjunction with any filing which is given notice under § 21.(a) (1) of this chapter, a proposed notice suitable for publication in the FEDERAL REGISTER. The notice shall have substantially the following format:

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

NOTICE OF (TYPE OF FILING)

The FPC issues notice of (type of filing) for (Company, Docket or Project Number). Protests or petitions to intervene due (date).

(C) The amendments prescribed herein will be effective upon the issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-21783 Filed 12-19-72; 8:47 am]

## Title 20—EMPLOYEES' BENEFITS

### Chapter VI—Employment Standards Administration, Department of Labor

#### SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

#### PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AS AMENDED

##### Statutory Provisions; Correction

In the FEDERAL REGISTER dated Thursday, November 30, 1972, at page 25441 (F.R. Doc. 72-20594) in the parenthetical phrase following the second sentence of § 725.1(c) (2), the reference to Decem-

ber 31, 1971 should have read December 30, 1981 and the reference to January 1, 1982 should have read December 31, 1981. Accordingly, the parenthetical phrase following the second sentence in § 725.1(c) (2) should read as follows:

#### § 725.1 Statutory provisions for black lung benefits.

(c) \* \* \*

(2) \* \* \* (The Department has determined, pending an opinion by the Attorney General as to the meaning of section 422(e) of the Act, that the Federal Government shall be required to pay all benefits to which an individual is entitled for any period subsequent to December 30, 1981: *Provided*, That a claim for benefits has been filed with the Department prior to December 31, 1981.) \* \* \*

Signed at Washington, D.C., this 12th day of December 1972.

R. J. GRUNEWALD,  
Assistant Secretary for  
Employment Standards.

[FR Doc.72-21796 Filed 12-19-72; 8:48 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER C—DRUGS

#### PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

##### Acepromazine Maleate Injectable

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15-030V) filed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017, proposing the safe and effective use of acepromazine maleate injectable, veterinary as a neuroleptic agent in dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(d), 82 Stat. 347; 21 U.S.C. 360b(i) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section to read as follows:

§ 135b.72 Acepromazine maleate injectable, veterinary.

(a) *Chemical name.* [10-[3-(Dimethylamino) propyl] phenothiazin-2-yl-methyl ketone] maleate.

(b) *Specifications.* Each milliliter of the drug contains 10 milligrams of acepromazine maleate in double distilled water.

(c) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) The drug is used as a tranquilizer in dogs, cats, and horses.



(2) The drug is administered intravenously, intramuscularly or subcutaneously with the dosage individualized depending upon the degree of tranquilization required. It is administered to dogs at a dosage level of 0.25 to 0.5 milligram of acepromazine maleate per pound of body weight; to cats at a dosage level of 0.5 to 1.0 milligram of acepromazine maleate per pound of body weight; and to horses at a dosage level of 2.0 to 4.0 milligrams of acepromazine maleate per 100 pounds of body weight.

(3) Do not use in horses intended for food.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

**Effective date.** This order shall be effective upon publication in the *FEDERAL REGISTER* (12-20-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: December 13, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-21770 Filed 12-19-72; 8:46 am]

## PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

### Primidone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (30-137V) filed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, NY 10017, proposing the safe and effective use of primidone tablets as an anticonvulsant in the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

#### § 135c.92 Primidone tablets, veterinary.

(a) **Specifications.** Primidone tablets, veterinary, contain primidone as the active ingredient.

(b) **Sponsor.** See code No. 038 in § 135.501(c) of this chapter.

(c) **Conditions of use.** (1) The drug is intended for use in dogs for control of convulsions associated with true epilepsy, epileptiform seizures, virus encephalitis, distemper, and hardpad disease.

(2) The drug is administered at a dosage level of 250 milligrams of primidone for each 10 pounds of body weight per day. When convulsions are frequent, the daily dosage should be divided and given at intervals. The tablets may be administered directly to the dog or crumbled and sprinkled on food.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

**Effective date.** This order shall be effective upon publication in the *FEDERAL REGISTER* (12-20-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360d(1))

Dated: December 13, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-21771 Filed 12-19-72; 8:46 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 3—Department of Health, Education, and Welfare

#### PART 3-6—FOREIGN PURCHASES

##### Subpart 3-6.50—Duty-Free Importation of Goods

Chapter 4, Title 41, Code of Federal Regulations, is amended as follows. The purpose of this amendment is to provide a procedure for the duty-free importation of scientific equipment.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rulemaking process. However, the amendment herein involves an internal administrative procedure. Therefore, the public rulemaking process is deemed unnecessary in this instance.

Part 3-6 is amended to add a new Subpart 3-6.50, Duty-Free Importation of Goods, which reads as follows:

##### Subpart 3-6.50—Duty-Free Importation of Goods

Sec.	
3-6.5000	Scope of subpart.
3-6.5001	General.
3-6.5002	Application for duty-free importation of goods.
3-6.5003	Availability of forms.

**AUTHORITY:** The provisions of this Subpart 3-6.50 issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

##### Subpart 3-6.50—Duty-Free Importation of Goods

###### § 3-6.5000 Scope of subpart.

This subpart prescribes procedures for obtaining the duty-free importation of scientific instruments and apparatus.

###### § 3-6.5001 General.

Scientific instruments and apparatus may be imported duty free, if the Secretary of Commerce determines that no instrument or apparatus of equivalent scientific value to such article, for the purpose for which the instrument or apparatus is intended to be used, is being manufactured in the United States. Application for duty-free importation shall be limited to those instances where the savings in duty would exceed the administrative cost incurred.

###### § 3-6.5002 Application for duty-free importation of goods.

(a) Application, Form OIPF 768, Request for Duty-Free Entry of Scientific Equipment or Apparatus, will be prepared in accordance with the attached instructions in seven copies and submitted to the Commissioner of Customs, Attention: Tariff Classification Ruling, Washington, D.C. 20226. This application may be submitted prior to purchase of an item (based on a firm intention to buy) or it may be submitted subsequent to the placing of an order. When the application is filed prior to the issuing of an order, the order must be placed on or before the 60th day following the date on which a decision by the Office of Import Programs (OIP) becomes final.

(1) The application will list all pertinent characteristics and specifications of the foreign made item which, in the opinion of the prospective user, make it superior in scientific value to a similar item of domestic origin.

(2) The application must also explain why an item with these characteristics and specifications is required to accomplish the purpose for which the item is to be used.

(b) The Commissioner of Customs will in accordance with § 10.116, 19 CFR:

(1) Forward copies of the application to the Office of Import Programs, and

(2) Return one copy to the procurement office which filed the request. This copy will be stamped as accepted for transmittal to the Department of Commerce. The procurement office will forward this copy to the Director of Customs of the district in which the item has been or will be entered.

(c) The Office of Import Programs will publish a notice of the application in the *FEDERAL REGISTER*. Equipment manufacturers and other interested parties will be given 20 days to present information on scientific instruments or apparatus of domestic manufacture which they feel have equivalent scientific value to the item of foreign manufacture. At the end of 20 days OIP will evaluate any comments received from interested parties and determine whether duty-free entry should be authorized. This decision will also be published in the *FEDERAL REGISTER*. If no appeal from a determination to allow duty-free entry is made within 20 days from the date of publication, the Office of Import Programs will notify the Director of Customs of the cognizant district that duty-free entry will be allowed.

###### § 3-6.5003 Availability of forms.

Form OIPF 768 is available from the Office of the Deputy Assistant Secretary for Resources, Department of Commerce or from any Department of Commerce field office.



**Effective date.** This amendment shall be effective upon publication in the FEDERAL REGISTER (12-20-72).

Dated: December 11, 1972.

N. B. HOUSTON,  
Deputy Assistant Secretary  
for Administration.

[FR Doc.72-21819 Filed 12-19-72;8:50 am]

## Chapter 8—Veterans Administration

### PART 8-1—GENERAL

#### Introduction to VAPR

Subpart 8-1.1 is revised in order to renumber and update the material in conformance with the FPR and restate agency policy and application of the VAPR and FPR to the general procurement operations, including construction.

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose. The amendments are either editorial in nature or involve agency procedure or practice.

Subpart 8-1.1 is revised to read as follows:

#### Subpart 8-1.1—Introduction

Sec.	
8-1.101	Scope of subpart.
8-1.102	Purpose.
8-1.103	Authority.
8-1.104	Applicability.
8-1.105	Exclusions.
8-1.106	Issuance.
8-1.107	Arrangement.
8-1.107-1	General plan.
8-1.107-2	Numbering.
8-1.107-3	Citation.
8-1.107-4	Cross references.
8-1.108	Relationship of the FPR to VAPR.
8-1.109	Deviation.
8-1.109-1	Description.
8-1.109-2	Procedure.
8-1.150	Use of designees.

**AUTHORITY:** The provisions of this Subpart 8-1.1 issued under 80 Stat. 379, 72 Stat. 1114, sec. 205(c), 63 Stat. 390; 5 U.S.C. 301, 38 U.S.C. 210, 40 U.S.C. 486(c).

#### Subpart 8-1.1—Introduction

##### § 8-1.101 Scope of subpart.

This subpart establishes the Veterans Administration Procurement Regulations (VAPR), Chapter 8 of the Federal Procurement Regulations System (41 CFR Ch. 8) and states its relationship to the Federal Procurement Regulations (FPR) 41 CFR Ch. 1, and to instructions governing the procurement operations of the Veterans Administration.

##### § 8-1.102 Purpose.

The VAPR is prescribed by the Administrator of Veterans Affairs to provide direction, control, and uniformity in the agency's procurement of personal

property and nonpersonal services (including construction).

##### § 8-1.103 Authority.

VAPR is issued under 5 U.S.C. 301, 38 U.S.C. 210 and 40 U.S.C. 486(c).

##### § 8-1.104 Applicability.

(a) The FPR applies to the general procurement operations of the agency (including construction) as implemented and supplemented by the VAPR.

(b) The FPR and VAPR will not apply to purchases and contracts which utilize General Post Funds when such regulations would infringe on a donor's prerogative to specify the exact item to be purchased and the source of supply.

(c) The FPR and VAPR will apply to the special procurement programs authorized by Title 38, United States Code (viz. Veterans Canteen Service and the Loan Guaranty programs), to the extent indicated in VAPR.

##### § 8-1.105 Exclusions.

(a) Certain Veterans Administration procurement policies and procedures which come within the scope of this Chapter 8 nevertheless may be excluded therefrom when there is a justification therefor. These exclusions may include the following categories:

(1) Policies or procedures which are instituted on an experimental basis, or which are expected to be effective for a period of less than 6 months.

(2) Policies and procedures pertaining to other functions of the Veterans' Administration as well as to procurement functions, where there is need to make the issuance available simultaneously to all Veterans' Administration employees concerned.

(3) Speed of issuance is essential, numerous changes are required in chapter 8, and all necessary changes cannot be made promptly.

(b) Procurement procedures and instructions issued under paragraph (a) (2) and (3) of this section, will be codified into chapter 8 at the earliest practicable date, but in any event not later than 6 months from date of issuance.

##### § 8-1.106 Issuance.

(a) Policies and procedures which directly affect the public will be published in the FEDERAL REGISTER as Chapter 8 of Title 41 of the Code of Federal Regulations. Related material, not affecting the public, may also be published in the FEDERAL REGISTER when its inclusion will provide a logical comprehensive statement of Veterans' Administration procurement policies and procedures. Material published in Chapter 8C will not be published in the FEDERAL REGISTER.

(b) The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

##### § 8-1.107 Arrangement.

##### § 8-1.107-1 General plan.

The VAPR conforms with the FPR system with respect to divisional ar-

rangements into parts, subparts, sections, subsections, and further subdivisions as necessary.

##### § 8-1.107-2 Numbering.

(a) Generally, the numbering system used in VAPR conforms to that of the FPR (see § 1-1.007-2 of this title). Thus, a particular procurement policy or procedure is identified by the same number in both the FPR and VAPR except that the first digit of the number is either 1 (FPR) or 8.

(b) Where Chapter 8 implements a part, subpart, section or subsection of the FPR, the implementing part, subpart, section or subsection of Chapter 8 will be numbered (and captioned) to correspond to the FPR part, subpart, section or subsection, e.g., 8-1.302 "Procurement Sources" implements 1-1.302 of FPR. Paragraph and subparagraph designations of Chapter 8, however, are independently developed and do not necessarily correspond to a paragraph or subparagraph of the FPR.

(c) Where Chapter 8 supplements the FPR and thus deals with subject matter not contained in the FPR, the numbers in the group 50 through 99 are assigned to the respective supplementing parts, subparts or sections.

(d) Where the subject matter contained in the part, subpart, section or subsection of the FPR requires no implementation, Chapter 8 will contain no corresponding part, subpart, section or subsection. Thus, there will be gaps in the Chapter 8 series of part, subpart, section or subsection numbers.

##### § 8-1.107-3 Citation.

(a) In formal documents, such as legal briefs, citations of Chapter 8 material which has been published in the FEDERAL REGISTER will be to Title 41 of the Code of Federal Regulations. If Chapter 8 material has not been published in the FEDERAL REGISTER, citation of such material in formal documents should give the number of the part, subpart, or section of Chapter 8 following the words "Veterans' Administration Procurement Regulations."

(b) Any section of Chapter 8, for purpose of brevity, may be informally identified as "VAPR" followed by section number. For example, this paragraph would be identified in a memorandum as "VAPR 8-1.107-3(b)".

##### § 8-1.107-4 Cross references.

(a) Within Chapter 8, cross references to the FPR will be made in the same manner as used within the FPR. Illustrations of cross references to the FPR are:

(1) Part 1-3.

(2) Subpart 1-3.1.

(3) Section 1-3.413-5(a). The word "section" or its symbol (§) is used in making a cross reference even though the reference may be to a subsection, paragraph, or subparagraph. For example, this reference is actually to a paragraph.

(b) Within Chapter 8, cross reference to parts, subparts and sections of Chapter



8 will be in a manner generally similar to that used in making references to the FPR. For example this paragraph would be referred to as § 8-1.107-4(b).

### § 8-1.108 Relationship of the FPR to VAPR.

(a) Chapter 8 implements and supplements the FPR. Except as necessary to assure continuity or understanding, material published in the FPR will not be repeated, paraphrased, or otherwise restated in Chapter 8.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 8 may supersede the FPR as when a deviation (see § 8-1.109-1) is authorized, but only when the deviation contains an explicit cross reference to the FPR.

(d) Where Chapter 8 contains no material implementing the FPR, the FPR will govern.

### § 8-1.109 Deviation.

#### § 8-1.109-1 Description.

(a) The term "deviation" as used in the Chapter 8 is defined in the same manner as described in FPR 1-1.009-1.

(b) In order to maintain uniformity to the greatest extent feasible, deviation from the FPR and VAPR will be kept to a minimum and controlled as follows:

(1) Except for those programs for which special procurement authorities are contained in Title 38, United States Code, and for which procurements are negotiated under Subpart 8-3.2 of this chapter, authority to deviate from the FPR and Chapter 8, in individual cases, will be granted by the Director, Supply Service, or the Assistant Administrator for Construction.

(2) Authority to deviate from the VAPR in procurements effected under the special procurement authorities contained in Title 38, United States Code, in classes of cases will be secured from the Deputy Administrator.

(3) Authority to deviate from the FPR in classes of cases will normally be obtained in advance from General Services Administration. Where, in the judgment of the Director, Supply Service, circumstances preclude joint consideration with General Services Administration, he may recommend to the Deputy Administrator that authority be granted for such deviation, pending joint consideration at a later date. Normally, classes of cases requiring special treatment will be handled as revisions of this Chapter 8.

#### § 8-1.109-2 Procedure.

(a) When contracting officers, other than those assigned to the Office of the Assistant Administrator for Construction, consider it necessary to deviate from the policies set forth in the FPR or VAPR, a request for authority to do so will be submitted to the Director, Supply Service. The request will clearly set forth

the circumstances warranting the deviation and the nature of the deviation.

(b) Contracting officers assigned to the Office of the Assistant Administrator for Construction will, in individual cases, secure prior authorization from the Assistant Administrator for Construction before any deviation is taken. A copy of each such authorization that is granted will be furnished the Director, Supply Service. Requests to deviate in other than individual cases will be processed as provided in paragraphs (d), (e), and (f) of this section.

(c) When a deviation in an individual case is authorized by either the Director, Supply Service, or the Assistant Administrator for Construction, the authorization will be filed in the purchase or contract file, whichever is appropriate. The Director, Supply Service, will review each deviation authorized and when considered necessary either prepare a change to the VAPR or recommend to the General Services Administration that the appropriate portion of the FPR be changed.

(d) Where deviations from the FPR in classes of cases are considered necessary, the Director, Supply Service, will prepare the submission to General Services Administration. Where circumstances preclude obtaining the prior concurrence of General Services Administration, and a deviation is authorized by the Deputy Administrator, the Director, Supply Service, will prepare a letter to General Services Administration stating the deviation authorized and the circumstances requiring the deviation. Deviations will be set forth in this Chapter 8 as provided in § 8-1.108(c).

(e) Where deviations from the VAPR are considered necessary in classes of cases for those procurements effected under Subpart 8-3.2 of this chapter, the Director, Supply Service, will review the request and forward it with his recommendation through channels to the Deputy Administrator. The deviation, if granted will be published in this Chapter 8.

(f) When a continuing deviation from the regulations in this Chapter 8 is requested, after authorization to deviate in an individual case has been granted, the Director, Supply Service, will forward the request with his recommendations, through channels, to the Deputy Administrator. The request, approved or disapproved, shall be returned through channels to the contracting officer. Such deviations when approved will not be published in this Chapter 8. The contract files will, in each instance, be annotated to show that such authority has been granted.

#### § 8-1.150 Use of designees.

Throughout the regulations in Chapter 8 responsibilities and duties are assigned to certain individuals by position title, and, in many instances, the submission of reports to and by these individuals is also prescribed. Whenever such titles are

used the individual occupying such position may, unless otherwise restricted by law or the regulations in Chapter 8, designate a subordinate to act for him.

These regulations are effective January 15, 1973.

Approved: December 14, 1972.

By direction of the Administrator.

RUFUS H. WILSON,  
Associate Deputy Administrator.

[FR Doc. 72-21798 Filed 12-19-72; 8:48 am]

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fourth Rev. S. O. 1043, Amdt. 1]

### PART 1033—CAR SERVICE

#### Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1972.

Upon further consideration of Fourth Revised Service Order No. 1043 (37 F.R. 15306) and good cause appearing therefor:

It is ordered, That: § 1033.1043 Fourth Revised Service Order No. 1043 (regulations for return of hopper cars) be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1973, unless otherwise modified, changed, or superseded by order of this Commission.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-21833 Filed 12-19-72; 8:50 am]



[S.O. 1084, Amdt. 2]

**PART 1033—CAR SERVICE**

**Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Certain Tracks**

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1972.

Upon further consideration of Service Order No. 1084 (36 F.R. 22063 and 37 F.R. 12726), and good cause appearing therefor:

*It is ordered, That:* § 1033.1084 *Service Order No. 1084* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Chicago and North Western Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21832 Filed 12-19-72; 8:50 am]

**Title 50—WILDLIFE AND FISHERIES**

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

**PART 33—SPORT FISHING**

**Browns Park National Wildlife Refuge, Colo.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-20-72).

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

**COLORADO**

**BROWNS PARK NATIONAL WILDLIFE REFUGE**

Sport fishing on the Browns Park National Wildlife Refuge, Colo., is permitted from January 1 through February 28, inclusive, and from June 16 through December 31, 1973, inclusive, but only on the areas designated by signs as open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the Refuge Manager, Greystone, Colo., or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM. Sport fishing shall be in accordance with all applicable State regulations.

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 December 31, 1973.

H. J. JOHNSON,  
Refuge Manager, Browns Park  
National Wildlife Refuge,  
Greystone, Colo.

DECEMBER 11, 1972.

[FR Doc.72-21822 Filed 12-19-72; 8:52 am]

**PART 33—SPORT FISHING**

**Sequoyah National Wildlife Refuge, Okla.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-20-72).

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

**OKLAHOMA**

**SEQUOYAH NATIONAL WILDLIFE REFUGE**

Sport fishing on the Sequoyah National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,100 acres, are delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. 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, 1973 through December 31, 1973, inclusive, except for an area of approximately 2,200 acres south of Vian Creek as posted to be closed during the periods October 1, 1973 through March 31, 1974, inclusive.

(2) Some refuge roads leading to waters open to fishing may be closed during October 1, 1973 through March 31, 1974, inclusive, as posted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1973.

MORRIS C. LEFEVER,  
Refuge Manager, Sequoyah Na-  
tional Wildlife Refuge, Salli-  
saw, Okla.

DECEMBER 11, 1972.

[FR Doc.72-21821 Filed 12-19-72; 8:52 am]

**PART 33—SPORT FISHING**

**Washita National Wildlife Refuge, Okla.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-20-72).

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

**OKLAHOMA**

**WASHITA NATIONAL WILDLIFE REFUGE**

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during the open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. 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 April 1 through October 14, 1973, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trot lines must be removed from refuge waters on or before October 14, 1973.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 14, 1973.

ROBERT H. STRATTON, Jr.,  
Refuge Manager, Washita Na-  
tional Wildlife Refuge, But-  
ler, Okla.

DECEMBER 11, 1972.

[FR Doc.72-21820 Filed 12-19-72; 8:52 am]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

### VESSELS IN FOREIGN AND DOMESTIC TRADES

#### Specification of Certain Factors To Be Considered in Determining Whether Primary Object of Voyage Is Coast- wise Transportation

Notice is hereby given that under the authority of 5 U.S.C. 301, Revised Statute 251, as amended (19 U.S.C. 66), section 2, 23 Stat. 118, as amended (46 U.S.C. 2), and section 8, 24 Stat. 81, as amended (46 U.S.C. 289), it is proposed to amend § 4.80a of the Customs Regulations (19 CFR 4.80a), to state certain factors to be considered in determining whether or not the primary object of a foreign-flag vessel in embarking passengers at one point in the United States and disembarking them at another such point is coastwise transportation.

The transportation of passengers between ports and places in the United States, either directly or by way of a foreign port, by a foreign vessel is prohibited by section 8 of the Act of June 19, 1886 (46 U.S.C. 289), under a penalty of \$200 for each passenger so transported and landed. Section 4.80a contains provisions applicable to the Bureau of Customs administrative practice in determining whether violations of that law have taken place. Experience with the application of § 4.80a has demonstrated a need to specify certain factors which are considered in determining whether the primary object of a voyage is coastwise transportation within the prohibition.

Accordingly, it is proposed to amend § 4.80a by adding a new paragraph (d) to read as follows:

**§ 4.80a Passengers on foreign vessels taken on board and landed in the United States.**

(d) Factors which will be considered in determining the primary object of the voyage for the purposes of paragraphs (a) and (b) of this section include, but are not limited to:

(1) The number of foreign ports at which the vessel touches and the time spent at those ports, compared to the number of coastwise ports touched and the time spent at those ports;

(2) The coordination of the voyage with special events taking place at particular coastwise ports; and

(3) Brochures, advertising, and other publicity concerning the voyage.

(R.S. 251, as amended, sec. 2, 23 Stat. 118, as amended, sec. 8, 24 Stat. 81, as amended; 19 U.S.C. 66, 46 U.S.C. 2, 289)

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

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), at the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours. 014.1

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

Approved: December 12, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary of the  
Treasury.

[FR Doc. 72-21794 Filed 12-19-72; 8:52 am]

### [19 CFR Parts 9, 145]

#### IMPORTATION AND EXPORTATION OF ARTICLES BY MAIL

##### Notice of Proposed Rule Making

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend the Customs Regulations pertaining to the importation and exportation of articles by mail.

The proposed revision is part of the general revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I of Title 19 of the Code of Federal Regulations. As part of this rearrangement, it is proposed to redesignate Part 9 as Part 145.

Changes or additions in language are made to eliminate inconsistencies, and conform the proposed to clarify some provisions, eliminate Customs regulations to recently enacted statutes and to current administrative practices. The principal changes in the requirements and procedures in proposed Part 145 from those set forth in Part 9 are as follows:

1. The term "package" is used throughout the revised part rather than "parcel" since the term "package" is a general term applying to both parcel post and Postal Union mail.

2. Section 145.2 sets forth the categories of mail which are or are not subject to Customs examination.

3. In § 145.12, paragraph (c) has been added to provide for handling of dutiable

shipments not over \$250 in value addressed to Government agencies.

4. Section 145.13, pertaining to internal revenue taxes, has been revised to eliminate the obsolete procedures in section 9.8. The internal revenue taxes on playing cards and on manufactured tobacco (other than cigars and cigarettes) were eliminated by Public Law 89-44 (79 Stat. 136). Internal revenue stamps no longer are required as proof of payment, except on a few products listed in § 11.5 of the Customs regulations which are perishable in nature and thus seldom, if ever, imported by mail. The special procedure for prepayment of duty and tax on cigars from Cuba has been eliminated because Cuban cigars now are prohibited from importation under Cuban Assets Control regulations.

5. Section 145.14 has been added to show the current procedure used for merchandise which is improperly marked.

6. Section 145.23 has been revised to show that longer time limits may apply to requests for amendments under section 520(c)(1) as well as section 520(c)(2), Tariff Act of 1930, as amended.

7. Section 145.25 is added to show the procedure when a request for refund of duty is denied.

8. Section 145.26 is a new section which clarifies the nonbinding status of dutiable mail entries.

9. In subpart D, cross-references are added to certain applicable provisions for special classes of merchandise.

10. Section 145.41 eliminates the \$25 limit in present § 9.9(c) on shipments of products of insular possessions which may be entered free without documentary proof, setting forth only the district director's discretionary general authority to pass free any merchandise up to \$250 in value. The district director may still require documentary proof in accordance with § 145.42 if he deems it necessary.

11. Sections 145.51 and 145.52 reflect the changes made in the treatment of contraceptive matter by Public Law 91-662 (84 Stat. 1973). Contraceptive matter no longer is prohibited from importation by section 305, Tariff Act of 1930, as amended. Certain restrictions on mailing unsolicited advertisements for such matter, however, are contained in 18 U.S.C. 1461 and 39 U.S.C. 3001.

12. Section 145.53 reflects the changes in gun control requirements effected by recent legislation, including the Gun Control Act of 1968. An importer now needs an import permit to enter rifles and shotguns, automatic firearms, and other firearms unless excepted from this requirement under the provisions of 26 CFR Part 178. Import permits for articles on the U.S. Munitions List, formerly issued by the Department of State, now are issued by the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, under the provisions of 26 CFR Part 180.



13. Section 145.54 is added to provide for the treatment accorded alcoholic beverages imported by mail.

14. In Subpart E, provisions have been added to provide cross-references to other applicable provisions of the Customs regulations.

Accordingly, it is proposed to amend the Customs regulations as follows:

#### PART 9 [DELETED]

Chapter I of Title 19 of the Code of Federal Regulations is amended by deleting Part 9—Importations by Mail.

#### PART 145—MAIL IMPORTATIONS

Chapter I of Title 19 of the Code of Federal Regulations is amended by adding Part 145 entitled "Mail Importations" to read as follows:

- Sec.  
145.0 Scope.
- Subpart A—General Provisions
- 145.1 Definitions.  
145.2 Mail subject to Customs examination.  
145.3 Reading of correspondence prohibited.  
145.4 Dutiable merchandise without declaration or invoice, prohibited merchandise, and merchandise imported contrary to law.  
145.5 Undeliverable packages.
- Subpart B—Requirements and Procedures
- 145.11 Declarations of value and invoices.  
145.12 Entry of merchandise.  
145.13 Internal revenue tax on mail entries.  
145.14 Marking requirements.
- Subpart C—Administrative Review of Mail Entries
- 145.21 Administrative review.  
145.22 Procedures for obtaining administrative review.  
145.23 Time limits.  
145.24 Amendment of entry.  
145.25 Entry correct.  
145.26 Rates of duty not binding.
- Subpart D—Special Classes of Merchandise
- 145.31 Importations not over \$1 in value.  
145.32 Bona fide gifts not over \$10 in value.  
145.33 Bona fide gifts from military personnel in a combat zone.  
145.34 Personal and household effects and tools of trade.  
145.35 U.S. products returned.  
145.36 Articles for institutions.  
145.37 Articles for the U.S. Government.  
145.38 Diplomatic pouches.  
145.39 Articles for diplomatic officers, representatives of international organizations, and foreign military personnel.  
145.40 Plant material imported for immediate exportation.  
145.41 Other conditionally and unconditionally free merchandise.  
145.42 Proof for conditionally free merchandise.
- Subpart E—Restricted and Prohibited Merchandise
- 145.51 Articles prohibited by section 305, Tariff Act of 1930.  
145.52 Literature concerning devices for unlawful abortion, and unsolicited contraceptive matter and advertisements.  
145.53 Firearms and munitions of war.  
145.54 Alcoholic beverages.  
145.55 Trademarks, trade names, and copyrights.

- Sec.  
145.56 Foreign Assets Control.  
145.57 Regulations of other agencies.  
145.58 Other restricted and prohibited merchandise.  
145.59 Seizures.

#### Subpart F—Exportation by Mail

- 145.71 Exportation from continuous Government custody.  
145.72 Delivery to Customs custody for exportation.

**AUTHORITY:** The provisions of this Part 145 issued under R. S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (General Headnote 11, Tariff Schedules of the United States), 1624. Additional authority and statutes interpreted or applied are cited in the text or in parentheses following the sections affected.

#### § 145.0 Scope.

This part contains regulations pertaining specifically to the importation of merchandise through the mails but does not contain all the regulations applicable to mail importations. Importations by mail are subject to the same requirements and restrictions as importations by any other means, except where more specific procedures for mail importations are set forth in this part.

#### Subpart A—General Provisions

##### § 145.1 Definitions.

The following are general definitions for the purposes of this Part 145:

- (a) *Mail*. "Mail" or "international mail" means both Postal Union mail and parcel post, as those terms are construed in 39 CFR Part 12.  
(b) *Letter mail*. "Letter mail" means letters and letter packages in Postal Union mail.  
(c) *Package*. "Package" means any parcel, packet, envelope, or other similar container, whether sealed or unsealed, arriving in the international mail.

##### § 145.2 Mail subject to Customs examination.

All mail originating outside the Customs territory of the United States, whether sealed or unsealed, is subject to Customs examination, except:

- (a) Mail known or believed to contain only official documents addressed to officials of the U.S. Government;  
(b) Mail addressed to Ambassadors and Ministers (Chiefs of Diplomatic Missions) of foreign countries; and  
(c) Letter mail known or believed to contain only correspondence or documents addressed to diplomatic missions or the officers thereof, or to international organizations designated by the President as public international organizations pursuant to the International Organizations Act (see § 10.30a of this chapter). Mail, other than letter mail, addressed to such designated international organizations is subject to Customs examination except where the organization certifies under its official seal that such mail contains no dutiable or prohibited articles. Any Customs examination made shall, upon request of the addressee international organization, take place in the presence of an appropriate representative of that organization.

##### § 145.3 Reading of correspondence prohibited.

No Customs officer or employee shall read or authorize or allow any other person to read any correspondence contained in sealed letter mail of foreign origin unless a search warrant has been obtained in advance from an appropriate judge or U.S. magistrate which authorizes such action.

##### § 145.4 Dutiable merchandise without declaration or invoice, prohibited merchandise, and merchandise imported contrary to law.

(a) *Subject to seizure and forfeiture*. When, upon Customs examination, a package from abroad is found to contain merchandise subject to duty or tax, and the package is not accompanied by an appropriate Customs declaration and invoice or statement of value required by § 145.11, or is found to contain material prohibited importation or imported contrary to law, the merchandise is subject to seizure and forfeiture.

(b) *Mitigation of forfeiture*. Under the authority contained in section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), any forfeiture of merchandise subject to duty or tax (other than material prohibited importation) so incurred is hereby mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating to the district director that failure to properly declare the merchandise was due to willful negligence or an intent to defraud the revenue. If there is any such evidence, or if for any other reason the district director believes that it would not be in the interest of the United States to grant this relief, the matter shall be reported to the Commissioner of Customs for instructions.

(c) *Collection of mitigated forfeiture*. When the shipment does not exceed \$250 in value, Customs Form 3419 or 5119-A shall be used for the entry of the merchandise, and the duty, any tax, and the amount of the mitigated forfeiture shall be entered as separate items thereon. If a package for which a mail fine entry has been issued in accordance with this paragraph is undeliverable, it will be returned to the district director at the port where the entry was issued, for disposition in accordance with § 145.59 relating to articles subject to seizure.

(d) *Petition for relief*. The addressee or sender may file a petition with the district director at the port where the mail fine entry was issued in accordance with Part 171 of this chapter for relief from the forfeiture incurred and for release of the seized merchandise, or for additional relief from a mitigated forfeiture.

(62 Stat. 716, as amended, sec. 618, 46 Stat. 757, as amended; 18 U.S.C. 545, 19 U.S.C. 1618)

Packages which are refused or undeliverable, except packages for which a mail fine entry has been issued in accordance with § 145.4(c), will be marked by the postmaster to show why delivery was not made, and will be forwarded



to the proper exchange post office for return to the country of origin. Mail entries will be removed from the packages and returned to Customs for cancellation. If, for any reason, an undeliverable package known or supposed to be dutiable is not returned to the country of origin or forwarded to another country in accordance with the Postal Regulations, it will be delivered to Customs for disposition under the Customs laws and regulations governing seized or unclaimed merchandise.

### Subpart B—Requirements and Procedures

#### § 145.11 Declarations of value and invoices.

(a) *Customs declaration.* A clear and complete Customs declaration on the form provided by the foreign post office, giving a full and accurate description of the contents and value of the merchandise, shall be securely attached to at least one package of each shipment, including shipments of special classes of merchandise treated in Subpart D of this part. Although a Customs declaration is required to be attached to only one package of each shipment, examination and release of the merchandise will be expedited if such a declaration is attached to each individual package.

(b) *Invoice or statement of value.* Each shipment of merchandise shall have an invoice or bill of sale (or, in the case of merchandise not purchased or consigned for sale, a statement of value), giving an accurate description and the value of the merchandise, securely attached to the outside of the package, or enclosed therein. If the shipment consists of more than one package, a copy of the invoice should accompany each package, or else the invoice shall accompany the package bearing the declaration, and that package shall be marked "Invoice enclosed."

(c) *Special Customs invoice.* When the aggregate value of a mail shipment exceeds \$500, a special Customs invoice shall accompany the shipment when required by § 8.15 of this chapter. If a special Customs invoice accompanies the shipment, no other invoice or statement of value is required, although a Customs declaration is required in accordance with paragraph (a) of this section.

(d) *Shipments without declaration and invoice.* Shipments of merchandise which are not accompanied by a Customs declaration and invoice in accordance with paragraphs (a)–(c) of this section may be subject to seizure and forfeiture in accordance with § 145.4.

(Secs. 481, 485, 498, 46 Stat. 719, 724, as amended, 728, as amended; 19 U.S.C. 1481, 1485, 1498)

#### § 145.12 Entry of merchandise.

(a) *Formal entries—(1) Discretionary.* The district director may require formal entry of any mail shipment regardless of value if in his opinion it is necessary to protect the revenue.

(2) *Required.* Formal entry at the customs house shall be required for every im-

portation in the mails which exceeds \$250 in value, except for special classes of merchandise which can be released without entry (see Subpart D of this part), and except as provided in §§ 8.50, 8.51, and 10.1 of this chapter.

(3) *Separate shipments.* Separate shipments not exceeding \$250 in value, if mailed abroad at different times (as shown by the declaration or other mailing indicia), shall not be combined for the purpose of requiring formal entry, even though they reach Customs at the same time and are covered by a single order or contract in excess of \$250, unless there was a splitting of shipments in order to avoid the payment of Customs duty.

(4) *Notice of formal entry requirement.* When a formal entry is required, the addressee shall be notified of the arrival of the shipment and of the place at which entry is to be made. If the shipment is addressed to a point which is not a Customs port or station, the port of entry specified in the notice shall be the port nearest the destination of the shipment.

(b) *Mail and informal entries—(1) Preparation of entry form.* Except as provided in paragraph (c) of this section, Customs officers shall prepare and attach a mail entry (Customs Form 3419) for each shipment not exceeding \$250 in value which is to be delivered by the Postal Service, and return the shipment to the Postal Service for delivery and collection of duty. If the addressee has arranged to pick up such a shipment at the Customs office where it is being processed, the Customs officer shall prepare an informal entry (Customs Form 5119-A) and collect the duty in accordance with § 8.51 of this chapter.

(2) *Rates of duty.* Merchandise released under a mail or informal entry shall be dutiable at the rates of duty in effect when the preparation of the entry is completed by a Customs employee, ready for transmittal with the merchandise to the addressee.

(c) *Dutiable shipments not over \$250 for Government agencies.* When a dutiable shipment not exceeding \$250 in value is addressed to a U.S. Government department or agency, the district director may release the merchandise prior to the payment of duties under an entry on Customs Form 5119-A, upon the receipt of a stipulation in the form set forth in § 8.28(c) of this chapter. If the stipulation does not accompany the shipment, the district director shall notify the Government department or agency of the arrival of the shipment and request the stipulation. Upon receipt of the completed stipulation and preparation of the entry form, the district director shall stamp all packages in the shipment to show that they have received Customs treatment and shall return the shipment to the Postal Service for delivery, unless the addressee has arranged to pick up the shipment at the Customs office where it is being processed. The proper Government department or agency shall be billed later for any duties and taxes due.

(d) *Release without entry.* Certain types of merchandise may be passed free of duty without issuing an entry (see Subpart D of this part).

(Secs. 315, 484, 498, 46 Stat. 695, as amended, 722, as amended, 728, as amended; 19 U.S.C. 1315, 1484, 1498)

#### § 145.13 Internal revenue tax on mail entries.

(a) *Method of collection.* Any internal revenue tax assessed on a mail entry shall be shown as a separate item on the entry, and collected in the same manner as Customs duties.

(b) *Release without payment of tax.* A mail entry may not be used to release a shipment of cigars, cigarettes, or cigarette papers or tubes for a manufacturer without payment of tax as provided for in 26 CFR Part 275 and § 11.2a of this chapter. If a claim for release without payment of tax is made by the addressee at the time of delivery, the shipment will be returned by the Postal Service to the port of entry or sent to the nearest Customs office at which appropriate release as claimed may be arranged by the addressee.

#### § 145.14 Marking requirements.

(a) *Country of origin.* Merchandise imported by mail shall be marked with the country of origin in accordance with Part 134 of this chapter. If merchandise without the required marking is to be delivered from the post office where it has been given Customs examination, the Customs officer shall require compliance with the marking law and regulations. If it is to be delivered from another post office, the Customs officer shall place in the envelope containing the mail entry a copy of Customs Form 3475, containing instructions to the postmaster concerning the marking to be required before delivery.

(b) *Other marking requirements.* Certain types of merchandise are subject to special marking requirements, such as those contained in the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Trademark Act. Since there is no provision for post office supervision of these types of marking, the district director shall require compliance with the law and regulations (see Parts 11 and 133 of this chapter).

(c) *Failure to mark.* If the addressee fails to comply with the marking requirements, the package will be treated as undeliverable in accordance with § 145.5.

### Subpart C—Administrative Review of Mail Entries

#### § 145.21 Administrative review.

Requests for adjustment of the amount of duty assessed under mail entries shall be handled as requests for administrative review in accordance with this subpart.

#### § 145.22 Procedures for obtaining administrative review.

If an addressee is dissatisfied with the amount of duty assessed under a mail



entry, he may obtain administrative review in the following ways:

(a) He may pay the assessed duty, take delivery of the merchandise, and send a copy of the mail entry to the issuing Customs office indicated on the mail entry, together with a statement of the reason it is believed the duty assessed is incorrect. Any invoices, bills of sale, or other evidence should be submitted with the statement. The addressee may show the mail entry number and date on his statement instead of sending a copy of the mail entry, but this may result in delay since a copy of the entry will have to be obtained from the Regional Commissioner of Customs, New York, N.Y., before the entry can be amended.

(b) He may postpone acceptance of the shipment, and within the time allowed by the Postal Regulations provide the postmaster with a written statement of his objections. The postmaster will forward the mail entry together with the addressee's statement and any invoices, bills of sale, or other evidence submitted by the addressee to the district director who issued the entry, and retain custody of the shipment until advice is received from the district director as to the disposition to be made. If the addressee is located near one of the ports listed in § 61.3(e) of the Postal Regulations (39 CFR 61.3(e)), the postmaster may send the mail entry to that port, together with the addressee's statement and evidence, for reconsideration by the district director.

(c) He may pay the assessed duty and take delivery of the merchandise, and file a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), in the form and manner prescribed in Part 174 of this chapter.

(Secs. 501, 514, 46 Stat. 730, as amended, 734, as amended; 19 U.S.C. 1501, 1514)

#### § 145.23 Time limits.

A mail entry may be amended under section 520(c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)), only if the addressee requests such amendment within the time limits prescribed therein (see §§ 173.4 and 173.5 of this chapter), and the claim is allowable under section 520(c). Requests for adjustment in the amount of duty assessed under mail entries made under § 145.22(a) shall be made in such time that the request can be acted upon by the district director within 90 days after receipt of the package and payment of the duties by the addressee. Protests under § 145.22(c) must be filed not later than 90 days after payment of the duties by the addressee, but may be acted upon after the expiration of that 90-day period.

(Secs. 501, 514, 46 Stat. 730, as amended, 734, as amended; 19 U.S.C. 1501, 1514)

#### § 145.24 Amendment of entry.

If the district director is satisfied that the objection is valid and timely, he shall amend the mail entry. If the duty has already been paid, the Regional Commissioner shall issue an appropriate refund of duty.

#### § 145.25 Entry correct.

If the district director believes the duty originally assessed was correct, he shall send the addressee a notice in writing that the request for refund of duty has been denied. If the duty has not been paid, the mail entry shall be returned to the postmaster concerned, together with a copy of the notice sent to the addressee. The postmaster will then collect the duty and deliver the shipment, or, if the addressee refuses to pay the duty, will treat the shipment as undeliverable.

#### § 145.26 Rates of duty not binding.

Rates of duty assessed on a mail entry, whether assessed on the original entry or as amendments under section 145.24, are not binding for future importations. A binding ruling on tariff classification may be obtained in accordance with the procedures set forth in § 16.10a of this chapter.

### Subpart D—Special Classes of Merchandise

#### § 145.31 Importations not over \$1 in value.

The district director shall pass free of duty and tax, without issuing an entry, packages containing merchandise having an aggregate fair retail value in the country of shipment of not over \$1, subject to the requirements set forth in § 8.3 of this chapter.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

#### § 145.32 Bona fide gifts not over \$10 in value.

The district director shall pass free of duty and tax, without issuing an entry, packages containing bona fide gifts from a person in a foreign country to a person in the United States having an aggregate fair retail value in the country of shipment not exceeding \$10, subject to the requirements set forth in § 8.3 of this chapter.

(Sec. 7, 52 Stat. 1081, as amended; 19 U.S.C. 1321)

#### § 145.33 Bona fide gifts from military personnel in a combat zone.

The importation by mail of bona fide gifts from members of the Armed Forces of the United States serving in a combat zone is governed by § 54.3 of this chapter which sets forth specific procedures for claiming exemption from duty under item 915.25, Tariff Schedules of the United States.

#### § 145.34 Personal and household effects and tools of trade.

(a) *U.S. military and civilian personnel returning from extended duty abroad.* Section 10.26a of this chapter sets forth specific requirements for exemptions from duty under item 817.00, Tariff Schedules of the United States, for personal and household effects of military and civilian personnel of the United States returning upon the completion of extended duty abroad. A copy of the offi-

cial travel orders shall be attached to or enclosed in each package, and the outside of each package shall be clearly marked to show that exemption from duty is being claimed.

(b) *Other personal and household effects, and tools of trade.* Certain personal and household effects and tools of trade may be passed free of duty without issuing an entry, in accordance with § 10.20 of this chapter.

#### § 145.35 United States products returned.

Products of the United States returned after having been exported, which have not been advanced in value or improved in condition while abroad, may be passed free of duty without issuing an entry and without an importer's declaration on Customs Form 3311, provided the shipment is valued at not over \$250 and the district director is satisfied that the merchandise is free of duty under item 800.00, Tariff Schedules of the United States.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

#### § 145.36 Articles for institutions.

Books and other articles classifiable under items 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States, imported by and addressed directly to a library or other institution described in item 850.10 or 851.10 may be passed free of duty without issuing an entry, if the district director is satisfied that the merchandise is entitled to free entry. A declaration on Customs Form 3321 may be required in accordance with § 10.43 of this chapter under the procedure specified in § 145.42.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

#### § 145.37 Articles for the U.S. Government.

(a) *Packages for copyright.* Packages marked for copyright which are addressed to the Library of Congress, to the Copyright Office, or to the office of the Register of Copyrights, Washington, D.C., shall be passed free of duty without issuing an entry.

(b) *Books, engravings, and other articles.* Books classifiable under item 270.25, Tariff Schedules of the United States, and engravings, etchings, and other articles enumerated in item 830.00, shall be passed free of duty without issuing an entry when they are addressed to the Library of Congress or any department or agency of the U.S. Government.

(c) *Official Government documents.* Other packages addressed to offices or officials of the U.S. Government, believed to contain only official documents, shall be passed free of duty without issuing an entry. Such packages, when believed to contain merchandise, shall be treated in the same manner as other packages of merchandise so addressed.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)



**§ 145.38 Diplomatic pouches.**

Packages bearing the official seal of a foreign government with which the United States has diplomatic relations, accompanied by certificates bearing such seal to the effect that they contain only official communications or documents, shall be admitted free of duty without Customs examination.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

**§ 145.39 Articles for diplomatic officers, representatives of international organizations, and foreign military personnel.**

Free entry of articles in packages addressed to diplomatic officers, representatives of certain international organizations, and similar persons is governed by §§ 10.29 through 10.30c of this chapter.

**§ 145.40 Plant material imported for immediate exportation.**

Plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Postal Service. This procedure shall not affect the movement of plant material in the international mails through the United States:

(a) *Permit for entry.* Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the U.S. Department of Agriculture, and also by the postal form of Customs declaration.

(b) *Place of inspection.* Upon arrival, the shipment shall be detained by or redispached to the postmaster at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., as may be appropriate, according to the address on the green and yellow tag, and there submitted to the Customs officer and the Federal quarantine inspector. The merchandise shall be accorded special handling only at these cities, and under no circumstances shall it be permitted to enter the commerce of the United States.

(c) *Special handling.* After inspection by the Customs and quarantine officers, and with their approval, the addressee or his authorized agent shall repack and readdress the mail package under Customs supervision; endorse and sign on the package a waiver of the addressee's right to withdraw the package from the mails; affix to the package the necessary postage; and comply with any other mailing and export requirements, after which the package shall be delivered under Customs supervision to the postmaster for exportation by mail in accordance with § 145.71.

(d) *Entry not required.* It will not be necessary to issue a Customs mail entry nor to require a formal entry of the shipment.

**§ 145.41 Other conditionally and unconditionally free merchandise.**

Shipments of conditionally or unconditionally free merchandise not specifically treated elsewhere in this part may be passed free of duty and tax without issuing an entry, if the value is not over \$250 and the district director is satisfied that the merchandise is entitled to free entry.

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

**§ 145.42 Proof for conditionally free merchandise.**

The district director may, at his discretion, require appropriate proof of duty-free status before releasing conditionally free merchandise. This proof may be obtained by either of the following methods:

(a) *Retain shipment and request proof.* The shipment may be retained by the district director while the necessary proof is requested from the addressee. If the requested proof is not received within 30 days, a mail entry shall be issued at the ordinary rate of duty which would apply if the merchandise were not conditionally free, and the mail entry shall be forwarded with the shipment for collection of duties.

(b) *Send shipment with form and entry.* If the only proof required for free entry is a declaration signed by the addressee, the district director may issue a mail entry at the ordinary duty which would apply if the merchandise were not conditionally free. The shipment shall then be forwarded together with the mail entry, a copy of the appropriate declaration form, and instructions to the postmaster to deliver the shipment free of duty if the importer executes the declaration, and to collect the full duty shown on the mail entry if the importer does not execute the declaration.

**Subpart E—Restricted and Prohibited Merchandise****§ 145.51 Articles prohibited by section 305, Tariff Act of 1930.**

(a) *Types of articles.* Various articles, as described in section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), and in Part 12 of this chapter, are prohibited from importation. This prohibition includes the following types of articles:

- (1) Obscene matter;
- (2) Articles for causing unlawful abortion (see § 145.52 for the treatment of literature pertaining to such articles);
- (3) Matter advocating treason or insurrection against the United States or forcible resistance to any law of the United States;
- (4) Matter containing any threat to take the life of or inflict bodily harm upon any person in the United States; and
- (5) Lottery matter.

(b) *Disposition of articles.* Mail found to contain lottery matter shall be disposed of by the Postal Service under the postal laws and regulations. Mail found to contain any of the other prohibited articles described in paragraphs (a) (1)

through (4) of this section shall be given appropriate treatment by Customs under the Customs laws and regulations (see § 12.40 of this chapter).

(Sec. 305, 46 Stat. 688, as amended; 19 U.S.C. 1305)

**§ 145.52 Literature concerning devices for unlawful abortion, and unsolicited contraceptive matter and advertisements.**

Packages containing literature or advertisements concerning devices to produce unlawful abortion, or containing certain unsolicited matter for preventing conception or unsolicited advertisements concerning matter for preventing conception, are prohibited from the mails by 18 U.S.C. 1461, and shall be retained by, or delivered to, the Postal Service for disposition under the postal laws and regulations. If the Postal Service shall determine in any case that it is proper to release such material to the addressee, it shall be submitted for Customs treatment before delivery.

**§ 145.53 Firearms and munitions of war.**

Importations of firearms, munitions of war, and related articles are subject to the import permit requirements and other restrictions set forth in 26 CFR Parts 178-180.

**§ 145.54 Alcoholic beverages.**

(b) *Seizure.* When alcoholic beverages are nonmailable, with certain exceptions (see 18 U.S.C. 1716 and the Postal Regulations), and when imported in the mails are subject to seizure and forfeiture under 18 U.S.C. 545.

(b) *Seizure.* When alcoholic beverages are received in the mails, they shall be seized, and the addressee shall be advised that they are subject to forfeiture and that he has a right to file a petition for their release (see Part 171 of this chapter).

(c) *Conditions for release.* If the district director is satisfied that there was no fraudulent intent involved, he may release the alcoholic beverages to the addressee upon the following conditions:

- (1) Applicable duty and internal revenue tax shall be paid.
- (2) The addressee shall comply with the alcoholic beverage laws of the State to which the shipment is destined.
- (3) Any other conditions the district director may impose under his authority to remit or mitigate fines, penalties, and forfeitures shall be complied with.

(4) The addressee, his representative, or a common carrier shall pick up the merchandise at the Customs office where it is being held. Since the merchandise is nonmailable, it cannot be delivered by the Postal Service.

(Sec. 618, 46 Stat. 757, as amended; 19 U.S.C. 1618)

**§ 145.55 Trademarks, trade names, and copyrights.**

Merchandise bearing a trademark or trade name entitled to protection against imports, merchandise bearing a mark or name that copies or simulates such a



trademark or trade name, and merchandise which is in violation of copyright law is subject to the restrictions and prohibitions set forth in Part 133 of this chapter.

# § 145.56 Foreign Assets Control.

Merchandise subject to regulations of the Office of Foreign Assets Control of the Treasury Department prohibiting or restricting entry of unlicensed importations of articles directly or indirectly from North Korea, North Vietnam, Cuba, or Rhodesia shall be detained until licensed or the question of its release, seizure, or other disposition has been determined under the Foreign Assets Control or Cuban Assets Control regulations (31 CFR Parts 500 and 515).

# § 145.57 Regulations of other agencies.

Certain types of plants and plant products, food, drugs, cosmetics, hazardous or caustic and corrosive substances, viruses, serums, and various harmful articles are subject to examination and clearance by appropriate agencies before release to the addressee (see Part 12 of this chapter).

# § 145.58 Other restricted and prohibited merchandise.

Other restrictions and prohibitions pertaining to certain types of imported merchandise are set forth in Part 12 of this chapter and are applicable to importations by mail.

# § 145.59 Seizures.

(a) *Articles prohibited and contrary to law.* All mail shipments containing articles the importation of which is prohibited, or articles imported into the United States in any manner contrary to law, shall be seized or detained as appropriate and held by Customs officers for appropriate treatment, except for certain articles which will be handled by the Postal Service as specified in §§ 145.51 and 145.52.

(b) *Notification of seizure or detention.* In all cases where articles are seized or detained by Customs officers, the addressee shall be notified of the seizure or detention, of the reason for such action, and, if appropriate, of his right to petition for relief (see Part 171 of this chapter).

## Subpart F—Exportation by Mail

# § 145.71 Exportation from continuous Government custody.

(a) *Relief from duties.* Merchandise imported into the United States, unless nonmailable, may be exported by any class of mail without the payment of duties, if:

(1) The merchandise has remained continuously in the custody of the Government (Customs or postal authorities); and

(2) The packages containing such merchandise are inspected and mailed under Customs supervision.

(b) *Waiver of right to withdraw.* Waiver of the right to withdraw the

package from the mails shall be endorsed on each package to be so exported and signed by the exporter.

(c) *Export entry or withdrawal required.* An export entry in accordance with § 18.25 of this chapter or a warehouse withdrawal for exportation in accordance with § 8.41 of this chapter, whichever is appropriate, shall be filed for merchandise being exported under this section, except for merchandise imported by mail which is either:

(1) Unclaimed or refused and being returned by the Postal Service to the country of origin as undeliverable mail; or

(2) For which a formal entry has not been filed and which is being remailed from continuous Customs or postal custody to Canada.

# § 145.72 Delivery to Customs custody for exportation.

In certain cases where merchandise has not been in continuous Government custody, delivery to Customs custody is appropriate before exportation by mail, as set forth in the following sections of this chapter:

(a) Section 10.8 (Articles exported for repairs or alterations).

(b) Section 10.9 (Articles exported for processing).

(c) Section 10.17 (Merchandise which was imported free of duty under a personal exemption, found to be unsatisfactory, and is being exported for replacement).

(d) Section 10.38 (Exportation of imported merchandise which was entered under a Temporary Importation Bond).

(e) Section 22.33 (Exportation of rejected imported merchandise, with drawback of duties).

For ready comparison, there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Part 145 to 19 CFR Part 9.

Prior to adoption of this revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days after the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), in the Regulations Division, Bureau of Customs, Washington, D.C., during regular business hours.

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

Approved: December 11, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

## ANNEX TO NOTICE OF PROPOSED RULE MAKING— REVISION OF PART 9

### PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 145 to 19 CFR Part 9.)

Proposed Part 145 Section	19 CFR Section
145.0	New
145.1(a)-(c)	9.0
145.2(a)-(c)	New
145.3	9.13
145.4(a)-(d)	9.5
145.5	9.10(d)
145.11(a) and (b)	9.1(a)
145.11(c)	9.1(b)
145.11(d)	New
145.12(a)	9.4
145.12(b)	9.3(a) and (d)
145.12(c)	New
145.12(d)	9.3(b) and (c)
145.13(a) and (b)	9.8(a)
145.14(a)-(c)	New
145.21	New
145.22	9.10(a) and (b)
145.23	9.10(b)
145.24	9.10(b)
145.25	New
145.26	New
145.31	9.6(a)
145.32	9.6(b)
145.33	New
145.34(a)	New
145.34(b)	9.4
145.35	9.3(b)
145.36	9.3(c), 9.9(a) and (b)
145.37(a)	9.7(c)
145.37(b)	9.7(b)
145.37(c)	9.7(a)
145.38	New
145.39	New
145.40(a)-(d)	9.11(b)
145.41	9.3(b), 9.9(a) and (b)
145.42(a) and (b)	9.9(a)
145.51(a) and (b)	9.12(d) and (e)
145.52	New
145.53	9.12(a)
145.54(a)-(c)	New
145.55	New
145.56	New
145.57	9.12(c)
145.58	New
145.59	9.12(d)
145.71(a)-(c)	9.11(a)
145.72	9.11(a)

[FR Doc.72-21786 Filed 12-19-72; 8:47 am]

## Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAX

## Marginal Costing Rules for Intercompany Pricing for DISC's

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 19, 1973. Any written comments or suggestions not specifically designated as confidential



in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 19, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 994(b) (2) of the Internal Revenue Code of 1954, as added by section 501 of the Revenue Act of 1971, such regulations are amended, effective for taxable years ending after December 31, 1971, as follows:

PARAGRAPH 1. Section 1.994-1, as proposed in 37 F.R. 19625 for September 21, 1972, is amended by revising paragraph (d) (2) and example (1) in paragraph (g) to read as follows:

**§ 1.994-1 Intercompany pricing rules for DISC's.**

(d) *Rules under section 994(a) (1) and (2) for transactions other than sales.*

(2) *Commissions.* If any transaction to which section 994 applies is handled on a commission basis for a related person by a DISC and such commissions give rise to qualified export receipts under section 993(a)—

(i) The amount of the income that may be earned by the DISC in any year is the amount, computed in a manner consistent with paragraph (c) of this section, which the DISC would have been permitted to earn under the gross receipts method or the combined taxable income method if the related supplier had sold (or leased) the property or service to the DISC and the DISC in turn sold (or subleased) to a third party, and

(ii) The maximum commission the DISC may charge the related supplier is the sum of the amount of income determined under subdivision (i) of this subparagraph plus the DISC's total costs for the transaction as determined under paragraph (c) (6) of this section.

(g) *Examples.*

*Example (1).* J and K are calendar year taxpayers. J, a domestic manufacturing company, owns all the stock of K, a DISC for the taxable year. During 1972, J manufactures only 100 units of a product (which is eligible to be export property as defined in section 993(c)). J enters into a written agreement with K whereby K is granted a

sales franchise with respect to exporting such property and K will receive commissions with respect to such exports equal to the maximum amount permitted to be received under the intercompany pricing rules of section 994. Thereafter, the 100 units are sold for \$1,000. J's cost of goods sold attributable to the 100 units is \$650. J's direct selling expenses so attributable are \$100. Although J has other deductible expenses, for purposes of this example assume that J has no other deductible expenses. K pays \$230 to independent contractors which qualify as export promotion expenses under paragraph (f) (7) (ii) of this section. K does not perform functions substantial enough to entitle it to an allocation of income which meets the arm's length standard of section 482. The income which K may earn under section 994 under the franchise is \$20, computed as follows:

(1) Combined taxable income:	
(a) K's sales price.....	\$1,000
(b) Less deductions:	
J's cost of goods sold....	650
J's direct selling expenses .....	100
K's export promotion expenses .....	230
Total deductions.....	980
(c) Combined taxable income .....	20
(2) K's profit under combined taxable income method (before application of loss limitation):	
(a) 50 percent of combined taxable income .....	10
(b) Plus: 10 percent of K's export promotion expenses (10% of \$230) .....	23
(c) K's profit .....	33
(3) K's profit under gross receipts method (before application of loss limitation):	
(a) 4 percent of K's sales sales price (4% of \$1,000) .....	40
(b) Plus: 10 percent of K's export promotion expenses (10% of \$230) .....	23
(c) K's profit .....	63

Since combined taxable income (\$20) is lower than both K's profit under the combined taxable income method (\$33) and under the gross receipts method (\$63), the maximum income K may earn is \$20. Accordingly, the commissions K may receive from J are \$250, i.e., K's expenses (\$230) plus K's profit (\$20).

PAR. 2. The following new section is added immediately after § 1.994-1 as set forth in 37 F.R. 19625 for September 21, 1972:

**§ 1.994-2 Marginal costing rules.**

(a) *In general.* This section prescribes the marginal costing rules authorized by section 994(b) (2). If under paragraph (c) (1) of this section a DISC is treated for its taxable year as seeking to establish or maintain a foreign market for sales of an item, product, or product line of export property (as defined in § 1.993-3, as proposed in 37 F.R. 20857 for October 4, 1972) from which qualified export receipts are derived, the marginal costing rules prescribed in paragraph (b) of this section may be applied to allocate

costs between gross receipts derived from such sales and other gross receipts for purposes of computing, under the "50-50" combined taxable income method of § 1.994-1(c) (3) (as proposed in 37 F.R. 19625 for September 21, 1972), the combined taxable income of the DISC and related supplier derived from such sales. Such marginal costing rules do not apply to sales of export property which in the hands of a purchaser related under section 954(d) (3) to the seller give rise to foreign base company sales income as described in section 954(d) unless section 954(b) (3) (A) is applicable or unless such income is under the exceptions in section 954(b) (4). Such marginal costing rules do not apply to leases of property or the performance of any services whether or not related and subsidiary services (as defined in § 1.994-1 (b) (3), as proposed in 37 F.R. 19625 for September 21, 1972).

(b) *Marginal costing rules for allocations of costs.*—(1) *In general.* Marginal costing is a method under which only marginal or variable costs of producing and selling a particular item, product, or product line are taken into account for purposes of section 994. Where this section is applicable, costs attributable to deriving qualified export receipts for the DISC's taxable year from sales of an item, product, or product line may be determined in any manner the related supplier (as defined in § 1.994-1(a) (3) (ii), as proposed in 37 F.R. 19625 for September 21, 1972) chooses, provided that the requirements of both subparagraphs (2) and (3) of this paragraph are met.

(2) *Variable costs taken into account.* There are taken into account in computing the combined taxable income of the DISC and its related supplier from sales of an item, product, or product line the following costs: (i) Costs for direct materials and direct labor (as determined under section 471 and the regulation thereunder) and (ii) costs which are export promotion expenses, but only if they are claimed as export promotion expenses in determining taxable income derived by the DISC under the combined taxable income method of § 1.994-1(c) (3).

(3) *Overall profit percentage limitation.* As a result of such determination of costs attributable to such qualified export receipts for the DISC's taxable year, the combined taxable income of the DISC and its related supplier from sales of such item, product, or product line for the DISC's taxable year does not exceed gross receipts (determined under § 1.993-6, as proposed in 37 F.R. 20857 for October 4, 1972) of the DISC derived from such sales, multiplied by the overall profit percentage (determined under paragraph (c) (2) of this section).

(c) *Definitions.*—(1) *Establishing or maintaining a foreign market.* A DISC shall be treated for its taxable year as seeking to establish or maintain a foreign market with respect to sales of an item, product, or product line of export property from which qualified export receipts



are derived if the combined taxable income computed under paragraph (b) of this section is greater than the combined taxable income computed under § 1.994-1(c)(6) (as proposed in 37 F.R. 19625 for September 21, 1972).

(2) *Overall profit percentage.* (i) For purposes of this section, the overall profit percentage for a taxable year of the DISC for a product or product line is the percentage which—

(a) The combined taxable income of the DISC and its related supplier plus the taxable income of its related supplier from all sales (domestic and foreign) of such product or product line during the DISC's taxable year, computed under the full costing method, is of

(b) The total gross receipts (determined under § 1.993-6) from all such sales.

(ii) At the annual option of the related supplier, the overall profit percentage for the DISC's taxable year for all products and product lines may be determined by aggregating the amounts described in subdivision (i) (a) and (b) of this subparagraph of the DISC, and all domestic members of the controlled group (as defined in § 1.993-1(k), as proposed in 37 F.R. 20857 for October 4, 1972) of which the DISC is a member, for the DISC's taxable year and for taxable years of such members ending with or within the DISC's taxable year.

(iii) For purposes of subdivisions (i) (b) and (ii) of this subparagraph, sales between a DISC and its related supplier (and, in the case of aggregation under subdivision (ii) of this subparagraph, between such domestic members) shall not be taken into account.

(3) *Grouping of transactions.* (i) In general, for purposes of this section, an item, product, or product line is the item or group consisting of the product or product line pursuant to § 1.994-1(c)(7) (as proposed in 37 F.R. 19625 for September 21, 1972) used by the taxpayer for purposes of applying the intercompany pricing rules of § 1.994-1.

(ii) However, for purposes of determining the overall profit percentage under subparagraph (2) of this paragraph, any product or product line grouping permissible under § 1.994-1(c)(7) may be used, even though it may not be the same item or grouping referred to in subdivision (i) of this subparagraph, as long as the grouping chosen for determining the overall profit percentage is at least as broad as the grouping referred to in such subdivision (i).

(4) *Full costing method.* For purposes of this section, the term "full costing method" is the method for determining combined taxable income set forth in § 1.994-1(c)(6).

(d) *Application of limitation on DISC income ("no loss" rule).* If the marginal costing rules of this section are applied, the combined taxable income method of § 1.994-1(c)(3) may not be applied to cause in any taxable year a loss to the related supplier, but such method may be applied to the extent it does not cause a loss. For purposes of the preceding sen-

tence, a loss to a related supplier would result if the taxable income of the DISC would exceed the combined taxable income of the related supplier and the DISC determined in accordance with paragraph (b) of this section. If, however, there is no combined taxable income (so determined), see the last sentence of § 1.994-1(e)(1)(i) (as proposed in 37 F.R. 19625 for September 21, 1972).

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* X and Y are calendar year taxpayers. X, a domestic manufacturing company, owns all the stock of Y, a DISC for the taxable year. During 1973, X manufactures a product line which is eligible to be export property (as defined in § 1.993-3). X enters into a written agreement with Y whereby Y is granted a sales franchise with respect to exporting such product line from which qualified export receipts will be derived and Y will receive commissions with respect to such exports equal to the maximum amount permitted to be received under the intercompany pricing rules of section 994. Commissions are computed using the combined taxable income method under § 1.994-1(c)(3). For purposes of applying the combined taxable income method, X and Y compute their combined taxable income attributable to the product line of export property under the marginal costing rules in accordance with the additional facts assumed in the table below:

(1) Maximum combined taxable income (determined under paragraph (b)(2) of this section):	
(a) Y's gross receipts from export sales	\$95.00
(b) Less:	
(i) Direct materials	40.00
(ii) Direct labor	20.00
(iii) Y's export promotion expenses claimed in determining Y's DISC taxable income	5.00
(iv) Total deductions	65.00
(c) Maximum combined taxable income	30.00
(2) Overall profit percentage limitation (determined under paragraph (b)(3) of this section):	
(a) Gross receipts of X and Y from all domestic and foreign sales	400.00
(b) Less deductions:	
(i) Direct materials	160.00
(ii) Direct labor	80.00
(iii) Other costs (of which \$8 are costs of the DISC including \$5 of export promotion expenses claimed in determining Y's taxable income)	40.00
(c) Total deductions	280.00
(d) Total taxable income from all sales computed on a full costing method	120.00
(e) Overall profit percentage (line (d) (\$120) divided by line (a) (\$400) (percent))	30

(f) Multiply by gross receipts from Y's export sales (line (1)(a))	\$95.00
(g) Overall profit percentage limitation	28.50

Since the overall profit percentage limitation under line (2)(g) (\$28.50) is less than maximum combined taxable income under line (1)(c) (\$30), combined taxable income under marginal costing is limited to \$28.50. Since under the franchise agreement Y is to earn the maximum commission permitted under the intercompany pricing rules of section 994, combined taxable income on the transactions is \$28.50. Accordingly, the costs attributable to export sales (other than for direct material, direct labor, and export promotion expenses) are \$1.50, i.e., line (1)(c) (\$30) minus line (2)(g) (\$28.50). Under the combined taxable income method of § 1.994-1(c)(3), Y will have taxable income attributable to the sales of \$14.75, i.e., the sum of 1/2 of combined taxable income (1/2 of \$28.50) and 10 percent of Y's export promotion expenses claimed in determining Y's taxable income (10 percent of \$5). Accordingly, the commissions Y receives from X are \$22.75, i.e., Y's costs (\$8, see line (2)(b)(iii)) plus Y's profit (\$14.75).

*Example (2).* (1) Assume the same facts as in example (1), except that gross receipts from export sales are only \$85 and gross receipts from all sales remain at \$400. For purposes of applying the combined taxable income method, X and Y may compute their combined taxable income attributable to the product line of export property under the marginal costing rules as follows:

(1) Maximum combined taxable income (determined under paragraph (b)(2) of this section):	
(a) Y's gross receipts from export sales	\$85.00
(b) Less:	
(i) Direct materials	40.00
(ii) Direct labor	20.00
(iii) Y's export promotion expenses claimed in determining Y's taxable income	5.00
(iv) Total deductions	65.00
(c) Maximum combined taxable income	20.00
(2) Overall profit percentage limitation (determined under paragraph (b)(3) of this section):	
(a) Gross receipts from Y's export sales (line (1)(a))	85.00
(b) Multiply by overall profit percentage (as determined in example (1)) (percent)	30
(c) Overall profit percentage limitation	25.50

Since maximum combined taxable income under line (1)(c) (\$20) is less than the overall profit percentage limitation under line (2)(c) (\$25.50), combined taxable income under marginal costing is limited to \$20. Since under the franchise agreement Y is to earn the maximum commission permitted under the intercompany pricing rules of section 994, combined taxable income on the transactions is \$20. Accordingly, no costs (other than for direct material, direct labor, and export promotion expenses) will be attributed to export sales. Under the combined taxable income method of § 1.994-1(c)(3), Y will have taxable income attributable to the sales of \$10.50, i.e., the sum of 1/2 of combined taxable income (1/2 of \$20) and 10 percent of Y's export promotion expenses



claimed in determining Y's taxable income (10 percent of \$5). Accordingly, the Commissions Y receives from X are \$18.50, i.e., Y's costs (\$8, see line (2)(b)(iii) of example (1)) plus Y's profit (\$10.50).

(2) If export promotion expenses are not claimed in determining taxable income of Y under the combined taxable income method, the taxable income of Y would be increased to \$12.50 and commissions payable to Y would be increased to \$20.50, computed as follows:

(3) Maximum combined taxable income (determined under paragraph (b)(2) of this section):	
(a) Y's gross receipts from export sales	\$85.00
(b) Less:	
(i) Direct materials	40.00
(ii) Direct labor	20.00
(iii) Total deductions	60.00
(c) Maximum combined taxable income	25.00

(4) Overall profit percentage limitation (line (2)(c)) 25.00

Since maximum combined taxable income under line (3)(c) (\$25) is less than the overall profit percentage under line (4) (\$25.00), combined taxable income under marginal costing is limited to \$25. Since under the franchise agreement Y is to earn the maximum commission permitted under the intercompany pricing rules of section 994, combined taxable income on the transactions is \$25. Accordingly, no costs (other than for direct material and direct labor) will be attributed to export sales. Under the combined taxable income method of § 1.994-1(c)(3), Y will have taxable income attributable to the sales of \$12.50, i.e.,  $\frac{1}{2}$  of combined taxable income ( $\frac{1}{2}$  of \$25). Accordingly, the commissions Y receives from X are \$20.50, i.e., Y's costs (\$8, see line (2)(b)(iii) of example (1)) plus Y's profit (\$12.50).

Example (3). (1) Assume the same facts as in example (1), except that gross receipts from export sales are only \$85, gross receipts from all sales remain at \$400, and Y has costs of \$40 consisting of Y's export promotion expenses of \$35 and costs of \$5 other than for direct material, direct labor, or export promotion expenses. For purposes of applying the combined taxable income method, X and Y may compute their combined taxable income attributable to the product line of export property under the marginal costing rules as follows:

(1) Maximum combined taxable income (determined under paragraph (b)(2) of this section):	
(a) Y's gross receipts from export sales	\$85.00
(b) Less:	
(i) Direct materials	40.00
(ii) Direct labor	20.00
(iii) Y's export promotion expenses claimed in determining Y's taxable income	35.00
(iv) Total deductions	95.00
(c) Maximum combined taxable income (loss)	(10.00)
(2) Overall profit percentage limitation (as determined in example (2))	25.50

Since maximum combined taxable income under line (1)(c) (which is a loss of \$10) is less than the overall profit percentage limitation under line (2)(c) (\$25.50), combined taxable income under marginal costing is a loss of \$10 and under the combined

taxable income method of § 1.994-1(c)(3), Y will have no taxable income or loss attributable to the sales. Accordingly, the commissions Y receives from X are \$40, i.e., Y's costs (\$40).

(2) If export promotion expenses are not claimed in determining Y's taxable income under the combined taxable income method, the taxable income of Y would be increased to \$12.50 and commissions payable to Y would be increased to \$52.50 computed as follows:

(3) Maximum combined taxable income (determined under paragraph (b)(2) of this section) (line (3)(c) of example (2))	\$25.00
(4) Overall profit percentage limitation (as determined in example (2))	25.50

The results would be the same as in part (2) of example (2), except that the commissions Y receives from X are \$52.50, i.e., Y's costs (\$40) plus Y's profit (\$12.50).

[FR Doc. 72-21750 Filed 12-19-72; 8:45 am]

## [ 26 CFR Parts 1, 31 ]

### INCOME AND EMPLOYMENT TAXES

#### Definitions of "United States," "Possession of the United States," and "Foreign Country"

On March 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under sections 638, 1402, 1441, and 3401 of the Internal Revenue Code of 1954, relating to continental shelf areas, to conform such regulations to amendments made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634). Notice is hereby given that the proposed regulations, as set forth in the notice of proposed rule making, are hereby withdrawn.

Further notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of the Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 19, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 19, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent

issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68 Stat. 917; 26 U.S.C. 7805).

[SEAL]

JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

On March 2, 1971, there was published in the FEDERAL REGISTER (36 F.R. 3899) a notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to conform such regulations to the amendments made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634). The proposed regulations set forth in the appendix to the notice of proposed rule making are hereby withdrawn, and the following rules are hereby prescribed in lieu of the rules which are so withdrawn. The appendix to the above-mentioned notice of proposed rule making is amended to read as follows:

PARAGRAPH 1. The following new sections are added immediately after § 1.632-1.

#### CONTINENTAL SHELF AREAS

##### § 1.638 Statutory provisions; continental shelf areas.

Sec. 638. *Continental Shelf areas.* For purposes of applying the provisions of this chapter (including sections 861(a)(3) and 862(a)(3) in the case of the performance of personal services) with respect to mines, oil and gas wells, and other natural deposits—

(1) The term "United States" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources; and

(2) The terms "foreign country" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country or such possession and over which the foreign country (or the United States in case of such possession) has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this paragraph shall apply in the case of a foreign country only if it exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

No foreign country shall, by reason of the application of this section, be treated as a country contiguous to the United States.

[Sec. 638 as added by sec. 505(a), Tax Reform Act 1969 (83 Stat. 634)]

##### § 1.638-1 Continental Shelf areas.

(a) *General rule.* For purposes of applying any provision of Chapter 1, 2, 3, or 24 (including section 861(a)(3), 862(a)(3), 1441, 3402, or other provisions dealing with the performance of personal services), with respect to mines, oil and gas wells, and other natural deposits—



(1) *United States and possession of the United States.* The terms "United States" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States or such possession and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. The terms "Continental Shelf of the United States" and "Continental Shelf of a possession of the United States," as used in this section, refer to the seabed and subsoil included, respectively, in the terms "United States" and "possession of the United States," as provided in the preceding sentence.

(2) *Foreign country.* The term "foreign country" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which such foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this sentence applies only if such foreign country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation. The term "foreign continental shelf," as used in this section, refers to the seabed and subsoil described in the preceding sentence. A foreign country is not to be treated as a country contiguous to the United States by reason of the application of section 638 and this section.

(b) *Exercise of taxing jurisdiction.* For purposes of paragraph (a)(2) of this section, the exercise, directly or indirectly, of taxing jurisdiction with respect to the exploration or exploitation of natural resources is deemed to include (but is not limited to) those cases in which a foreign country—

(1) Imposes a tax upon assets, equipment, or other property connected with or income derived from such exploration or exploitation, or

(2) Requires natural resources referred to in paragraph (a)(2) of this section to be transported to points within its landward boundaries and then levies a tax upon such natural resources or upon the income derived from the sale thereof.

A foreign country which, for purposes of paragraph (a)(2) of this section, exercises taxing jurisdiction by the imposition of tax upon any person, property, or activity engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits in the seabed or subsoil referred to in paragraph (a)(2) of this section, or the income therefrom of any taxpayer, is deemed to exercise taxing jurisdiction over all such persons, property, and activities and over all income therefrom of all such taxpayers. A foreign country is deemed to be imposing tax upon a person, property, activity, or income described in the preceding sentence if such foreign country exempts such person,

property, activity, or income from tax for a period not in excess of 10 years from the commencement of such exploration or exploitation. Except in the case of a foreign country which is deemed under the preceding sentence to impose tax by virtue of an exemption for a period not in excess of 10 years, a foreign country which exempts all persons, property, and activities engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits in the seabed or subsoil referred to in paragraph (a)(2) of this section, and the income therefrom, from taxation is deemed not to be exercising, directly or indirectly, taxing jurisdiction for purposes of paragraph (a)(2) of this section. For purposes of paragraph (a)(2) of this section, the exercise of taxing jurisdiction with respect to any type of tax constitutes the exercise of taxing jurisdiction with respect to all types of taxes. However, a royalty or other charge (whether payable in a lump sum or over a period of time or in amounts dependent upon the volume of production from such mines, oil and gas wells, or other natural deposits) for the right to explore or exploit mines, oil and gas wells, or other natural deposits does not constitute a tax.

(c) *Scope.* (1) For purposes of applying this section, persons, property, or activities which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits need not be physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of paragraph (a) of this section to be deemed to be within the United States, a possession of the United States, or a foreign country, as the case may be, to the extent provided in subparagraph (2) or (3) and subparagraph (4) of this paragraph.

(2) Persons, property, or activities which are not in a foreign country (determined without regard to section 638 or this section), and which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits of the seabed or subsoil referred to in paragraph (a)(1) of this section, are generally within the United States or a possession of the United States, as the case may be; unless such persons, property, or activities are solely involved in or constitute transportation to (or from) the site of exploration or exploitation from (or to) a foreign country, other than transportation on a regular basis from (or to) a base of operations.

(3) Persons, property, or activities which are not in the United States or in a third country (determined in each case without regard to section 638 or this section), and which are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits of the seabed or subsoil of a foreign country referred to in paragraph (a)(2) of this section, are generally within such foreign country; unless such persons, property, or activi-

ties are solely involved in or constitute transportation to (or from) the site of exploration or exploitation from (or to) the United States or a possession of the United States or a third country, as the case may be, other than transportation on a regular basis from (or to) a base of operations.

(4) Persons, property, or activities are within the United States, a possession of the United States, or a foreign country, as the case may be, pursuant to this paragraph, only to the extent such persons, property, or activities are engaged in or related to the exploration or exploitation of mines, oil and gas wells, or other natural deposits.

(d) *Natural deposits.* For purposes of this section, the term "natural deposits" means nonliving resources to which section 611(a) applies. Such term does not include sedentary species (organisms which, at the harvestable stage, either are immovable on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil), fish or other animal or plant life.

(e) *Rights under international law.* Nothing in this section shall prejudice or affect the freedoms of the high seas and other rights under international law, or the exercise of such freedoms and rights by the United States or foreign countries.

(f) *Examples.* The application of the provisions of section 638 and this section may be illustrated by the following examples:

*Example (1).* A, a citizen of the United States employed as an engineer, is engaged in the exploitation of oil and is physically present on an offshore oil drilling platform operated by employees of L Corporation. Such platform is affixed to the foreign continental shelf of foreign country X. Assuming that foreign country X exercises taxing jurisdiction as provided in paragraph (b) of this section, A is to be treated as being employed in foreign country X with respect to compensation for his employment for purposes of chapters 1 and 24.

*Example (2).* The facts are the same as in example (1) except that B, a citizen of the United States engaged in the private practice of law, is physically present on such platform for the sole purpose of interviewing his client, A, whom he represents in a domestic relations matter. Since B is not engaged in activities related to the exploration or exploitation of natural deposits, he is not to be treated as being in foreign country X for purposes of chapters 1 and 2.

*Example (3).* The facts are the same as in example (1) except that C, a citizen of the United States engaged in the private practice of medicine, is physically present on such platform for the purpose of making routine physical examinations of L Corporation's employees who are engaged in the exploitation of oil on the platform. C is paid by L Corporation to give such examinations on the platform at regular intervals in order to determine whether the state of any employee's health is such that he should not continue work on the platform. The balance of C's medical practice is conducted at his office on the U.S. mainland. Since C is engaged in activities related to the exploitation of oil, he is treated as being in foreign country X under section 638 and this section while making physical examinations on L Corporation's platform, provided that foreign country X



exercises taxing jurisdiction as provided in paragraph (b) of this section. For purposes of chapters 1 and 2, amounts paid by L Corporation to C are treated as derived from sources within foreign country X.

*Example (4).* C, a nonresident alien individual employed as an engineer in a foreign country, designs equipment for use on oil drilling platforms affixed to the continental shelf of the United States and engaged in the exploitation of oil. Although C's activities in this respect are related to the exploitation of oil, C is not treated as being in the United States under section 638 and this section by reason of such activities.

*Example (5).* M Corporation, a domestic corporation, chartered a ship from N Corporation, also a domestic corporation, under a time charter under which N Corporation's personnel continued to navigate and manage the ship. M Corporation equipped the ship with special oil exploration equipment and furnished its personnel to operate the equipment. The ship then commenced to explore for oil in the foreign Continental Shelf of foreign country Y. Foreign country Y exercises taxing jurisdiction as provided in paragraph (b) of this section. The ship is treated as being within foreign country Y under section 638 and this section for the period it was engaged in the exploration for oil in such foreign Continental Shelf. Thus, the entire income derived during such period by N Corporation from the charter is income derived from sources within foreign country Y, since N Corporation had property and employees engaged in the exploration for oil in such foreign Continental Shelf.

*Example (6).* The facts are the same as in example (5) except that C, a citizen of the United States, was employed by N Corporation as a cook and was physically present on the ship. C's sole duties consisted of cooking meals for personnel aboard such ship. In such case, as C's activities are related to the exploration for oil, C is to be treated as being in foreign country Y under section 638 and this section for the period he was aboard such ship while it was engaged in activities relating to the exploration for oil in the foreign Continental Shelf referred to in example (5). For purposes of chapters 1 and 24, C's compensation as a cook for such period is treated as derived from sources within the United States.

*Example (7).* Z Corporation, a foreign corporation, entered into a contract with Y Corporation, a United States corporation, to engage in exploratory oil drilling activities on a leasehold held by Y Corporation. Such leasehold was located in the Continental Shelf of the United States. Since Z Corporation is engaged in and has property and activities which are engaged in the exploration for oil, such property and activities are to be treated as being in the United States under section 638 and this section for the period such property and activities were engaged in or related to the exploration for oil in the Continental Shelf of the United States and were not in a foreign country. For purposes of chapters 1 and 3, amounts paid to Z Corporation pursuant to the contract are treated as derived from sources within the United States.

*Example (8).* M Corporation is a controlled foreign corporation (within the meaning of section 957(b)) for its entire taxable year beginning in 1972. During such taxable year, M Corporation issues a policy of insurance relating to fire damage to an offshore oil drilling platform, owned by N Corporation (a foreign corporation), which is attached to the Continental Shelf of the United States. The income attributable to the issuing of such policy would be taxed under subchapter L, chapter 1, subtitle A of

the Code (as modified, for this purpose, by section 953(b) (1), (2), and (3)) if such income were the income of a domestic insurance corporation. Since N Corporation's oil drilling platform is located within the United States under section 638 and this section, M Corporation's income attributable to the issuing of the insurance in connection with such platform is income derived from the insurance of United States risks, within the meaning of section 953(a) (1) (A).

#### § 1.638-2 Effective date.

The specific requirements and limitations of § 1.638-1 apply on and after December 30, 1969.

PAR. 2. Section 1.1402(a)-12 is amended to read as follows:

#### § 1.1402(a)-12 Possession of the United States.

For purposes of the tax on self-employment income, the term "possession of the United States," as used in section 931 (relating to income from sources within possessions of the United States) and section 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa. The provisions of section 1402(a) (9) and of this section insofar as they involve non-application of sections 931 and 932 to Guam or American Samoa, shall apply only in the case of taxable years beginning after 1960. For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638-1.

PAR. 3. Section 1.1441 is amended by adding immediately after § 1.1441(e) the following new subsection.

#### § 1.1441 Statutory provisions; withholding of tax on nonresident aliens.

SEC. 1441. Withholding of tax on nonresident aliens. \* \* \*

(1) *Continental Shelf areas.* For sources of income derived from, or for services performed with respect to, the exploration or exploitation of natural resources on submarine areas adjacent to the territorial waters of the United States, see section 638.

[Sec. 1441 as amended by sec. 505(b), Tax Reform Act 1969 (83 Stat. 634)]

PAR. 4. Section 1.1441-5 is amended by revising paragraph (d) to read as follows:

#### § 1.1441-5 Claiming to be a person not subject to withholding.

(d) *Definitions.* For determining whether an alien individual is a resident of the United States see § 1.871-2. For definition of the terms "foreign partnership" and "foreign corporation" see section 7701(a) (4) and (5) and § 301.7701-5 of this chapter. For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638-1.

PAR. 5. Section 31.3401(a)-1 is amended amended by inserting the following paragraph immediately after § 31.3401(a)-1(b):

#### § 31.3401(a)-1 Wages.

(c) *Geographical definitions.* For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638-1 of this chapter.

[FR Doc. 72-21847 Filed 12-19-72; 8:52 am]

### [ 26 CFR Part 301 ]

## PROCEDURE AND ADMINISTRATION

### Disclosure or Use of Information by Preparers of Returns

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 19, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 19, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

In order to conform the Procedure and Administration Regulations (26 CFR Part 301) to the amendment of the Internal Revenue Code of 1954 made by section 316 of the Revenue Act of 1971 (85 Stat. 529), relating to the disclosure or use of information by preparers of returns, such regulations are hereby amended by adding the following new sections after § 301.7215:

#### § 301.7216 Statutory provisions; disclosure or use of information by preparers of returns.

SEC. 7216. *Disclosure or use of information by preparers of returns—(a) General rule.* Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under



section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

(1) Discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

(2) Uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

(b) *Exceptions*—(1) *Disclosure*. Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

(A) Pursuant to any other provision of this title, or

(B) Pursuant to an order of a court.

(2) *Use*. Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

(3) *Regulations*. Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section.

[Sec. 7216 as added by sec. 316, Rev. Act 1971 (85 Stat. 529).]

#### § 301.7216-1 Penalty for disclosure or use of tax return information.

(a) *In general*. Section 7216(a) provides in effect that, except as provided in section 7216(b), any tax return preparer or tax return processor who on or after January 1, 1972, discloses or uses any tax return information other than for the specific purpose of preparing, assisting in preparing, or obtaining or providing services in connection with the preparation of, any tax return, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution. The exceptions provided by section 7216(b) are described in §§ 301.7216-2 and 301.7216-3.

(b) *Definitions*. For purposes of section 7216 and §§ 301.7216-1 through 301.7216-3—

(1) *Tax return*. The term "tax return" means any return (or amended return) of the income tax imposed by chapter 1 or 2 of the Code, or any declaration (or amended declaration) of estimated tax made under section 6015.

(2) *Tax return preparer*. The term "tax return preparer" means—

(i) Any person engaged in the business of preparing tax returns, or

(ii) Any person other than a tax return processor who is remunerated for preparing, or assisting in preparing, a tax return for any other person.

The term includes any person who in the course of his business holds himself out to taxpayers as a person who prepares tax returns, whether or not tax return preparation is his sole business activity and whether or not he charges a fee for such services; it also includes an individual who for remuneration and on a casual basis helps a relative, friend, or other acquaintance to prepare the latter's tax return. Any employee of a tax

return preparer who as part of his employment performs services which assist his employer in the preparation of a tax return is treated as a tax return preparer. For example, a secretary to a tax return preparer who types or otherwise works on returns prepared by the preparer is a tax return preparer. In further illustration, assume that a bank, in anticipation of lending money to taxpayers for the payment of their tax, enters into an agreement to prepare their tax returns, that one employee of the bank solicits the necessary tax return information for the preparation of the return, and that another employee of the bank prepares the return on the basis of the information which is furnished. Under such circumstances both employees are tax return preparers.

(3) *Tax return processor*. The term "tax return processor" means any person engaged in the business of providing services in connection with the preparation of tax returns by a tax return preparer, as well as any employee of any such processor participating in such business. Thus, any employee of a tax return processor who as part of his employment performs services which assist his employer in the processing of a tax return is treated as a tax return processor. The term includes any person who in the course of his business holds himself out to taxpayers or tax return preparers as a person who provides services in connection with the preparation of tax returns, whether or not tax return processing is his sole business activity and whether or not he charges a fee for such services. A person is not a tax return processor merely because he leases office space to a tax return preparer or tax return processor, furnishes credit to a taxpayer whose tax return is prepared or serviced by a tax return preparer or processor, or otherwise performs some service which only incidentally relates to the preparation or processing of tax returns. For example, assume that an individual offering taxpayers a computerized tax preparation service contracts with a department store for the rental of space in the store, and that the store advertises that taxpayers who use the tax return preparation service may charge the cost of having their tax return prepared to their charge account with the department store. Under such circumstances, the department store is neither a tax return preparer nor a tax return processor.

(4) *Tax return information*. The term "tax return information" means any information, including but not limited to a taxpayer's name, address, and social security number, furnished for, or in connection with, the preparation of a tax return of any taxpayer and which is furnished (i) by the taxpayer to a tax return preparer or tax return processor, (ii) by a tax return preparer to a tax return processor, (iii) by a tax return processor to the tax return preparer, (iv) by one tax return processor to another tax return processor, or (v) by or to any employee of any such person acting in the ordinary course of his employment.

Information furnished by a taxpayer includes information which is furnished on behalf of the taxpayer, such as information furnished by a guardian for a minor, by a duly authorized agent for his principal, by a fiduciary for an estate or trust, or by an officer, receiver, trustee in bankruptcy, or assignee for a corporation.

#### § 301.7216-2 Disclosure or use without consent of taxpayer.

(a) *Disclosure pursuant to other provisions of Internal Revenue Code*. The provisions of section 7216(a) and § 301.7216-1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to any other provision of the Code or the regulations thereunder, such as a disclosure pursuant to section 7269 to an officer or employee of the Internal Revenue Service of information concerning the estate of a decedent or a disclosure pursuant to section 7602 to an officer or employee of the Internal Revenue Service of books, papers, records, or other data which may be relevant to the liability of any person for the income tax.

(b) *Disclosure pursuant to court order*. The provisions of section 7216(a) and § 301.7216-1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to the written order of any court of record, Federal, State, or local, clearly identifying the information to be disclosed.

(c) *Court proceedings and investigations*. A tax return preparer or a tax return processor may disclose tax return information: (1) To his attorney, or to an employee of the Internal Revenue Service, for use in connection with an investigation of such tax return preparer or tax return processor conducted by the Internal Revenue Service or (2) to his attorney, or to a presiding officer of a court, for use in connection with proceedings involving such tax return preparer or tax return processor before the court.

(d) *Attorneys*. A tax return preparer who is lawfully engaged in the practice of law may disclose or use the tax return information of a taxpayer who is a client for, or in connection with, the rendering of legal services, such as estate planning, preparation of trial briefs, etc., to such taxpayer.

(e) *Accountants*. A tax return preparer who is an accountant and prepares books of account, working papers, accounting statements or reports, or performs other services for a taxpayer may disclose or use the tax return information of such taxpayer for, or in connection with, the preparation of such books, papers, statements, or reports, or the performance of such other services.

(f) *Disclosure by tax return preparer to tax return processor*. A tax return preparer may disclose tax return information of a taxpayer to a tax return processor solely for the purpose of having the processor transfer that information to, and compute the tax liability on, a tax return of such taxpayer by means of electronic, mechanical, or other form of tax return processing service.



(g) *Disclosure by one employee to another employee.* An employee of a tax return preparer or of a tax return processor may, while acting in the ordinary course of his employment, transfer to another employee of the same tax return preparer or processor, for use in connection with the preparation of a tax return of a taxpayer, any tax return information which has been furnished by the taxpayer for, or in connection with, the preparation of such tax return.

(h) *Identical information obtained from other sources.* A tax return preparer or a tax return processor may disclose or use any information which is identical to any tax return information which has been furnished to him if such identical information was obtained otherwise than in connection with the preparation or processing of a tax return.

(i) *Use of information in preparation of State returns.* The provisions of section 7216(a) and § 301.7216-1 shall not apply to the use by any tax return preparer or tax return processor of any tax return information in the preparation of, or in connection with the preparation of, any tax return or declaration of estimated tax required under the law of any State or political subdivision thereof, of the District of Columbia, or of any possession of the United States.

(j) *Retention of records.* A tax return preparer or tax return processor may retain tax return information of a taxpayer, including copies of tax returns or data processing tapes prepared on the basis of such tax return information, and may use such information in connection with the preparation of other tax returns of the taxpayer or in connection with an audit by the Internal Revenue Service of any tax return.

(k) *Lists for solicitation of tax return business.* Any tax return preparer or tax return processor may compile and maintain a separate list containing the names and addresses of taxpayers whose tax returns he has prepared or processed. This list may be used by the compiler solely to contact the taxpayers on the list for the purpose of offering future tax return preparation or processing services to such taxpayers. The compiler of the list may not transfer the taxpayer list, or any part thereof, to any other person unless such transfer takes place in conjunction with the sale or other disposition of the tax return preparation or tax return processing business of such compiler. A person who acquires a taxpayer list, or a part thereof, in conjunction with such a sale or other disposition shall be subject to the provisions of this paragraph with respect to such list as if he had been the compiler of such list.

#### § 301.7216-3 Disclosure or use with consent of taxpayer.

(a) *Consent to use or disclosure.*—(1) *Solicitation of other business.* A tax return preparer may request from the taxpayer the right to use the tax return information of the taxpayer in connection with the solicitation of any additional

current business, whether or not such business is tax-oriented, which the tax return preparer provides and offers to the public. The request may not be made later than the time the taxpayer receives his completed tax return from the tax return preparer. If the request is granted, the tax return preparer may use such tax return information in the solicitation of such business provided he first obtains a written consent described in paragraph (b) of this section. If the request is not granted, no followup request may be made. This authorization to use tax return information of the taxpayer does not apply, however, for purposes of facilitating the solicitation of the taxpayer's use of any services or facilities furnished by a person other than the tax return preparer, unless such other person is in the same affiliated group (within the meaning of section 1504(a)) with any corporation treated as an includible corporation as the tax return preparer. Thus, for example, the authorization would not apply if the other person is a corporation which is owned or controlled directly or indirectly by the same interests which own or control the tax return preparer but which is not affiliated with the tax return preparer within the meaning of section 1504(a). Moreover, this authorization does not apply for purposes of facilitating the solicitation of additional business to be furnished at some indefinite time in the future, as, for example, the future sale of mutual fund shares or life insurance, or the furnishing of future credit card services. It is not necessary, however, that the additional business be furnished in the same locality in which the tax return information is furnished.

(2) *Permissible disclosures to third parties.* If a tax return preparer who is lawfully engaged in the practice of law or accounting has obtained from a taxpayer who is a client a consent described in paragraph (b) of this section, he may disclose the tax return information of such taxpayer to such third persons as the taxpayer may direct.

(3) *Use of information in connection with another person's return.* A tax return preparer may not use any tax return information, which has been furnished by one taxpayer, in preparing the tax return of another taxpayer who in some way has entered into, or is involved in, a tax-related transaction with the first taxpayer, as, for example, in the case of alimony payments for which a deduction is allowed to a husband under section 215 or in the case of income and deductions allocated between taxpayers under section 482, unless the tax return preparer has obtained from the first taxpayer a written consent described in paragraph (b) of this section.

(b) *Form of consent.* A separate written consent, signed by the taxpayer or his authorized personal representative, must be obtained for each separate use or disclosure authorized in paragraph (a) (1), (2), or (3) of this section and shall contain—

(1) The name of the tax return preparer,

(2) The name of the taxpayer,  
(3) The specific purpose for which the consent is being signed,  
(4) The date on which such consent is signed,

(5) A statement that the tax return information may not be used by the tax return preparer for any purpose other than that stated in the consent, and

(6) A statement by the taxpayer that he consents to the use of such information for the specific purpose described in subparagraph (3) of this paragraph.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

*Example (1).* In order to stimulate the making of loans, a bank advertises that it is in the business of preparing tax returns. A taxpayer goes to the bank to have his tax return prepared. After the return has been completed by the bank, the employee of the bank who obtained the tax return information from the taxpayer explains that the taxpayer owes an additional \$400 in taxes and that the bank's loan department may be able to offer the taxpayer a loan to pay the tax due. If the taxpayer decides to accept the opportunity offered to apply for a loan, the bank must first have the taxpayer execute a written consent described in paragraph (b) of this section for the bank to use any of such information which is required in determining whether to make the tax loan.

*Example (2).* A firm of certified public accountants with offices in various States offers various professional services to its clients in addition to its regular auditing and accounting services, such as related tax services, estate planning, financial counseling, and management services. Each of these additional services is under the supervision of a partner who is responsible for the proper handling of that service. One of the clients whose accounts are regularly audited by the firm also has the firm prepare its income tax returns from the available tax return information, as supplemented by additional information given by the client. If the accounting firm desires to make this tax return information available to its partner in charge of management services in order to facilitate the solicitation of management business from the client, it may do so if the partner responsible for the preparation of the income tax returns first obtains from the client a written consent described in paragraph (b) of this section.

*Example (3).* The facts are the same as in example (2) except that the accounting firm is requested by a bank to furnish it certain credit information on the taxpayer based upon the tax return information furnished by him to the accounting firm. The accounting firm may furnish the tax return information to the bank for purposes of establishing the taxpayer's financial or credit status, if it first obtains from the taxpayer a written consent described in paragraph (b) of this section.

*Example (4).* An individual who sells life insurance and shares in a mutual fund is also in the business of preparing tax returns. A taxpayer who has gone to the individual to have his tax return prepared is requested, at the time he picks up his completed tax return, to give his consent to the individual's use of his tax return information in connection with such individual's solicitation of the taxpayer's purchasing a life insurance policy and shares in the mutual fund. Before the individual may use such tax return information as a basis for soliciting such additional business from the taxpayer, the taxpayer must execute separate written consents under paragraph (b) of this



section, one authorizing the use of such information as a basis for soliciting the sale of the mutual fund shares and a second authorizing the use of such information as a basis for soliciting the sale of the life insurance.

*Example (5).* The facts are the same as in example (4) except that the individual does not sell life insurance but does sell shares in several mutual funds. If the request is for the purpose of using the tax return information as a basis for soliciting the sale at one time of shares in mutual funds A and B, only one written consent under paragraph (b) of this section is required of the taxpayer. If, however, the request is for the purpose of using the tax return information as a basis for soliciting the sale of shares in fund A at one time, and the sale of shares in fund B at a later time, two written consents under such paragraph are required of the taxpayer.

[FR Doc.72-21848 Filed 12-19-72;8:52 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[43 CFR Parts 4110, 4120, 4710]

### WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT

#### Protection, Management, Control, and Reservation of Forage

The purpose of this amendment is to provide regulations to implement the Act of December 15, 1971 (16 U.S.C. 1331-1340), which requires the Secretary of the Interior to protect, manage, and control wild free-roaming horses and burros on public lands managed by the Bureau of Land Management.

The proposal would add a new Group 4700, Wild Free-Roaming Horse and Burro Management, to the regulations. It would also amend 43 CFR Subparts 4115 and 4121 to provide specifically for a reservation of forage required by wild free-roaming horses and burros on public lands.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336), interested parties may submit written comments, suggestions, or objections with respect to the draft rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until February 5, 1973. Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Draft rules are being published at this time as proposed rule making in order that the draft, together with public comments, suggestions, or objections that may result, can be considered by the National Advisory Board on Wild Free-Roaming Horses and Burros at its first meeting (to be announced). Copies of the draft rules are being sent to all members of the grazing district advisory boards established pursuant to section 18 of the Taylor Grazing Act (43 U.S.C.

3150-1) in furtherance of the objectives of that section.

Subchapter D, Chapter II, of Title 43 of the Code of Federal Regulations is amended as follows:

1. The first sentence of paragraph (d) of § 4115.2-1 of Subpart 4115 is revised to read as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

(d) *Cancellation or reduction of licenses or permits; show cause; appeal to examiner.* Licenses or permits are subject to cancellation or reduction to the extent that they have been improperly issued, or to the extent that their continued effectiveness is adversely affected pursuant to any of the provisions of §§ 4111.1, 4115.2-1(e), 4115.2-1(k)(4), 4114.4-4, 4115.2-5(a)(6), 4712.1-3, or 4712.1-4 of this chapter.

2. Paragraph (a) of § 4121.2-1 of Subpart 4121 is revised to read as follows:

§ 4121.2-1 Minimum requirements, rating and classification of lease land.

(a) *Land Resource Consideration.* The authorized officer will determine the availability of public land for grazing leases and the amount of forage available for use by livestock in conjunction with considerations of forage reservations for watershed protection, wildlife, wild free-roaming horses and burros, and other multiple uses.

3. A new Group 4700 is added to Subchapter D to read as follows:

### Group 4700—Wild Free-Roaming Horse and Burro Management PART 4710—WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT; GENERAL

Subpart 4710—Purpose; Objective; Authority; Definitions; Policy

Sec.  
4710.0-1 Purpose.  
4710.0-2 Objectives.  
4710.0-3 Authority.  
4710.0-5 Definitions.  
4710.0-6 Policy.

Subpart 4711—Management Coordination

4711.1 Recommendations from the joint national advisory board on wild free-roaming horses and burros.  
4711.2 State agencies.  
4711.3 Cooperative agreements.

Subpart 4712—Management Considerations

4712.1 Management; General.  
4712.1-1 Planning.  
4712.1-2 Intensity of management.  
4712.1-3 Habitat reservation and allocation.  
4712.1-4 Closures to livestock grazing.  
4712.2 Establishment of ranges.  
4712.2-1 Designation.  
4712.2-2 Criteria for designation.  
4712.2-3 Management.  
4712.3 Removal and relocation or disposal of animals.  
4712.3-1 Method of capture.  
4712.3-2 Relocation of animals.  
4712.3-3 Disposal.

Sec.  
4712.3-4 Acts of mercy.  
4712.3-5 Disposal of carcasses.  
4712.4 Animals on private lands.  
4712.4-1 Allowing animals on private lands.  
4712.4-2 Active maintenance of animals on private lands.  
4712.4-3 Removal of animals from private lands.

Subpart 4713—Claimed Animals

4713.1 Removal of claimed animals; procedures.

Subpart 4714—Enforcement Provisions

4714.1 Arrest.  
4714.2 Penalties.  
4714.3 Related prohibitions and penalties.  
4714.3-1 The act of September 8, 1959.  
4714.3-2 The act of September 18, 1971.

Subpart 4710—Purpose; Objective; Authority; Definitions; Policy

§ 4710.0-1 Purpose.

To implement the laws relating to wild free-roaming horses and burros on public lands.

§ 4710.0-2 Objective.

The objective of these regulations is to provide criteria and procedures for protecting, managing, and controlling wild free-roaming horses and burros as a recognized component of the public land environment.

§ 4710.0-3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331-1340), requires the protection, management, and control of wild free-roaming horses and burros on public lands.

§ 4710.0-5 Definitions.

(a) "Authorized Officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to take actions under the regulations of this chapter.

(b) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros that have used or do use public lands as all or part of their habitat on or after December 15, 1971, including those animals given an identifying mark upon capture for live disposal by the authorized officer. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto public lands on or after December 15, 1971, by accidental, negligent, or willful disregard of ownership.

(c) "Herd" means one or more stallions or jacks and their mares or jennies.

(d) "Public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management.

(e) "Wild horse or burro range" means a designated area of land necessary to sustain a herd or herds of wild free-roaming horses or burros, and which is devoted principally but not necessarily exclusively to their welfare in keeping



with the multiple use management of the public lands.

(f) "Management plan" means a written program of action designed to protect, manage, and control wild free-roaming horses and burros and maintain a natural ecological balance on the public lands.

(g) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331-1340).

(h) "Advisory Board" means the joint advisory board established by the Secretary of the Interior and the Secretary of Agriculture pursuant to section 7 of the Act.

#### § 4710.0-6 Policy.

(a) Wild free-roaming horses and burros are under the jurisdiction of the United States and will be managed as an integral part of the natural systems of the public lands. They will be protected from unauthorized capture, branding, undue disturbance, and destruction. They and their habitat will be managed and controlled in a manner designed to achieve and maintain a thriving ecological balance on the public lands and a thriving population of sound, healthy individuals, all in accordance with the basic program policies for public land management set forth in Subpart 1725 of this chapter.

(b) Wild free-roaming horses and burros on the public lands will be managed by the authorized officer, with full public participation and such cooperative arrangements as he may find helpful. Management on public lands will not be assigned to any private individual or association through a grazing license, lease, or permit.

#### Subpart 4711—Management Coordination

##### § 4711.1 Recommendations from the joint national advisory board on wild free-roaming horses and burros.

Policies and guidelines relative to proposals for establishment of ranges, proposed management plans, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the Advisory Board for recommendations.

##### § 4711.2 State agencies.

(a) All management activities including, but not limited to, establishment of ranges and adjustments in forage allocation shall be planned and executed in consultation with the appropriate State wildlife agency to further consider the needs of all wildlife, particularly endangered species.

(b) All actions taken in connection with private ownership claims to unbranded horses and burros shall be coordinated with the appropriate State agency.

##### § 4711.3 Cooperative agreements.

The authorized officer may enter into cooperative agreements with other landowners, nonprofit organizations, and

with Federal, State, and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use.

#### Subpart 4712—Management Considerations

##### § 4712.1 Management; general.

###### § 4712.1-1 Planning.

In planning for managing, protecting, and controlling wild free-roaming horses and burros, including the establishment of ranges, determination of desirable numbers and other management provisions of these regulations, the authorized officer will utilize the Bureau's multiple-use planning system with its requirements for public participation by and coordination with others.

###### § 4712.1-2 Intensity of management.

Management practices including construction of range improvements such as fences, water development, roads, and corrals in areas frequented by wild free-roaming horses and burros shall be consistent with the maintenance of their free-roaming behavior.

###### § 4712.1-3 Habitat reservation and allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife, and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the desirable number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust domestic livestock use accordingly. See §§ 4115.2-1 (d) and 4121.2-1(a) of this chapter.

###### § 4712.1-4 Closures to livestock grazing.

The authorized officer may close public lands to use by all or a particular class of domestic livestock where he finds it necessary to allocate all available forage to, or to satisfy other biological requirements of, wild free-roaming horses or burros. Such closures may be made only after appropriate public notice and in accordance with the procedures for reduction or cancellation of grazing privileges provided for under the provisions of this subchapter. See §§ 4115.2-1(d) and 4121.2-1(a) of this chapter.

##### § 4712.2 Establishment of ranges.

###### § 4712.2-1 Designation.

The authorized officer may designate and maintain specific ranges for protection and preservation of wild free-

roaming horses and burros exclusively or in conjunction with other domestic and wild animals.

###### § 4712.2-2 Criteria for designation.

In designating ranges the authorized officer, in addition to any other provisions of these regulations, shall:

(a) Consider only those general areas utilized by wild free-roaming horses or burros on December 15, 1971.

(b) Consider those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns.

(c) Consider those areas which are capable of being managed as a unit to ensure a sustained yield of forage without jeopardy to the resources.

(d) Develop a proposed wild free-roaming horse or burro management plan in accordance with § 4712.2-3.

###### § 4712.2-3 Management plan.

The authorized officer shall, in connection with the designation of a range, develop a proposed wild free-roaming horse or burro management plan designed to protect, manage, and control wild free-roaming horses and burros on the area on a continuing basis. Designated ranges will be managed in accordance with an adopted management plan, as may be modified by appropriate procedures.

##### § 4712.3 Removal and relocation or disposal of surplus animals.

###### § 4712.3-1 Method of capture.

Animals may be captured, corralled, and held pending disposal under the provisions of this subpart in the most humane manner possible.

###### § 4712.3-2 Relocation of animals.

(a) The authorized officer may relocate wild free-roaming horses and burros on public lands when he determines such action is necessary to: (1) Relieve overgrazed areas, (2) locate animals removed from private lands in accordance with § 4712.4-3, or (3) achieve other purposes deemed to be in the interest of proper resource and herd management. Such animals relocated on public lands shall not be introduced onto areas which were generally not inhabited by them on December 15, 1971.

(b) The authorized officer may also place animals in the custody of private persons, organizations or other governmental agencies. Custodial arrangements shall be made through a cooperative agreement which shall include provisions as necessary to maintain and protect the animals and ensure that the animals will not be used for commercial exploitation. The authorized officer may, at his discretion, mark animals placed in private custody for identification purpose.

###### § 4712.3-3 Disposal.

Where the authorized officer finds it necessary, in accordance with § 4712.3-2, to remove excess animals from specific areas of the public lands, and he determines that the relocation of animals



under § 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible. No person, except the authorized officer or his authorized representative, shall destroy wild free-roaming horses and burros.

#### § 4712.3-4 Acts of mercy.

Severely injured or seriously sick animals will be destroyed immediately in the most humane manner possible as an act of mercy. After appropriate consultation with the Advisory Board, old, sick, and lame animals, and surplus animals may be destroyed in the most humane manner possible.

#### § 4712.3-5 Disposal of carcasses.

Carcasses shall be disposed of in any customary manner under State sanitary statutes. In no event shall carcasses, or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

#### § 4712.4 Animals on private lands.

##### § 4712.4-1 Allowing animals on private lands.

Nothing in these regulations shall preclude a private landowner from allowing wild free-roaming horses and burros to remain on his private lands so long as the animals were not willfully removed, enticed, or retained by him or his agent from the public lands.

##### § 4712.4-2 Active maintenance of animals on private lands.

Any individual who actively maintains wild free-roaming horses and burros on his private lands shall notify the authorized officer and supply him with a reasonable approximation of their number and location. The authorized officer may also require a description of the animals. Thereafter, he shall furnish an annual report updating the information during the month of January. An individual will be considered to be actively maintaining wild free-roaming horses or burros if he takes measures of any kind designed to protect or enhance the welfare of the animals. No person shall maintain such animals except under cooperative agreement between the private landowner and the authorized officer setting forth the management and maintenance requirements including provisions for regulating disposal of surplus animals.

##### § 4712.4-3 Removal of animals from private lands.

The authorized officer shall remove, as soon as he can make the necessary arrangements, wild free-roaming horses and burros from private land at the request of the landowner where the private land is enclosed in a "legal fence." A "legal fence" for this purpose is one which complies with State standards and specifications.

#### Subpart 4713—Claimed Animals

##### § 4713.1 Removal of claimed animals.

(a) All unauthorized and unbranded horses and burros on the public lands, except those introduced onto public lands

on or after December 15, 1971, by accident, negligence, or willful disregard of ownership, are presumed for the purpose of management to be wild free-roaming horses or burros.

(b) Any person claiming ownership of unauthorized and unbranded horses or burros must obtain written authorization from the authorized officer to round up and remove claimed animals from public lands. Claims must be based upon probable ownership.

(c) The authorized officer shall establish in the authorization a reasonable period to allow roundup of claimed animals. The method of roundup and removal shall include such conditions deemed necessary to minimize stress on associated wild free-roaming animals. Prior to removal from public lands of any gathered animals, the claimant shall substantiate proof of ownership in accordance with applicable State branding and estray laws. Such ownership shall be certified by the appropriate State official.

(d) Horses or burros proved to be privately owned in accordance with the provisions of this subpart will be considered to have been in trespass and may not be removed until a proper trespass charge has been determined by the authorized officer. In order to facilitate implementation of the Act no trespass charge will be assessed for animals for which claims of ownership are submitted within 90 days of the effective date of these regulations.

#### Subpart 4714—Enforcement Provisions

##### § 4714.1 Arrest.

The Director of the Bureau of Land Management may authorize such employees as he deems necessary to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of these regulations and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of these regulations.

##### § 4714.2 Penalties.

In accordance with section 8 of the Act (16 U.S.C. 1338), any person who:

(a) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(b) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(c) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(d) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(e) Sells, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to section 4 of the Act, or

(f) Willfully violates any provisions of the regulations under Group 4700, shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

#### § 4714.3 Related prohibitions and penalties.

##### § 4714.3-1 The act of September 18, 1959.

The Act of September 8, 1959 (18 U.S.C. 41-46), provides that any person who:

(a) Uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges, or

(b) Pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any wild horse, mare, colt, or burro,

shall be fined not more than \$500, or imprisoned not more than 6 months, or both.

##### § 4714.3-2 The act of November 18, 1971.

The Act of November 18, 1971 (85 Stat. 480) provides, with certain exceptions, that any person who:

(a) While airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal, or

(b) Uses an aircraft to harass any bird, fish, or other animals, or

(c) Knowingly participates in using an aircraft for any purpose referred to in paragraphs (a) or (b) of this section, shall be fined not more than \$5,000 or imprisoned not more than 1 year, or both.

HARRISON LOESCH,  
Assistant Secretary  
of the Interior.

DECEMBER 14, 1972.

[FR Doc. 72-21775 Filed 12-19-72; 8:46 am]

#### Office of Oil and Gas

##### [ 32A CFR Ch. X ]

[Oil Import Reg. 1 (Rev. 5)]

#### CRUDE AND UNFINISHED OILS BASED UPON ESTIMATED INPUTS

##### Proposed Allocations and Change in Allocation Method; Extension of Time for Filing Comments

On December 2, 1972, there was published in the FEDERAL REGISTER (37 F.R. 25722) a notice of proposed rule making regarding certain proposed changes in section 25 of Oil Import Regulation 1



(Revision 5), as amended, for the purpose, among others, of removing therefrom some provisions which, it is thought, have a tendency to discourage refinery and petrochemical plant expansion and construction in the United States. Comments thereon were invited within twenty (20) days from the date of publication, that is to say, by December 22, 1972.

Notice is hereby given that the time for submission of comments on the proposal above described is extended to the close of business on January 16, 1973.

RALPH W. SNYDER, JR.,  
Acting Director,  
Office of Oil and Gas.

DECEMBER 18, 1972.

[FR Doc.72-21982 Filed 12-19-72; 10:41 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 1050]

### MILK IN THE CENTRAL ILLINOIS MARKETING AREA

#### Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of December 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1050.14, paragraphs (c) (2) and (3).

#### STATEMENT OF CONSIDERATION

The proposed suspension would remove for the month of December 1972 the limitations on the proportion of each producer's monthly milk production that may be diverted as producer milk from a pool plant to a nonpool plant. A similar suspension was in effect for the months of October and November 1972.

Associated Milk Producers, Inc., requests this suspension for another month in order to enable certain of its member producers to maintain producer status under the order for December and thereby continue receiving the uniform price for their milk, pursuant to the order.

On October 4, 1972, a large distributing plant to which many of this association's

member producers shipped their milk ceased all receiving and processing operations. Since that time the cooperative association has been attempting to find alternative outlets for the milk of these producers.

The association states that the milk of a majority of these producers has been accommodated on other markets. It is claimed, however, that more time is needed to complete arrangements for satisfactory fluid market outlets for the remaining volume of milk.

While arrangements have been with other handlers in the market to receive this remaining volume of milk some of the time, such handlers cannot receive this milk on a regular basis. The cooperative claims that more time is required to find satisfactory outlets for the milk.

This suspension of diversion limits will afford the cooperative an opportunity to divert the milk of these member producers, thereby maintaining their producer status under the order, and provide the association the needed time to complete other marketing arrangements with respect to the milk of these producers.

Signed at Washington, D.C., on December 15, 1972.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.72-21845 Filed 12-19-72; 8:50 am]

### Animal and Plant Health Inspection Service

#### [9 CFR Part 112]

### VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

#### Packaging and Labels

##### Correction

In F.R. Doc. 72-21141, appearing at page 26116, in the issue of Friday, December 8, 1972, the following changes should be made:

1. In § 112.2(a) (10) (ii), in the fourth line, the word "reservative(s)" should read "preservative(s)".
2. In § 112.5(d), make the following changes:
  - a. In subparagraph (2), the designated subparagraph (1) should be subdivision (i).
  - b. In subparagraph (3) (i) (a), in the second line, delete "and product code number".
  - c. In the first line of the flush paragraph after subparagraph (4) (v), the word "reserved" should read "reserved".
3. In § 112.8(d), the word "anitoxins" in the second line, should read "antitoxins".

### Farmers Home Administration

#### [7 CFR Part 1822]

[FHA Instruction 444.2]

### RURAL HOUSING LOANS

#### Construction Financing

Notice is hereby given that the Farmers Home Administration has under

consideration a proposed amendment of Subpart A of Part 1822, Title 7, Code of Federal Regulations, 35 F.R. 14901. Subpart A will be amended by adding § 1822.19 to provide policies and procedures to assist builders, who are unable to do so, to obtain construction financing from commercial sources.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.-4:45 p.m.).

As amended, the new § 1822.19 will read as follows:

#### § 1822.19 Construction financing for section 502 rural housing loans.

(a) *Scope.* The policy of the Farmers Home Administration (FHA) is to encourage the construction or repair of buildings so that section 502 Rural Housing (RH) loans can be closed after the buildings are completed. This section sets forth policies and procedures to assist builders, who are otherwise unable to do so, to obtain construction financing from commercial sources.

(b) *Purpose.* The purpose of construction financing is to reduce the interest cost to the borrower and FHA on funds that would otherwise be deposited in a supervised bank account, reduce the administrative costs of supervised bank accounts, and eliminate the need for borrowers to make loan repayments during the construction period.

(c) *Procedures.* (1) This section is applicable to cases in which:

(i) A conditional commitment has been or will be issued and a loan approved and funds obligated for the applicant in accordance with instructions on conditional commitments involving packaging of applications issued by the national office of the FHA and available at all FHA offices; or

(ii) The applicant owns a building site and will contract for the construction or improvement of the building or buildings. In such a case the applicant will retain ownership of his site and not convey title to the builder, and the lender providing the construction financing will not take a mortgage on the site owned by the applicant or otherwise require the applicant to secure the construction loan; or

(iii) The RH loan is not being made in participation with an FO or an individual SW loan.

(2) Loan docket: Loan docket forms will be prepared in accordance with § 1822.12. If the applicant owns the building site he will be required to obtain and submit to the County Supervisor preliminary title evidence to assure that he has a satisfactory title or leasehold interest in the property before he executes Form FHA 424-6, "Construction Contract," and



before FHA executes Form FHA 444-16, "Notice of Loan Approval."

(3) Notice of loan approval: When the obligated copy of the Form FHA 440-3, "Record of Actions," is received from the Finance Office, the County Supervisor will complete and sign an original and one copy of Form FHA 444-16.

(i) The original of Form FHA 444-16 will be given to the builder and a copy will be retained in the loan docket.

(ii) The builder may present Form FHA 444-16 and a copy of Forms FHA 444-11, "Conditional Commitment," FHA 444-34, "Option to Purchase Real Property," or FHA 424-6, as appropriate, to a commercial lender of his choice to obtain the construction financing he needs.

(4) Inspections: FHA will as a minimum make the inspections specified in Form FHA 444-16 and send copies of Form FHA 424-12, "Inspection Report," to the builder, and if requested, to the commercial lender.

(5) Construction advances: The lender is responsible for determining the amount that he will advance to the builder under the construction financing arrangement, and for determining any measures necessary to protect his interest.

(6) Loan closing: When construction is completed, the necessary title clearance will be obtained and the County Supervisor will order the loan check and arrange for loan closing as soon as possible, usually within 30 days after satisfactory completion of construction.

(d) Forms. All forms listed in these requirements will be available at all FHA offices.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 37 F.R. 21559, 37 F.R. 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: December 13, 1972.

GEORGE C. KNAPP,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.72-21846 Filed 12-19-72; 8:50 am]

# Forest Service

## [ 36 CFR Part 231 ]

### GRAZING

#### Protection, Management, and Control of Wild Free-Roaming Horses and Burros

Notice is hereby given that pursuant to the authority contained in the Wild Free-Roaming Horses and Burros Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331-1340), the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 551), the Act of July 22, 1937 (50 Stat. 525, as amended; 7 U.S.C. 1011), and the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531), it is proposed to amend Part 231 of Title 36, Code of Federal Regulations, by adding § 231.11 to read as follows:

#### § 231.11 Wild free-roaming horses and burros.

The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from National Forest System lands. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

(a) *Definitions.* (1) As used in this section, "Wild Free-Roaming Horses and Burros" shall mean all unbranded and unclaimed horses and burros that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat. Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership.

(2) "Herd" means one or more stallions or jacks and their mares or jennies.

(3) "National Forest System lands" as used in this part are the National Forests, National Grasslands, and other Federal lands for which the Forest Service has administrative jurisdiction.

(4) "Wild horse and burro range" means an area of National Forest System land specifically so designated by the Chief, Forest Service, for the purpose of sustaining an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the National Forest System lands.

(5) "Surplus animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple-use relationship on National Forest System lands.

(6) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property.

(7) "Act" means the Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331-1340), Public Law 92-195.

(8) "National Advisory Board" means the Advisory Board as established jointly by the Secretary of Agriculture and the Secretary of the Interior under the provisions of the Act.

(b) *Administration of wild free-roaming horses and burros and their environ-*

*ment.* The Chief, Forest Service, shall:

(1) Administer wild free-roaming horses and burros on the National Forest System lands in the areas where they now occur to maintain a thriving ecological balance, considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with that of uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531). He may designate areas of National Forest System land as Wild Horse and Burro Ranges in those unique and singularly important situations where he determines such designation as especially fitting to meet the purposes of the Act and the Multiple Use-Sustained Yield Act and after consultation with the appropriate agencies of the State where such Range is proposed and with the National Advisory Board.

(2) Provide direct administration for the welfare of wild free-roaming horses and burros on National Forest System land by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations.

(c) *Ownership claims.* Individuals wishing to assert a claim of ownership under the estray laws of a State to any unbranded horse or burro on National Forest System lands must present evidence of probable ownership to the Forest Supervisor before permission will be granted to attempt a capture of the animal(s) involved. All capture attempts must be by written permission of the Forest Supervisor who shall allow the removal of claimed animals from herds of wild free-roaming animals only by methods and procedures which will not subject wild free-roaming animals to physical damage or undue stress. Proof of ownership pursuant to State estray laws will be required before the Forest Supervisor will permit the removal of captured, claimed animals from National Forest System lands. All ownership claims to unbranded horses and burros that were located on National Forest System land on December 15, 1971, or those animals that were subsequently found to be wild and free-roaming under the definition in paragraph (a) of this section must be filed with the Forest Supervisor within 90 days after the final publication of these regulations.

(d) *Removal of other horses and burros.* In the event branded horses or burros or horses or burros which do not come within the definition in paragraph (a) of this section are intermingled at any time with herds of wild free-roaming horses or burros, the Forest Supervisor shall require and allow their removal only by methods which do not subject the wild ones to physical damage or undue stress.

(e) *Other lands, protection upon.* Individual animals and herds of wild free-roaming horses and burros, as components of the National Forest System



lands, will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law, and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the Act at any time he has cause to believe its provisions are being violated.

(f) *Private lands, removal from.* Owners of land upon which wild free-roaming horses and burros have strayed from National Forest System lands may request their removal by calling the nearest office of either the Forest Service or Federal Marshal.

(g) *Private lands, maintenance.* Owners of private land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from National Forest System lands may do so by notifying the nearest office of the Forest Service in timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by cooperative agreement with the Forest Service.

(h) *Cooperative agreements.* The Chief, Forest Service, may enter into cooperative agreements with landowners, State and local governments and other agencies of the Federal Government as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

(i) *Relocation of animals.* Wild free-roaming horses and burros may be captured and relocated if they are found to be surplus animals, problem animals, or if it is necessary to prevent their repetitive return to private land from which their removal has been requested.

(1) Relocation upon National Forest System land may be made only to areas which were the territorial habitat of wild free-roaming horses or burros on December 15, 1971, and if suitable habitat capacity is available.

(2) Animals may be placed in the custody of private persons, organizations, and other governmental agencies through the use of a cooperative agreement. Such custodial care arrangements must require that the animals be maintained and protected in accordance with the Act, and not used for commercial exploitation.

(j) *Disposal of animals.* No person except a duly designated Agent of the Secretary shall destroy any wild free-roaming horse or burro. Such Agents may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an act of mercy. After appropriate con-

sultation with the National Advisory Board, old, sick, and lame animals, and surplus animals may be destroyed in the most humane manner possible.

(2) When the Chief, Forest Service, finds it necessary to remove wild free-roaming horses or burros for the reasons identified in paragraph (i) of this section and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible. To the extent possible, such problems will be anticipated and reviewed with the National Advisory Board before action is taken.

(k) *Disposal of carcasses.* The remains of deceased wild free-roaming horses and burros may be disposed of in any customary manner under State sanitary codes but in no event will they be processed into a commercial product.

(l) *Agents of the Secretary.* The Chief, Forest Service, is authorized to designate Forest Service personnel to serve as "agents of the Secretary" in accomplishing the purposes of the Act and these regulations. The Chief, Forest Service, may also appoint other individuals to serve as "agents of the Secretary" to assist Forest Service personnel in specific situations of short duration.

(m) *Management coordination.* All management activities by the Chief, Forest Service, shall be carried out in consultation with the wildlife agency of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of wildlife agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

(n) *National Advisory Board.* The Chief, Forest Service, shall appoint a representative to attend all meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the memorandum of agreement between the Department of the Interior and the Department of Agriculture and the joint charter issued by the Secretary of the Interior and Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation, and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

(o) *Studies.* The Chief, Forest Service, is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved.

(p) *Arrest.* Any employee designated by the Chief, Forest Service, shall have

the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of the regulations in this section and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or of the regulations in this section.

(q) *Penalties.* In accordance with section 8 of the Act, any person who:

(1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the National Forest System lands, without authority from the Chief, Forest Service, or;

(2) Converts a wild free-roaming horse or burro to private use, without authority from the Chief, Forest Service, or;

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or;

(4) Processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or;

(5) Sells, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to section 4 of the Act, or;

(6) Willfully violates a regulation issued pursuant to the Act shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States commissioner or magistrate, designated for the purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, title 18, U.S.C.

(85 Stat. 649 (16 U.S.C. 1331-1340); sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); 74 Stat. 215 (16 U.S.C. 523-531))

The purpose of this amendment is to provide authority and direction to the Chief, Forest Service, for the management, protection and control of those wild free-roaming horses and burros which are associated all or part time with National Forest System lands.

All persons who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Range Management, 1621 North Kent Street, Room 610, Arlington, VA 22209, within 45 days of the date of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be available for public inspection in the Forest Service during regular business hours (7 CFR 1.27(b)).

T. K. COWDEN,  
Assistant Secretary  
of Agriculture.

DECEMBER 1, 1972.

[FR Doc.72-21777 Filed 12-19-72; 8:47 am]



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 130, 132]

### DRUG LISTING ACT OF 1972

#### Proposed Establishment of Implementing Regulations

##### Correction

In F.R. Doc. 72-21307 appearing at page 26431 of the issue for Tuesday, December 12, 1972, the following changes should be made:

1. The first line in the middle column of page 26434, reading "pursuant to subparagraph (2) of this", should be removed and inserted as the first line in the first column of page 26435.
2. In the fourth line of § 132.8(b) (2) (i) the word "digit" should read "character".
3. In the third line of § 132.51(a) the word "dispensing" should read "dispensing".

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NE-28]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the Montpelier, Vt., control zone (37 F.R. 2109) and transition area (37 F.R. 2246).

A new localizer instrument approach will be established for Runway 17 at the Edward P. Knapp State Airport, Barre-Montpelier, Vt. This will require alteration of the Montpelier, Vt., control zone and 700-foot transition area to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within thirty (30) days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Barre-Montpelier, Vt., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Montpelier, Vt., control zone by deleting the words "within a 5-mile radius of the center" and inserting the words "within a 6-mile radius of the center" in lieu thereof.
2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Montpelier, Vt., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, latitude 44°12'15" N., longitude 72°33'45" W., of Edward P. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR; within 4.5 miles each side of the Mount Mansfield NDB (latitude 44°23'06" N., longitude 72°41'38" W.), 332° and 152° bearings from the NDB, extending from the 10-mile radius to 10.5 northwest of the NDB, excluding that portion within the Morrisville, Vt., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on December 14, 1972.

FERRIS J. HOWLAND,  
Director, New England Region.

[FR Doc. 72-21812 Filed 12-19-72; 8:52 am]

## FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 546]

[No. 72-1411]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Withdrawal of Proposal Regarding Mergers Involving Federal Savings and Loan Associations

NOVEMBER 30, 1972.

By Resolution No. 72-623, dated May 25, 1972, and duly published in the FEDERAL REGISTER on June 3, 1972 (37 F.R. 11191), the Federal Home Loan Bank Board proposed to amend Part 546 of the rules and regulations for the Federal Savings and Loan System (12 CFR

Part 546), as set out in said publication, by revising paragraphs (c) and (d) of § 546.2 thereof for the purpose of requiring the approval by members of mergers involving Federal savings and loan associations. Interested persons were invited to submit written data, views, and arguments to the Board on such proposal by July 14, 1972.

On the basis of its consideration of all relevant material presented by interested persons or otherwise available, the Board, on November 30, 1972, determined not to adopt the amendment proposed by said Resolution No. 72-623. (Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc. 72-21842 Filed 12-19-72; 8:49 am]

[12 CFR Part 563]

[No. 72-1465]

### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### Proposed Amendment Requiring Insured Institutions To Be Audited at End of Fiscal Year

DECEMBER 14, 1972.

The Federal Home Loan Bank Board considers it advisable to amend § 563.17-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.17-1) to require all insured institutions with fiscal years ending after December 31, 1973, to be audited as of the end of each fiscal year. Accordingly, the Federal Home Loan Bank Board proposes to amend said § 563.17-1 by revising subparagraph (2) of paragraph (a) thereof, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by January 19, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 563.17-1 Examinations and audits; appraisals; establishment and maintenance of records.

(a) Examinations and audits. \* \* \*

(2) For fiscal years ending on or before December 31, 1973, each insured institution shall be audited at least once in each calendar year. For fiscal years ending after December 31, 1973, each insured institution shall be audited as of the end of its fiscal year. Each such audit shall be conducted by auditors in a manner satisfactory to the Corpora-



tion in accordance with general policies from time to time established by the Board. In addition, the Corporation may at any time make, or cause to be made, an audit of an insured institution with appraisals when deemed advisable. An insured institution shall promptly file with the Corporation, through the Board's Chief Examiner of the Federal Home Loan Bank District in which the home office of such institution is located, a copy of the report of each audit, other than audits made by the Corporation, made pursuant to this subparagraph. The cost of any audit made pursuant to this subparagraph shall be paid by the insured institution audited.

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

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc.72-21843 Filed 12-19-72; 8:49 am]

## NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 746]

### FEDERALLY INSURED CREDIT UNIONS

#### Rebate Procedures

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 209, 85 Stat. 1015, 12 U.S.C. 1789 is considering the establishment of a new Part 746 (12 CFR Part 746) as set forth below.

The purpose of these regulations is to set forth procedures by which rebates from the National Credit Union Share Insurance Fund will be computed and paid, such regulations being required by section 202(c) (6) of the Federal Credit Union Act (12 U.S.C. 1782).

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to the Administrator, National Credit Union Administration, Washington, D.C. 20456, to be received not later than February 1, 1973.

HERMAN NICKERSON, Jr.,  
Administrator.

DECEMBER 13, 1972.

### PART 746—REBATE PROCEDURES FOR FEDERALLY INSURED CREDIT UNIONS

Sec.

746.1 Entitlement.

746.2 Effective date for determining rebate.

746.3 Payment of rebate.

746.4 Recovery of rebate.

AUTHORITY: The provisions of this Part 746 issued pursuant to section 209, 85 Stat. 1015, 12 U.S.C. 1789.

#### § 746.1 Entitlement.

(a) Any federally insured credit union closed for liquidation, whether voluntarily or involuntarily or solvent or insolvent, is entitled to a rebate of premiums paid to the National Credit Union Share Insurance Fund.

(b) Rebates shall be in accordance with these regulations but no payment shall be made during any period in which:

(1) A loan to the Fund from the Federal Government is outstanding; or

(2) The Administrator determines that the payment would unduly jeopardize the financial condition of the Fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot, at any given time, be made under the limitations prescribed in subparagraph (1) or (2) of this paragraph.

(c) The amount of rebate of premiums to which a credit union is entitled under paragraph (a) of this section shall be computed as follows:

(1) From the total amount of premiums paid by the credit union, plus interest on such payments at the average rate of interest earned by the Fund on its assets during each of the years in which payments were made through the end of the calendar month in which the Board voted to present the question of voluntary liquidation to its members or was placed in involuntary liquidation by the Administrator; subtract the sum of:

(i) The credit union's pro rata share of the Fund's administrative expenses during the period in which the credit union had an insured status through the end of the calendar month in which the Board voted to present the question of voluntary liquidation to its members or was placed in involuntary liquidation by the Administrator;

(ii) The credit union's pro rata share of the net insurance payments (other than those referred to in subdivision (iii) of this subparagraph) chargeable to the Fund for claims arising during such period; and

(iii) The net insurance payments chargeable to the Fund for claims arising in connection with the liquidation of the credit union.

(d) A credit union's pro rata share of the Fund's administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to members' and nonmembers' accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

#### § 746.2 Effective date for determining rebate.

For purposes of determining the amount of the rebate, a credit union whose Board of Directors votes to present the question of liquidation to its membership, or is placed in involuntary liquidation by the Administrator on any

day of the month, other than that month's end, shall be considered to have entered liquidation at the end of the month in which it took such action.

#### § 746.3 Payment of rebate.

Rebates shall be paid to a liquidating credit union as soon as possible and in any event prior to final distribution of the credit union's assets to its members.

#### § 746.4 Recovery of rebate.

In the event the credit union resumes operations, the entire amount of the rebate shall be repaid to the National Credit Union Administration within 10 days after resuming operations. However, a credit union shall not be required to pay a premium for the insurance of its members' accounts while it is in liquidation.

[FR Doc.72-21772 Filed 12-19-72; 8:46 am]

## PRICE COMMISSION

[16 CFR Part 300]

[NPRM 72-4]

### PUBLIC UTILITIES: REGULATORY AGENCIES

#### Reporting Procedures

The Price Commission is considering amending § 300.305 to prescribe the reporting requirements for regulatory agencies holding a certificate of compliance from the Price Commission.

Each regulatory agency to which a certificate of compliance has been issued has agreed under § 300.305 to furnish periodically such information as the Commission may prescribe for the Commission's use in determining whether the regulatory agency is following the rules adopted by that agency pursuant to § 300.304 in its decisions and practices. For the convenient reference of all interested persons, the Commission proposes to amend § 300.305 to specify the information needed by the Commission and the time for the submission of that information to the Commission. The language of § 300.305 has also been changed to make it clear that only an agency currently holding a certificate of compliance is required to submit the information prescribed in that section.

Interested persons are invited to participate in making the proposed rule by submitting such written data, views, or comments as they desire. Communications should identify this document as NPRM 72-4 and be submitted in duplicate to the Office of the General Counsel, Price Commission, 2000 M Street NW., Washington, DC 20508. All communications received before January 20, 1973, will be considered by the Commission before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of the comments received. All comments received will be available for examination by interested persons.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799;



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

In consideration of the foregoing, it is proposed that § 300.305 of Title 6 of the Code of Federal Regulations be amended as set forth herein.

Issued in Washington, D.C., on December 18, 1972.

By direction of the Commission.

JAMES B. MINOR,

General Counsel, Price Commission.

#### § 300.305 Reporting procedures.

(a) Each regulatory agency holding a certificate of compliance under § 300.304 shall report to the Price Commission on its operations under that certificate for each calendar quarter beginning with the calendar quarter in which the certificate was issued. This report shall be submitted to the Commission within 30 days from the end of that quarter and shall contain the following information:

(1) Regulatory agency:

(i) Name of regulatory agency;

(ii) Address;

(iii) Name and telephone number of agency person to contact relative to report;

(iv) Date of report;

(v) Jurisdiction (as to type of utility regulated—gas, electric, trucking, etc.).

(2) Price increases pending at end of quarter:

(i) Type of utility;

(ii) Name of utility;

(iii) Name of parent or holding company (if applicable);

(iv) Date of application;

(v) Date set for hearing;

(vi) Total annual revenues of utility;

(vii) Total jurisdictional revenues, if different than subdivision (vi) of this subparagraph, or if combination utility separate by type;

(viii) Revenue increase applied for (by type).

(3) Price increases put into effect during quarter:

(i) Type of utility;

(ii) Name of utility;

(iii) Name of parent or holding company (if applicable);

(iv) Date of agency order;

(v) Order number;

(vi) Effective date of increase;

(vii) Type of increase (interim, final);

(viii) Total annual revenues of utility;

(ix) Total annual jurisdictional revenues, if different than subdivision (viii) of this subparagraph, or if combination utility separate by type;

(x) Revenue increase applied for (by type).

(4) Other information:

(i) Copies of all agency orders and opinions applicable to firms having total annual utility revenues in excess of \$50 million, before rate increase in question.

(ii) Such other information as will allow the Price Commission to determine whether the regulatory agency is acting

in conformity with the terms of its certificate of compliance and with the agency's rules and explanations which served as a basis for certification. An example of the desired information would be any significant change in the agency's basis for establishing rates.

(b) In addition to the quarterly reports required by paragraph (a) of this section, each regulatory agency holding a certificate of compliance under § 300.304 shall submit to the Price Commission an annual report as soon as feasible after December 31 of each year. The report shall contain the following information:

(1) For each utility under the agency's jurisdiction, regardless of whether or not the utility received a rate increase within the 12 months for which the report is made, a listing of:

(i) Type of utility;

(ii) Name of utility;

(iii) Total annual revenues;

(iv) Rate of return;

(v) Operating ratio (if applicable);

(vi) Equity rate of return.

(2) A statement of whether or not the agency has conducted an annual review of the operating results of all utilities subject to its jurisdiction, pursuant to the agency's certificated rules.

(3) Copies of any judicial opinions and orders and any laws, that pertain to the agency's ratemaking function, and were delivered or enacted during the 12 months for which the report is prepared.

[FR Doc.72-21910 Filed 12-19-72;8:52 am]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Survey Group 155; ES 11020]

#### FLORIDA

##### Notice of Filing of Plat of Survey

The plat of dependent resurvey and survey of omitted lands, described below, in T. 16 S., R. 28 E., Tallahassee Meridian, Volusia County, Fla., accepted on March 15, 1972, will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on January 22, 1973:

#### TALLAHASSEE MERIDIAN

T. 16 S., R. 28 E.,  
tracts 48, 49, 50, 51, 52, and 53.

The areas described aggregate 1,318.66 acres.

This plat represents a dependent resurvey of a portion of the east boundary, subdivisional and traverse lines, designed to restore the corners in their true original locations according to the best available evidence; an extension survey in sections 15 and 16; the survey of the meanders of the north shore of Lake Dexter; the survey of Tracts 48 and 49, representing lands which were omitted from the original survey; and the survey of four islands designated as Tracts 50, 51, 52, and 53, not shown on the plats approved May 28, 1849, and May 6, 1854.

The land area encompassed by this survey is over 50 percent swamp in character within the interpretation of the Swampland Act of September 28, 1850.

All inquiries relating to this land should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

DORIS A. KOIVULA,  
Manager.

DECEMBER 8, 1972.

[FR Doc.72-21773 Filed 12-19-72; 8:46 am]

[Survey Group 74; ES 11123]

#### MICHIGAN

##### Notice of Filing of Plat of Survey

The plat of dependent resurvey and survey of omitted lands, described below, in T. 1 S., R. 4 W., Michigan Meridian, Calhoun County, Mich., accepted on August 28, 1972, will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on January 22, 1973:

#### MICHIGAN MERIDIAN

T. 1 S., R. 4 W.,  
Sec. 23, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;  
Sec. 24, lots 1, 2, and 3;  
Sec. 25, lot 1;  
Sec. 26, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13;

Sec. 27, lots 1, 2, 3, and 4;  
Sec. 35, lot 1.

The areas describe aggregate 912.94 acres.

This plat represents a dependent resurvey of a portion of the section boundaries, designed to restore the corners in their true original locations according to the best available evidence; the survey of a portion of the section subdivisional lines; and an extension survey to include lands in sections 23, 24, 25, 26, 27, and 35, omitted from the original township survey.

The land described within this survey is nearly level to gently rolling. That portion of the land which lies within the area bounded by the original meander lines is mostly marsh interspersed with a number of lakes.

The soil of the land omitted from the original survey is characterized by a sandy peat which produces a variety of water-loving marsh grasses, brambles, and brush. Composition of the upland soils is generally a sandy clay and sandy loam. Upland timber consists of oak, hickory, and elm as opposed to the aspen and willows of the marshy soils.

Lots 8 and 9, section 26, are over 50 percent upland in character within the interpretation of the Swampland Act of September 28, 1850; but the remainder of the omitted lands are over 50 percent swamp and overflowed.

Except for valid existing rights, lots 8 and 9, section 26, will not be open to applications for use or disposition under the public land laws until they have been classified and a further order is issued.

All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910.

DORIS A. KOIVULA,  
Manager.

DECEMBER 11, 1972.

[FR Doc.72-21774 Filed 12-19-72; 8:46 am]

#### Office of the Secretary CENTRAL ARIZONA PROJECT, ARIZONA

##### Water-Use Priorities and Allocation of Irrigation Water

Pursuant to the authority vested in the Secretary of the Interior by the act of June 17, 1902, as amended (32 Stat. 388; 43 U.S.C. 391 et seq.) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885; 43 U.S.C. 1501 et seq.), the following decisions will apply in determining the priorities for water use and the allocation of irrigation water between Indian reservation lands and non-Indian lands within the Central Arizona Project. In arriving at these de-

cisions many interrelated facets have been carefully considered.

A number of significant benefits are available under the Colorado River Basin Project Act only to the Indian tribes, such as:

(1) Reservation Indians have the prerogative to use project water to irrigate lands not having a recent history of irrigation.

(2) Project costs allocated to Indian lands which are beyond the repayment capability of such lands are nonreimbursable. In addition, costs within repayment capability are deferred pursuant to the Leavitt Act (Act of July 1, 1932; 25 U.S.C. 386a).

(3) Indian communities located in the vicinity of Orme Dam are to be given special relocation benefits and the right to develop and operate recreational facilities along the part of the reservoir located adjacent to Indian reservations.

In addition to the above, generally prevailing acreage limitations of reclamation law are not applicable to the delivery and use of project water on Indian lands.

In addition to the legislative benefits applicable only to the Indians, there are other special benefits which by administrative discretion may be accorded to the reservation Indians as follows:

(1) Delivery of project water need not be offset equivalently by diminished ground water pumping.

(2) Project water may be delivered either to developed lands or to new lands without restrictions on ground water pumping.

(3) In times of water shortage, and to the extent of the Secretary's rulemaking authority, all entities receiving project water under contracts or other agreements with the Secretary may be required to make a showing satisfactory to the Secretary that appropriate water conservation measures have been adopted.

(4) The allocation of project irrigation water to Indian lands may be relatively higher than that assigned to non-Indian lands.

After careful review of all interrelated factors affecting Indian and non-Indian lands and evaluation of the comparative benefits allowed by law, and in recognition of my trust responsibility, I hereby conclude and announce the following interrelated decisions:

(1) Delivery of project irrigation water to Indian lands will not be required to be offset by diminished ground water pumping.

(2) Project irrigation water may be delivered either to developed lands or to new lands with no restriction on increasing ground water pumping in either or both areas to firm up irrigation water supply in times of shortage, so long as all such activities take place within established reservation boundaries.



(3) In the allocation of project irrigation water Indian land shall receive a relative advantage over non-Indian land, the percentage of project water allocated to Indian lands to be determined by the Secretary.

(4) All contracts and other arrangements for Central Arizona Project water shall contain provisions that in the event of shortages, deliveries shall be reduced pro rata until exhausted, first for all miscellaneous uses and next for all Central Arizona Project agricultural uses, before water furnished for municipal and industrial uses is reduced.

(5) In times of water shortages the Secretary will exercise his rulemaking authority to require assurances satisfactory to him that appropriate water conservation measures have been adopted by project water using entities.

In accordance with the decisions set forth herein, the contract with the Central Arizona Water Conservation District has been approved.

ROGERS C. B. MORTON,  
Secretary of the Interior.

DECEMBER 15, 1972.

[FR Doc.72-21803 Filed 12-19-72; 8:52 am]

[INT DES 72-117]

## WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT

### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Bureau of Land Management has prepared a draft environmental statement for the proposed regulations—Wild Free-Roaming Horse and Burro Management—which will implement the provisions of Public Law 92-195.

Copies of the statement are available for inspection at the following locations:

Director (130), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240, Telephone 202-343-5751.

Arizona State Office, Bureau of Land Management, Federal Building, Room 3022, Phoenix, Ariz. 85025, Telephone 602-261-3831.

California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, Sacramento, Calif., 95825, Telephone 916-481-2724.

Colorado State Office, Bureau of Land Management, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, CO 80202, Telephone 303-837-4481.

Idaho State Office, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, ID 83702, Telephone 208-342-2291.

Montana State Office, Bureau of Land Management, Federal Building and U.S. Courthouse, 316 North 26th Street, Billings, MT 59101, Telephone 406-245-6632.

Nevada State Office, Bureau of Land Management, Federal Building, Room 3009, 300 Booth Street, Reno, NV 89502, Telephone 702-784-5459.

New Mexico State Office, Bureau of Land Management, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, N. Mex. 87501, Telephone 505-982-3801.

Oregon State Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, OR 97208, Telephone 503-234-3361.

Utah State Office, Bureau of Land Management, Federal Building, 125 South State, Salt Lake City, UT 84111, Telephone 801-524-5311.

Wyoming State Office, Bureau of Land Management, Joseph C. O'Mahoney Federal Center, 2120 Capital Avenue, Cheyenne, WY 82001, Telephone 307-778-2384.

Copies may also be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Written comments may be submitted to the Director (330), Bureau of Land Management, Washington, D.C. 20240, within 45 days of the publication of this notice.

WILLIAM W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

DECEMBER 14, 1972.

[FR Doc.72-21776 Filed 12-19-72; 8:46 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### SUGAR QUOTA FOR CALENDAR 1973

##### Notice of Determination

Section 204(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), provides in part that "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country."

In accordance with the provisions of section 204(a) of the Sugar Act of 1948, as amended, and on the basis of information currently ascertainable by the Department of Agriculture, it is hereby determined, as of December 15, 1972, that no area or country will not market the 1973 sugar quota for such area or country except as heretofore determined and set forth in § 811.11, 37 F.R. 23624 published November 7, 1972.

Signed at Washington, D.C., on December 14, 1972.

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

[FR Doc.72-21784 Filed 12-15-72; 11:14 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

#### LIST OF U.S.S.R.-FLAG VESSELS ARRIVING AT CUBAN AND NORTH VIETNAM PORTS

The Maritime Administration is making available a list of U.S.S.R. vessels arriving at Cuban and North Vietnam ports during the periods as indicated (Cuba 1963 to June 1972 and North Vietnam 1966 to May 11, 1972) hereafter to all interested parties, in keeping with the provisions of a memorandum on U.S. port procedures and other matters (referred to in a letter dated October 14, 1972, from the Secretary of Commerce to the Minister of Merchant Marine of the Union of Soviet Socialist Republics, in connection with the agreement signed that same date between the Government of the United States and the Government of the Union of Soviet Socialist Republics concerning certain maritime matters) which states in part:

##### V. In-Port Treatment A. Servicing of Vessels

\* \* \* Vessels that have called at a port under Cuban control since January 1, 1963, or that have such a port on their current voyage itineraries (see 15 CFR 371.9(b)(2)) and vessels which have called at a port under the control of North Vietnam or North Korea within 180 days or that will call at or carry cargo destined to such a port within 120 days (see 15 CFR 371.9(b)(1)) cannot be bunkered at U.S. ports. Soviet vessels which have called in Cuba since January 1, 1963, or which have called in North Vietnam since January 25, 1966, may call at U.S. ports and load or unload normal commercial cargoes.

The list is based on data currently available to the Maritime Administration and will be supplemented as additional data becomes available.

List of U.S.S.R.-flag vessels arriving at interdicted area during the periods specified by types of vessels: (1) Freighters, (2) tankers, (3) refrigerated, (4) bulk carrier, (5) combination passenger and cargo, (6) ore carrier, (7) LPG tankers, (8) colliers and (9) timber carriers.

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a) Cuba 1963 to 6-72	(b) North Vietnam 1966 to 5-11-72
1. FREIGHTERS			
Abagurles.....	4,600	X	-----
Abakanles.....	4,600	X	-----
Adimiles.....	4,600	-----	X
Admiral Ushakov.....	7,800	X	-----
Akademik Evgeniy Paton.....	9,500	X	-----
Akademik Filatov.....	9,700	X	-----
Akademik Iosif Orbeli/or	-----	-----	-----
Adademik Iosif Orbeli.....	9,800	X	-----
Akademik Pavlov.....	6,600	X	-----
Akademik Rykachev/or	-----	-----	-----
Akademik Rykachev.....	9,700	X	-----
Akademik Shimanskij/or	-----	-----	-----
Adademik Shimanskij.....	12,100	X	-----
Akademik Shukhov.....	9,800	X	-----
Akademik Yuryev/or	-----	-----	-----
Akademik Yurev.....	9,700	X	-----
Alapajevsk/or Alapajevsk/or	-----	-----	-----
Alapajevsk.....	5,400	X	-----

See footnote at end of table.



Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6-72	North Vietnam 1966 to 5-11-72
Alapayevskies/or Alapayevskies	4,700	×	×
Amtyries	4,700	×	×
Aleksandr Blok	10,400	×	×
Aleksandr Gercen/or Aleksandr Gertsen	10,700	×	×
Aleksandr Grin/or Aleksandr Grin	10,700	×	×
Aleksandr Serafimovich	10,500	×	×
Aleksandr Suvorov	7,200	×	×
Aleksandr Tsyurupa	9,500	×	×
Aleksandr Ulyanov	9,800	×	×
Aleksandr Vernishev	2,300	×	×
Aleksandrovsk	5,400	×	×
Aleksey Tolstoy/or Aleksey Tolstoy	9,900	×	×
Alexandr Nevsky/or Aleksandr Nevskiy	7,200	×	×
Alishev Navoi	11,300	×	×
Almetevsk/or Almeteyevsk	5,500	×	×
Amgema	8,100	×	×
Anatoliy Lunacharskiy	9,300	×	×
Andomales	4,700	×	×
Angars/or Angarshe	5,600	×	×
Angarskies	4,700	×	×
Anna Ulyanova/or Anna Ulyanov	9,700	×	×
Anton Chekhov/or Anton Chekov	11,300	×	×
Anton Makarenko	10,200	×	×
Archangel'sk/or Arkhangelsk	5,700	×	×
Archangel'skies/or Arkhangelskies	4,700	×	×
Arctika/or Arktika	2,900	×	×
Argum	4,700	×	×
Arkadiy Gaidar/or Arkadiy Gaydar	10,400	×	×
Arkadiy Kamanin	3,500	×	×
Askold	7,200	×	×
Atkarsk	7,200	×	×
Avacha	7,200	×	×
Balashikin	11,100	×	×
Bajkonur	4,700	×	×
Baymak	10,500	×	×
Baku	7,200	×	×
Bakuriani/or Bakuryani/or Bakuriana	10,500	×	×
Balashikha/or Balashika	10,500	×	×
Baltiysk/or Baltijsk	5,600	×	×
Barguzin/or Barguzin	3,700	×	×
Barnaul	11,000	×	×
Bejsek/or Bezhitsa/or Bezhetsk	12,000	×	×
Bela Kun	10,100	×	×
Belgorod Dnestrovskiy	10,500	×	×
Belitsk	10,700	×	×
Belomorkahal	2,900	×	×
Belomorskies	4,700	×	×
Beloret'sk	10,700	×	×
Belovodsk	10,700	×	×
Belozerskies	4,700	×	×
Berdjansk/or Berdyansk	5,400	×	×
Berezinski/or Berezinski	10,700	×	×
Berezovka	11,000	×	×
Berislav	10,500	×	×
Bijsk	10,700	×	×
Bikin	3,400	×	×
Biryusa	2,700	×	×
Bogdan Khmel'nitskiy/or Bogdan Khmel'nitskiy	7,400	×	×
Bolshevik Suchanov/or Bolshevik Suchanov	9,800	×	×
Boris Gorbachev	10,200	×	×
Boris Lavrenev	9,900	×	×
Bratsk	5,500	×	×
Bratskies	4,700	×	×
Bratslav	10,500	×	×
Bratsvo/or Bratsvo	12,300	×	×
Brianski Rabotchiy/or Bryansk Rabochy/or Bryanskiy Rabochiy	10,900	×	×
Brianskies/or Bryanskies	4,700	×	×
Bukhtarma	3,400	×	×
Chapayev/or Chapayev	1,900	×	×
Cheliabinsk/or Chelyabinsk	3,400	×	×
Chernyakhovsk	5,400	×	×
Dalni/or Dalny	3,400	×	×
Daryal	7,200	×	×
Dekabrist/or Dekabrist	7,200	×	×
Demyan Bednyy/or Demyan Bednyy	11,300	×	×
Deputat Lutskiy/or Deputat Lutskiy	9,700	×	×
Dimitri Furmanov/or Dimitri Furmanov	9,500	×	×
Dimitri Gulya/or Dimitri Gulya	10,400	×	×
Dimitri Poluyan/or Dimitri Poluyan	10,100	×	×

See footnote at end of table.

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6-72	North Vietnam 1966 to 5-11-72
Dimitri Pozharskiy/or Dmitriy Pozharskiy	6,500	×	×
Dimitri Ulyanov/or Dmitriy Ulyanov	9,400	×	×
Divnogorsk	8,800	×	×
Dnepropet	5,500	×	×
Donetskiy Khimik/or Donetskiy Khimik	6,300	×	×
Donetskiy Komsomolets/or Donetskiy Komsomolets	6,300	×	×
Dubrovnik	10,400	×	×
Dushanbe/or Dushanbe	7,200	×	×
Dvinoles	4,600	×	×
Emilyan Pugachev/or Yemelyan Pugachev/or Emelyan Pugachev	7,200	×	×
Erevan	7,200	×	×
Ernst Thaelman/or Ernst Thelma	2,700	×	×
Fedor Glukhov/or Fedor Gladkov	10,200	×	×
Fizik Kurchatov	12,100	×	×
Fizik Lebedev/or Fizik Lebedev	11,400	×	×
Fizik Vavilov	11,400	×	×
Franz Bogush/or Frants Bogush	10,400	×	×
Frederik Zhelokiy/or Friedrich Engels/or Friderik Engels/or Friderik Engels	12,100	×	×
Gailch	10,200	×	×
Ganzat Tsadasa	10,200	×	×
Gavril Derzhavin/or Gavril Derzhavin	10,500	×	×
General Panfilov	7,200	×	×
Georgi Chychev/or Georgiy Chichev/or Georg Chichev	10,400	×	×
Gluukhov	12,000	×	×
Gorno Altai'sk/or Gornolait'sk	37,000	×	×
Grisha Akopyan	3,700	×	×
Gshatsk/or Gshatsk	3,700	×	×
Harry Pollitt/or Harry Pollitt/or Gari Pollitt	9,300	×	×
Ho Chi Minh/or Kho-Shi-Min Horol/or Khorel	12,500	×	×
Ignaty Sergeev/or Ignaty Sergeev/or Ignaty Sergeev	3,400	×	×
Ilovaisk	10,400	×	×
Ilya Kulin/or Ilya Kulik	9,700	×	×
Ilya Ulyanov	9,800	×	×
Ilyichovsk/or Ilichevsk	4,500	×	×
Imatra	1,200	×	×
Indigirka	7,700	×	×
Inessa Armend/or Inessa Armend	10,400	×	×
Irkutsk	9,700	×	×
Iun'y Leninets/or Yuni Leninets	12,300	×	×
Ivan Babushkin	1,700	×	×
Ivan Goncharov	9,500	×	×
Ivan Kulbin	7,200	×	×
Ivan Moskvina	3,300	×	×
Ivan Polzunov	7,200	×	×
Izhevsk	5,500	×	×
Izhma	3,400	×	×
Izhora	9,500	×	×
Izmail	9,700	×	×
Jakov Sverdlov/or Yakov Sverdlov	1,700	×	×
Jasno Morsk/or Yasnorsk	3,400	×	×
Jean Jaures/or Zhan Zhores	7,200	×	×
Jeanne Labourbe/or Zhanna Lyaburb	10,400	×	×
Kalininabad	9,300	×	×
Kamchatka	3,700	×	×
Kanev	9,300	×	×
Kapitan Bondarenko	8,100	×	×
Kapitan Kaminski	11,670	×	×
Kapitan Kushnarenko	11,700	×	×
Kapitan Lukhmanov	9,500	×	×
Kapitan Plushchikov/or Kapitan Plushchikov	9,500	×	×
Kapitan Shantsberg/or Kapitan Shantsburg	9,200	×	×
Kapitan Vislobokov/or Kapitan Vislobokov	11,100	×	×
Karachaev/or Cherkessiya/or Karachaev Cherkessiya	9,300	×	×
Karaga	3,000	×	×
Karaganda	9,700	×	×
Karl Liebknecht/or Karl Liebknecht	10,400	×	×
Kasimov	9,300	×	×
Kaspiysk/or Kaspiysk	9,300	×	×

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6-72	North Vietnam 1966 to 5-11-72
Khimik Zelinskiy/or Khimik Zelinskiy	12,100	×	×
Khlyurg Vishnevskiy/or Khlyurg Vishnevskiy	12,100	×	×
Kirgiz Vishnevskiy/or Kirgiz Vishnevskiy	9,300	×	×
Kirovsk	5,500	×	×
Kislovodsk	5,400	×	×
Klara Zetkin/or Klara Tsetkin	5,200	×	×
Klin	9,300	×	×
Kolkhoznik	7,200	×	×
Kolya Myagotin/or Kolya Myagotin	3,700	×	×
Komandarm Matveyev/or Komandarm Mateyev/or Komandarm Matveyev/or Komandarm Matveyev	9,500	×	×
Kommunist	9,200	×	×
Kommunist	10,400	×	×
Kommunisticheskoye-Zharnya/or Kommunisticheskoye-Zharnya	10,400	×	×
Komsomolets Estonii/or Komsomolets Estonii	9,300	×	×
Komsomolets Kirgizii	9,000	×	×
Komsomolets Latvii/or Komsomolets Latvii	9,000	×	×
Komsomolets Litvi/or Komsomolets Litvi	9,000	×	×
Komsomolets Nakhodki/or Komsomolets Nakhodka	6,300	×	×
Komsomolets Moldavii	5,900	×	×
Komsomolets Tadzhikistana	9,300	×	×
Komsomolets Uzbekistana	9,300	×	×
Komsomolsk	2,900	×	×
Komsomolskaya Slava	10,000	×	×
Kosmonaut/or Kosmonavt	10,700	×	×
Kostantin Panstoskiy	10,500	×	×
Kovdor	3,400	×	×
Kovrov	9,400	×	×
Krasnaya Presnya/or Krasnyy Presnya/or Krasnaya Presnya	12,100	×	×
Krasnodon	9,400	×	×
Krasnoe Selo/or Krasnoye Selo	9,400	×	×
Krasnoe Znamya/or Krasnyy Znamya/or Krasnoye Znamya	12,100	×	×
Krasnograd	9,400	×	×
Krasnogvardeets/or Krasnogvardeysk	7,200	×	×
Krasnogvardeysk/or Krasnogvardeysk	9,300	×	×
Krasnokamsk	9,400	×	×
Krasnoufimsk	9,300	×	×
Krasnozavodsk	9,300	×	×
Krasnyy Oktyabr/or Krasnyy Oktyabr/or Krasnyy Oktyabr	12,100	×	×
Kremi	12,100	×	×
Kuban	7,200	×	×
Kulbishevsk	5,600	×	×
Labin'sk	9,700	×	×
Lara Mikhayenko	3,700	×	×
Lazarev	3,400	×	×
Lens	7,500	×	×
Leninskogorsk	9,900	×	×
Leninskiy Komsomol/or Leninskiy Komsomol/or Leninskiy Komsomol	11,900	×	×
Leninskiy Pioneer/or Leninskiy Pioneer	12,100	×	×
Leonid Leonidov/or Leonid Leonidov	3,300	×	×
Lesozavodsk	9,700	×	×
Ljgov/or Lgov	5,500	×	×
Macesta/or Matsesta	9,900	×	×
Malaya Vishera	3,100	×	×
Manyeh	3,700	×	×
Marat Kozey/or Marat Kozey	3,700	×	×
Margelan	10,000	×	×
Marlusk	10,100	×	×
Marneul/or Marneul	10,200	×	×
Marshal Govorov	5,100	×	×
Mashuk	7,200	×	×
Meensk/or Mtyensk	10,100	×	×
Medin/or Medyn	10,000	×	×
Mednogorsk	8,800	×	×
Metallurg Anosov	12,100	×	×
Metallurg Baikov/or Metallurg Baykov	11,900	×	×
Metallurg Bardin	12,100	×	×
Metallurg Kurako/or Metallurg Kurakov	12,100	×	×
Mezhdurechensk/or Mezhdurechensk	10,000	×	×
Mezhdurechensk	10,000	×	×
Mezhdurechensk	9,900	×	×
Michurin	10,200	×	×



Name of vessel <sup>1</sup>	Gross tonnage	Areas called		Name of vessel <sup>1</sup>	Gross tonnage	Areas called		Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)			(a)	(b)			(a)	(b)
		Cuba 1963 to 6-72	North Vietnam 1966 to 5-11-72			Cuba 1963 to 6/72	North Vietnam 1966 to 5/11/72			Cuba 1963 to 6/72	North Vietnam 1966 to 5/11/72
Mikhail Kutuzov/or Mikhail Kutuzov	7,200	X	X	Pionerskaya Pravda	3,700		X	Valentin Khutorskoy/or Valentin Khutorsky	9,500		X
Miklukho Maklaj/or Miklukho Maklay	7,200	X	X	Pjarnu/or Pyarnu	3,700	X		Valentina Tereshkova	12,100	X	
Millerovo	10,100	X	X	Polotsk	10,800	X		Valerian Kuybyshev	9,300	X	
Minsk	9,900	X	X	Poltava	10,800	X		Valeriy Volkov	3,700	X	
Molochansk	9,900	X	X	Pomorye/or Pomore	4,800	X		Vasily Dokuchaev	3,400	X	
Molodogvardejsk/or Molodogvardeysk	9,900	X	X	Posjet	3,800		X	Vasily Kachalov/or Vastily Kachalov	1,800	X	
Monguzaj/or Monguzay	3,400	X	X	Povenets	3,700	X		Vatutino	9,500	X	
Morshansk/or Morsharsk	9,900	X	X	Prdneprovsk	10,900	X	X	Velikiye Luki	9,400	X	
Mozhaysk/or Mozharsk	10,100	X	X	Primorsk	3,400	X		Velikiye Ustyug	9,437	X	
Mozyr	10,100	X	X	Professor Nikolay Baranski	9,700	X		Velizh	9,500	X	
Mukachevo/or Muchaev/or Mukachevo/or Mukha-chaevo	9,900	X	X	Professor Popov	5,200	X		Veria/or Veriya	9,500	X	
Muron	9,900	X		Pula	10,700	X	X	Vetlugales	4,700	X	
Musa Djallil/or Musi Dzhallil/or Muzi Dzhallil/or Musa Dzhallil	11,300	X		Pyatidesyat Komsomola/or Pyatidesyat Komsomala	6,300	X		Vilnius/or Vilynus/or Vilynus	5,000	X	
Mytischi/or Mytischi	10,100	X	X	Rabochaya Shena	5,900		X	Vilulles	4,700	X	
Nagaevo	3,400	X	X	Ravenstvo/or Ravestvo	12,100	X		Visarion Byelinsk/or Visarion Belinskiy	11,300	X	
Nazim Hikmet/or Nazim Khikmet/or Nazhim Khikmet	10,700	X		Razdolnoe	3,400	X	X	Vitih/or Vitin	9,500	X	
Nemirovich Danche	3,400	X		Reyda	3,400	X	X	Vitya Chalenko	3,600		X
Never	3,400	X	X	Rionges/or Rionghis	5,500	X		Vitya Khonenko/or Vitya Khomenko	3,700		X
Nikolaev/or Nikolaev/or Nikolaev	10,600	X	X	Rodina	1,200		X	Vitya Sintitsa/or Vitya Sintitsa	3,600		X
Nikolay Chernyshevskiy	1,800	X	X	Roman Rolland/or Roman Rollan	9,900	X	X	Vladimir Ilyich/or Vladimir Ilich	9,700	X	
Nikolay Dobrolubov	11,000	X		Rosa Luksemburg/or Rosa Luxemburg	10,400	X	X	Vladimir Korolendo	10,800	X	
Nikolay Gogol/or Nikolaj Gogol	10,900	X	X	Sajany/or Sajani/or Sayany	7,200	X		Vladimir Maykovskiy/or Vladimir Maykovsky	10,400	X	
Nikolay Karamzin/or Nikolaj Karamzin	10,400	X	X	Salavat	9,300	X		Volkov/or Voykov	7,200	X	X
Nikolay Kremianskiy/or Nikolay Kremianskiy	10,200	X		Salsk	3,400	X	X	Volehansk	9,400	X	
Nikolay Mironov/or Nikolay Mironov	4,700	X	X	Samuil Marshak/or Samuil Marshak	10,100	X	X	Volga	4,700	X	
Nikolay Nekrasov/or Nikolaj Nekrasov	10,100	X	X	Sarnusk	3,400	X	X	Volograd/or Volograd	7,200	X	X
Nikolay Ogarev/or Nikolaj Ogarev	11,300	X	X	Sarny	9,500	X	X	Volgol	4,600	X	
Nikolay Ostrovskiy	1,800	X	X	Sasha Kondratyev	3,700	X		Volkhov	5,500	X	
Nina Sagadak/or Nina Sagaydak	3,700	X	X	Sasha Kovalyov/or Sasha Kovalev	3,700	X	X	Volkhovges	9,500	X	
Nizhnedinsk/or Nizhnedinsk	3,600	X	X	Selemidzha/or Selemidza	3,400	X	X	Voldarsk	9,500	X	
Novgorod	9,100	X		Semipalatinsk	9,300	X	X	Volsk	9,500	X	
Novikov Priboy/or Novikoy Priboy	10,500	X		Serebryansk	9,500	X	X	Volsk	9,500	X	
Novoaltajsk/or Novoaltajsk	9,200	X		Sergiy Yesenin/or Sergey Esenin	10,400	X	X	Vostochny	9,500	X	X
Novodruzhensk/or Novodruzhensk	9,200	X		Serov	9,500	X	X	Votkinsk	9,500	X	X
Novogrudok	9,100	X		Serpukhov	2,800	X	X	Vyatka	9,400	X	
Novokubiy Shevsk/or Novokubiy Shevsk	9,100	X		Sevan	9,500	X	X	Vyazma	9,400	X	
Novokuznetsk	9,100	X		Sestavopol	4,500	X	X	Vyborg	9,400	X	
Novolovsk/or Novolynsk	9,100	X		Severodonetsk	9,500	X	X	Vysokogorsk	9,500	X	X
Novomirgorod	9,200	X		Severoles	4,600	X	X	Vysotsk	9,500	X	X
Novomoskovsk/or Novomoskovsk	9,100	X		Sevzaples	3,700	X	X	Yamal	4,700	X	
Novopolotsk/or Novopolotsk	9,100	X		Shilkha	1,800	X	X	Yuri Gagarin/or Yuriy Gagarin	12,100	X	
Novorossiysk/or Novorossiysk	7,200	X	X	Shkotovo	1,800	X	X	Zabaykalsk/or Zabajkalsk	4,700	X	
Novotroitsk	9,200	X		Sidor Kovpak/or Sidor Kovpak	9,200	X	X	Zaisan/or Zayzan	3,800	X	X
Novovolynsk	9,100	X		Simeropol	9,300	X	X	Zapolyarje/Zapolyre/or Zapolyarje	5,600	X	
Novovyskiy	9,100	X		Singorsk or Sinogorsk	3,400	X	X	Zeya	1,200	X	X
Novozybkov	9,100	X		Slavsk	9,300	X	X	Zina Portnova	3,700	X	X
Odessa	7,200	X	X	Slavysk	9,600	X	X	2. TANKERS			
Odesskiy Komsomolets/or Odesskiy Komsomolets	5,900	X		Slutsk	9,300	X	X	Abagur	3,300	X	X
Okhotsk	11,100	X	X	Sokol	9,500	X	X	Abakan	3,400	X	X
Oktyabrskaya Revolutsiya	10,400	X	X	Solnechnogorsk	9,500	X	X	Adler	16,300	X	
Ola	11,100	X		Sosnogorsk	9,500	X	X	Ajon	3,700	X	X
Olga Ulyanova/or Olga Ulyanov	9,400	X		Sovetsk	9,300	X	X	Akhaltikhe/or Akhaltikhe	3,700	X	
Omsk	11,100	X	X	Sovetskaya Gavan	7,200	X	X	Aksaj	3,300	X	
Orekhov	11,100	X	X	Spassk-Dalny/or Spassk-Dalny	7,200	X	X	Aktjubinsk/or Aktyubinsk	3,400	X	X
Oreburg	11,100	X	X	Sretensk	5,400	X	X	Alejsk	3,300	X	
Orsha	11,100	X	X	Stanislavskiy	3,400	X	X	Aleksejevsk/or Alekseyevka/or Alekseyevsk	3,400	X	X
Ostrogzhsk/or Ostrogezhsk	11,100	X	X	Stepan Razin	7,200	X	X	Aleksin	3,400	X	X
Otradnoe/or Otradnoye	10,700	X	X	Suchan	7,200	X	X	Ambartshik/or Ambarehik	3,400	X	X
Palanga	4,800	X		Sudzha	9,300	X	X	Amgun	3,400	X	X
Pamir	4,800	X		Sula	3,700	X	X	Amursk	3,400	X	X
Pargolovo	4,500	X		Suleyman Stalskiy/or Suleyman Stalskiy	10,400	X	X	Anapa	3,300	X	X
Partizanskaya Kommuna/or Partizanskaya Kommuna	12,300	X		Sungari	4,700	X	X	Anapka	3,300	X	X
Partizan Bonivur	9,900	X	X	Suzdal	9,500	X	X	Aniva	3,300	X	X
Partizanskaya Iskra	11,100	X	X	Svanetiya	9,500	X	X	Apsheron	9,000	X	X
Partizanskaya Slava	10,900	X	X	Svetlogorsk	9,500	X	X	Araks	3,300	X	X
Pavlov	4,500	X		Svirsk	3,400	X	X	Ashkhabad	8,200	X	X
Pavlovsk	10,900	X	X	Svoboda	12,100	X	X	Aykhal/or Ajkhal	3,700	X	X
Pechenga/or Pechanga	4,800	X	X	Syzran/or Syzran	9,500	X	X	Aynazhi/or Ajnazhi	3,700	X	X
Perokop	10,600	X	X	Tavrichanka	3,400	X	X	Balaklava	13,400	X	X
Pereslavl Zaleskiy	3,700	X	X	Tbilisi	7,200	X	X	Baldone	13,400	X	X
Pern	4,800	X		Tetyukhe	9,500	X	X	Balvi/or Balvy	13,400	X	X
Pertominsk	4,700	X		Tiksel	1,300	X	X	Batumi	6,200	X	X
Pioner	3,700	X	X	Tinlat/or Tymat	3,600	X	X	Bauska	12,400	X	X
				Tolya Komar				Belgorod	8,200	X	X
				Tovyo Antikaynen/or Tovyo Antikaynen	10,400	X	X	Belgrad	32,700	X	X
				Transbalt	12,100	X	X	Bersk	1,600	X	X
				Tsimlyanskges	5,300	X	X	Borodino	32,800	X	X
				Tula	9,700	X	X	Bratslavskaya	32,700	X	X
				Tungus	7,200	X	X	Bucharest/or Bukharest	21,300	X	X
				Tunguska	3,700	X	X	Budapest/or Budapest	21,300	X	X
				Turkistan/or Torkestan	3,400	X	X	Buguma	8,200	X	X
				Turukhansk	3,400	X	X	Buguruslan/or Buguruslan	8,200	X	X
				Uelen/or Uehlen	7,200	X	X	Burgas	32,300	X	X
				Umbales	4,800	X	X	Cesis/or Tesis	13,400	X	X
				Uralles	4,700	X	X	Cheboksary/or Cheboksary	8,200	X	X
				Ussuri	3,700	X	X	Chernovtsy/or Chernovtsy	8,200	X	X
				Ussuriysk/or Ussuriysk	9,600	X	X	Chkalov	8,200	X	X
								Daugavpils/or Daugavpils	15,500	X	X

See footnote at end of table



Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6/72	North Vietnam 1966 to 5/11/72
Dimitri Zhloba/or Dimitry Zhloba	15,000	X	
Dresden/or Dresden	32,700		
Dorogobich/or Dorogobuzh	3,300		
Druzhba	25,700	X	
Druzhba Narodov/or Druzhba Narodov	14,200	X	
Dzerzhinsk/or Dzerzhinsk	8,200	X	
Elbrus/or Elbrus	8,200	X	X
Epifan Kovtyukh	15,500	X	
Fedor Poletaev	32,000	X	
Friedrich Engels/or Friedrich Engels	8,200	X	X
Galleo Galleo	31,100	X	
Gdansk	32,700	X	
Goyria/or Gdynia	32,700	X	
General Bocarov/or General Bocharov	15,500	X	
General Karbyshev	15,500	X	
General Kravtsov	15,500	X	
General Shkodunovich/or General Shkodunovic	15,500	X	
General Zhdanov	15,500	X	X
George Georgiu Dezh	32,700	X	
Gerol Bresta	32,300	X	
Giordano Bruno/or Giordano Bruno	31,300	X	
Giuseppe Garibaldi/or Giuseppe Garibaldi	20,700	X	
Giuseppe Verdi/or Dzhuzeppe Verdi	31,300	X	
Gorky	8,200	X	X
Grigory Vakulenchuk/or Grigori Vakulenchuk	8,200	X	X
Grigori Vokulenchuk	8,200	X	
Grigori Achanov/or Grigory Achanov	15,500	X	
Grodno	8,200	X	
Grozny	8,200	X	
Gurzul	16,300	X	
Havana/or Gavana	32,700	X	
Inkerman	3,300	X	
International/or Internacional	14,200	X	X
Iskra	14,200	X	
Ivanovo	8,200	X	X
Izaslav/or Izaslav	8,200	X	
Kakchovka	8,200	X	
Karakumet/or Karakum-Neft	1,600	X	X
Karl Marks/or Karl Marx	8,200	X	
Kaunas	8,200	X	
Kazbek	8,000	X	X
Kerch	8,000	X	
Khanka	1,800	X	
Kherson	8,200	X	
Khulo Antonio Melya	32,300	X	
Kirov	8,200	X	
Klaipeda	8,200	X	
Komsomol	8,200	X	X
Komsomolets Kubani	32,700	X	
Komsomolets Leningrada	32,300	X	
Komsomolets Primorye	3,300	X	X
Komsomolets Ukraina	8,200	X	X
Kostroma	8,200	X	X
Krasnovodsk	8,200	X	
Kremenetchug/or Kremenichug	8,200	X	X
Kursk	8,200	X	
Lazovaya/or Lozovaya	23,100	X	
Lebedin	22,200	X	
Leningrad	23,000	X	
Leningrad	23,900	X	
Leningrad	8,000	X	
Lenino	22,900	X	
Leninsk/or Leninsk	8,200	X	
Leninskoe Znamya	14,200	X	X
Lenkoran/or Lenkoran	23,100	X	
Leonardo Da Vinci/or Leonardo Da Vinci	31,300	X	
Liepaja/or Liepaya	7,900	X	
Likhsoslav	22,900	X	
Limbazhi/or Limbazi	13,200	X	
Lisichansk	23,100	X	
Liski	23,700	X	
Livvy/or Livny	23,100	X	
Ljubertsy/or Lyubertsy	22,900	X	
Ljubino/or Lyubino	22,900	X	
Ljubotin/or Lyubotin	23,100	X	
Ljudinovo/or Lyudinovo	23,700	X	
Lubny	22,900	X	
Lugansk	22,300	X	
Luhovitsy/or Lkhovitsy	22,900	X	
Lutsk	23,700	X	
Malkop	8,200	X	
Marshal Biryuzov/or Marshal Biryusa/or Marshal Biryuzov	15,500	X	

See footnote at end of table

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6/72	North Vietnam 1966 to 5/11/72
Maurice Thorez/or Moris Thorez/or Moris Thorex	32,700	X	
Mekhanik Afanasyev/or Mekhanik Afanasev	32,300	X	
Mir	25,000	X	
Mitrofan Sedin/or Mitrofan Sedin	15,500	X	
Molodetchno	8,200	X	X
Mos Shovgenov	15,000	X	
Moskalvo	8,200	X	X
Moskovsky Festival/or Moskovskiy Festival	8,200	X	X
Nakhodka	13,700	X	
Narymef/or Narymef	1,700	X	
Nerehinsk	1,800	X	
Nikolay Podvoyskiy/or Nikolay Podovsky/or Nikolay Podovskiy	15,500	X	
Nikolay Sipyagin	12,100	X	
Noginsk	1,800	X	
Ochakov	8,200	X	X
Oleko Dundich	15,500	X	
Otto Grotevohl/or Otto Grotevohl	32,700	X	
Palmiro Togliatti/or Palmiro Tolyatti	32,700	X	
Pamyat Lenina	13,700	X	X
Pavel Dibenko/or Pavel Dybenko	15,500	X	
Pekin	21,300	X	
Penza	8,200	X	X
Petr Alexeev/or Petr Alekseyev	15,500	X	
Petr Shishov	8,200	X	X
Pevek	8,300	X	
Phenlan/or Pkhenyan	21,300	X	
Plyavinyas/or Plyavinas	13,400	X	
Pobeda Oktyabrya	12,100	X	
Poti	8,200	X	
Praha/or Praha	21,300	X	
Prejil/or Prejil	13,400	X	
Proletarskaya Pobeda	14,200	X	
Pyatidesvatiety-oktyabrya	32,300	X	
Raphael/or Raphael Santi	31,100	X	
Rauma	3,700	X	X
Rava Russkaya	8,200	X	
Rezekne	15,500	X	
Richard Sorge/or Rikhard Jorje/or Rikhard Zorge	32,300	X	
Riga	13,400	X	
Rijeka/or Kleka/or Riyeka	15,500	X	
Rostov	8,200	X	X
Rovno	8,200	X	
Samarland	8,200	X	X
Sofia/or Sofiya	32,700	X	
Split	15,500	X	
Stanislav	8,200	X	
Stepan Vostretsov	15,000	X	X
Sunil/or Suny	8,200	X	
Sverdlovsk/or Severdlovsk	8,200	X	
Tallin/or Tallinn	8,200	X	
Talsy	13,200	X	
Tbilisi	8,200	X	
Trud	17,600	X	
Tsezar Kunikov/or Tsesar Kunikov	12,100	X	
Tukum/or Tukums	3,100	X	
Ulan Bator	21,300	X	
Ural	6,400	X	
Urshum/or Urzhum	1,100	X	
Uzhgorod	8,300	X	
Varna	32,700	X	
Varshava	21,300	X	
Vasily Porik	15,500	X	
Velikiye Oktyabr/or Velikij Oktyabr	12,000	X	
Viljulska/or Vilyujsk	3,300	X	X
Vinnitsa/or Vinnitsa	8,200	X	
Vladimir	8,200	X	
Volga Don/or Volgodon	8,200	X	
Yelna/or Yelnya/or Yelnja	7,900	X	
Yelsk/or Elsk	7,900	X	
Yessentuki/or Essentuki	7,900	X	
Zhdanov	8,200	X	
Zhitomir	8,200	X	

## 3. FREIGHTER/REFRIGERATED

Aktjubinsk/or Aktyubinsk	5,200	X	
Aleksandra Kollontay/or Aleksandra Kollontaj	5,400	X	
Aleksey Venetsianov/or Aleksei Venetslanov	6,100	X	
Alexander Ivanov/or Aleksandr Ivanov	6,100	X	
Aragvi	4,100	X	
Baltiysk/or Baltiysk	3,600	X	
Burja/or Burya	4,700	X	

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a)	(b)
		Cuba 1963 to 6/72	North Vietnam 1966 to 5/11/72
Chapaev/or Chapayev	4,500		X
Ingur	4,100	X	X
Irkutsk	5,200	X	
Ivan Alivazovskiy/or Ivan Ayvazovskiy	6,100	X	
Kaliningrad/or Kallningrad	5,500	X	
Kholmusk	3,000	X	
Kildin/or Kliden	3,800	X	
Konda	3,800	X	
Konstantin Oshanskij	6,100	X	
Kosmonaut Gagarin	5,900	X	
Kotovskiy	4,100	X	
Kura	4,100	X	X
Larisa Reysner/or Larisa Rejsner/or Larissa Rejsner	5,200	X	
Marina Raskova/or Marina Raskov	5,200		X
Musson	3,200	X	
Nikolay Shehorsk	4,100	X	X
Parkhomemko	4,100	X	
Paulina Ostipenko/or Polina Ostipenko	5,400	X	
Pioner Murrmana	5,900	X	
Polesk	1,800	X	
Prokoplevsk/or Prokopyevsk	4,700	X	
Sergei Lazo/or Sergey Lazo/or Sergei Lazo	4,100	X	
Tolya Shumov	3,700	X	X
Tuloma	3,800	X	
Valentin Serov	5,900	X	
Vasily Surikov/or Vasily Surikov	5,900	X	
Yanis Lentsmanis	5,200	X	
Yanis Raynis	5,200	X	

## 4. BULK CARRIERS

Ingul	2,700	X	
Krasnodar	4,300	X	
Ugleursk	5,400	X	
Urgentch/or Urgentsh	5,600	X	
Uzbeke	5,600	X	
Uryupinsk/or Uryupinsk	5,600	X	
Usoje	5,600	X	
Ustling	5,600	X	X
Ustushna/or Ustjushna/or Ustyushna	5,600	X	
Vitus Bering	3,800	X	X
Zakarpate/or Zakarpate/or Zakarpate/or Zakarpate	16,300	X	
Zapordzhye/or Zaporzhe	16,600	X	
Zarechansk/or Zarenchensk/or Zarechensk	16,600	X	
Zlatoust	16,300	X	
Zorinsk	16,100	X	
Zvenigorod	15,900	X	

## 5. COMBINATION PASSENGER AND CARGO

Admiral Nakhimov	17,100	X	
Adsharia/or Adzharya	5,300	X	
Armenija/or Armeniya	5,300	X	
Balkal/or Baykal	5,200	X	
Baltika	7,500	X	
Bashkiriya	5,300	X	
Cooperatizla/Kooperatsiya	3,100	X	
Estonia/or Ehstoniya/or Ehstonija	4,700	X	
Felix Dzerzhinsky/or Felix Dzerzhinsky/or Felix Dzerzhinskij/or Felix Dzerzhinskij	4,900	X	
Gruzia/or Gruzija	11,000	X	
Ilich	12,000	X	X
Latvia/or Latvija	4,700	X	
Litva	4,700	X	
Maria Ulyanova/or Maria Ulyanova	4,700	X	
Mikhail Kalinin	4,700	X	
Nadezhda Krupskaya/or Nadezhda Krupskaya	5,300	X	
Nikolnevsk	4,900	X	
Pobeda	9,800	X	
Professor Yushchenko	9,800	X	
Rossya/or Rossiya	17,900	X	
Turkmeniya	4,300	X	X

## 6. ORE CARRIER

Dagestan	7,300	X	
Dashava	7,300	X	
Debalzevo/or Debalzevo	7,300	X	
Debovsh	7,300	X	
Dimitrovo	7,300	X	
Dneprodzerzhinsk/or Dneprodzerzhinsk	7,300	X	
Dobropolje/or Dobropoliye	7,200	X	
Dobrush	7,300	X	
Dolmatovo	7,300	X	
Donskoy	7,300	X	
Dorogobuzh/or Dorogobuzh	7,300	X	
Dshankol/or Dzhankoy	7,300	X	



# National Oceanic and Atmospheric Administration

[Docket No. C-259]

## ROGER WARREN MARSHALL

### Notice of Transfer of Fishery

Roger Warren Marshall, 2522 Spring Street, Eureka, CA 95501, owner of the vessel RANDI purchased with the aid of a fisheries loan to engage in the fishery for salmon, albacore, and Dungeness crab has requested permission to extend his fishing operations to engage in the fishery for salmon, Dungeness crab, tuna, and tuna-like fishes.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,  
Director.

[FR Doc.72-21809 Filed 12-19-72; 8:48 am]

## National Technical Information Service GOVERNMENT-OWNED INVENTIONS

### Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151 at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231 at \$0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,  
Patent Program Coordinator,  
National Technical Information Service.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- PAT-APPL-266 832, Electron Beam Controller. Filed June 27, 1972. PC \$3.00/MF \$0.95.  
PAT-APPL-258 152, New Use of Thin Film Light Detector. Filed May 31, 1972. PC \$3.50/MF\$0.95.  
PAT-APPL-273 223, Process for Producing Nickel Aluminum Coating Low Alloy Stainless Steel. Filed July 19, 1972. PC \$3.00/MF\$0.95.  
PAT-APPL-248 471, Air Conditioning System and Component Thereof: Distributing Air Flow from Opposite Directions. Filed April 28, 1972. PC \$3.25/MF\$0.95.  
PAT-APPL-266 913, Scanning Nozzle Plating System. Filed June 28, 1972. PC \$3.00/MF\$0.95.  
PAT-APPL-266 928, Method of Heat Treating a Formed Powder Product Material. Filed June 28, 1972. PC \$3.00/MF\$0.95.

[FR Doc.72-21729 Filed 12-19-72; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### National Institutes of Health

### DENTAL EDUCATION REVIEW COMMITTEE

#### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of meeting of the following committee and the individual from whom summaries of meeting may be obtained.

Committee, dates, time, and location of meeting

Dental Education Review Committee; January 10-11, 1973; 9 a.m. to 5:30 p.m.; Holiday Inn, Bethesda, Woodmont West Room.

1. The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members; Leonard P. Wheat, National Institutes of Health, Building 31, Room 4B-44, phone 496-6641, and
2. The Executive Secretary from whom substantive information may be obtained; Leonard P. Wheat, National Institutes of Health, Building 31, Room 4B-44, phone 496-6641.

This meeting will be open to the public from 9 a.m. to 10 a.m., January 10, 1973, to discuss special project grant review procedures, legislative developments and future committee meeting dates and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's Determination of September 27, 1972, in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

JOHN F. SHERMAN,  
Deputy Director.

National Institutes of Health.

DECEMBER 13, 1972.

[FR Doc.72-21813 Filed 12-19-72; 8:49 am]

## DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the

Name of vessel <sup>1</sup>	Gross tonnage	Areas called	
		(a) Cuba 1963 to 6/72	(b) North Vietnam 1966 to 5/11/72
Dubno	7,300	X	
Dubosary/or Dubossary	7,300	X	
Dudinka	7,300	X	
7. LPG TANKERS			
Frunze	8,200	X	
Kegums	3,600	X	
Kraslava	3,500	X	
8. COLLIERIES			
Aleksandr Popov	3,800	X	
Aleksaj Chirikov	3,800		X
Archangel'sk/or Arkhangelsk	3,800	X	
Noraya Zemlya	3,900	X	
Petrovsk	3,800	X	
Salomeja Neris/or Salom	3,800	X	
Eya Neris	3,800	X	
9. TIMBER CARRIERS			
Bakarita	4,900	X	
Berezinales	4,700	X	
Boris Nikolajevich/or Boris Nikolajevich	3,200		X
Braslavles	4,700	X	
Bukhara	4,800		X
Chulymies	4,700	X	
Egvekinot/or Egvvekinot	3,300		X
Isakogorka/or Isagorka	4,700	X	
Kandalakshales	4,700	X	
Kargopol	4,800	X	
Kholm'sk/or Kholm'sk	3,200		X
Kirensk	3,200		X
Kolmejev/or Kolguev	2,900		X
Komiles	4,600	X	
Kovda	4,800	X	
Krasnaya Gorka	4,700	X	
Krasnopolle/or Krasnopolye	3,200		X
Kuloy/or Kuloj	4,700	X	
Kungur	4,800	X	
Kuznetsk	3,200		X
Maymaka	4,700	X	
Mekhanik Rybachuk	4,700	X	
Mironych	4,700	X	
Narfan-Mar/or Naryan-Mar	4,700	X	
Nizhmit Tagil/or Nizhnyy Tagil	4,700	X	
Nordvik	4,800	X	
Novaya Zemlya	4,700	X	
Oka	4,700	X	
Omolon	3,300		X
Pavlin Vinogradov	4,800	X	
Petrozavodsk	4,800	X	
Plesetsk	4,800	X	
Porkhov	4,700	X	
Primoles/or Primories	4,600		X
Pulkovo	4,800	X	
Pustozersk	4,800	X	
Putyatin	4,800		X
Ralechinsk/or Raychikhinsk	4,800	X	
Rubtsovsk	4,800		X
Runa	4,700	X	
Sajanyles/or Sayanyles/or Sayanyles	4,700	X	
Sakhalines	4,700	X	
Salekhard	4,700	X	
Sangaries	4,700	X	
Segerhales	4,700	X	
Selenhales	4,700	X	
Shadrinsk	4,800	X	
Sibiles	3,100		X
Taiga/or Tayga	4,700	X	
Taimyr/or Taymyr	4,700	X	
Tyumen	4,700	X	
Vaigach/or Vaygach	4,700	X	
Valdai'sk/or Valdai'sk/or Valdai'sk	4,700	X	
Vasya Alexeev/or Vasya Alekseyev	4,700	X	
Vorkuta	4,700	X	
Voskhod	4,700	X	
Voskresensk	4,800		X
Vostok 5	4,700	X	
Vostok 6	4,700	X	
Vychegdale	4,900	X	
Vyegra	4,700	X	
Vyegrales	4,700	X	
Vymorie	3,300	X	
Zolotitsa/or Zolotitsa/or Zolotitsa	4,900	X	

<sup>1</sup>The several spellings for the same vessel is caused by problems of translation.

By Order of the Deputy Assistant Secretary for Maritime Affairs.

Dated: December 11, 1972.

JAMES S. DAWSON,  
Secretary, Maritime Administration.

[FR Doc.72-21691 Filed 12-19-72; 8:45 am]



Dental Research Institutes and Special Programs Advisory Committee, January 11 and 12, 1973, at 9 a.m., National Institutes of Health, Building 30, Conference Room 117. This meeting will be open to the public from 9 a.m. to 10:30 a.m. on January 11 to discuss general policies and philosophies relative to dental research institutes and centers, and closed for the entire remaining portion of the meeting through 12 noon on January 12, to review, discuss and evaluate progress of grants in accordance with section 13(d) of Executive Order 11671 and the Secretary's Determination of September 27, 1972. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of the meeting, rosters of committee members, and other substantive program information is:

Dr. Emil L. Riggs, Assistant to the Deputy Director, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Md. 20014.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21759 Filed 12-19-72; 8:46 am]

## DENTAL TRAINING COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Dental Training Committee, January 23 and 24, 1973, at 9:30 a.m., National Institutes of Health, Building 31-C, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 10:30 a.m. on January 23 to discuss general policies relative to dental research and training programs, and closed for the entire remaining portion of the meeting through 1 p.m. on January 24, to review, discuss and evaluate and/or rank training grant and fellowship applications in accordance with Section 13(d) of Executive Order 11671 and the Secretary's Determination of September 27, 1972. Attendance by the public will be limited to space available.

The Executive Secretary who will furnish summaries of the meeting, rosters of committee members, and other substantive program information is:

Dr. Paul David Frazier, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 525, Bethesda, Md. 20014.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21758 Filed 12-19-72; 8:45 am]

## DIVISION OF RESEARCH GRANTS

### Notice of Meetings

Pursuant to Executive Order 11671, notice is hereby given of the meetings

of the following study sections/committees and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The information officer of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the closed meetings and rosters of committee members. Substantive information may be obtained from each executive secretary whose name, room number, and telephone extension are listed below his study section. Mr. Turlington and the executive secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Md. 20014. Mr. Turlington's room number is 433, telephone 496-7441.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately 1 hour at the beginning of the first session of the first day of the meeting and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's September 27, 1972, determination in order to review, discuss, and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

#### Study section/committee, date, time, and location of meeting

Allergy and Immunology, Dr. Mischa Friedman, room 337, telephone 496-7380; January 18-20; 8:45; Holiday Inn, Bethesda, Md.  
Applied Physiology and Bioengineering, Mrs. Ileen Stewart, room A-22, telephone 496-7581; January 5-6; 8:30; room 9, building 31, C-wing.  
Bacteriology and Mycology, Dr. Milton Gordon, room A-27, telephone 496-7340; January 4-6; 8:30; Travelodge-on-the-Wharf, San Francisco, Calif.  
Biochemistry, Dr. Sanford Birnbaum, room 350, telephone 496-7516; January 19-21; 9:00; Ramada Inn, Bethesda, Md.  
Biomedical Communications, Mrs. Ileen Stewart, room A-22, telephone 496-7581; January 11-12; 9:00; room 2, building 31.  
Biophysics and Biophysical Chemistry A, Dr. Irvin Fuhr, room 237, telephone 496-7060; January 12-13; 9:00; Holiday Inn, Bethesda, Md.  
Biophysics and Biophysical Chemistry B, Dr. John Wolf, room 233, telephone 496-7070; January 11-13; 7:30 p.m.; room 9, building 31, C-wing.  
Cardiovascular and Pulmonary Research A, Dr. Wendell Kyle, room 339, telephone 496-7901; January 11-13; 8:30; Holiday Inn, Chevy Chase, Md.  
Cardiovascular and Pulmonary Research B, Dr. Floyd Atchley, room 339, telephone 496-7901; January 18-20; 9:00; room 9, building 31, C-wing.  
Cell Biology, Dr. Evelyn Horenstein, room 238, telephone 496-7020; January 4-6; 9:00; room 7, building 31, C-wing.  
Communicative Sciences, Mr. Frederick Gutter, room A-13, telephone 496-7550; January 9-11; 8 p.m.; room 9, building 31, Calif.  
Computer and Biomathematical Sciences, Dr. Bernice Lipkin, room 357, telephone 496-7568; January 17-19; 9:00; Holiday Inn, Bethesda, Md.  
Dental, Dr. Ethel Jackson, room 234, telephone 496-7818; January 9-11; 9:00; Sheraton Park Hotel, Washington, D.C.  
Developmental Behavioral Sciences, Dr. Bertie Woolf, room 236, telephone 496-

7471; January 25-27; 8:30; Dupont Plaza Hotel, Washington, D.C.  
Endocrinology, Mr. Morris Graff, room 333, telephone 496-7346; January 22-25; 9:00; Bourbon-Orleans Hotel, New Orleans, La.  
Epidemiology and Disease Control, Mr. Glenn Lamson, room 236, telephone 496-7471; January 17-19; 8:30; The Parker House, Boston, Mass.  
Experimental Psychology, Dr. Keith Murray, room 220, telephone 496-7004; January 23-26; 9:30; Dupont Plaza Hotel, Washington, D.C.  
General Medicine A, Dr. Wilton Fisher, room 354, telephone 496-7797; January 14-16; 8 p.m.; room 6, building 31, C-wing.  
General Medicine B, Dr. Wm. F. Davis, room 322, telephone 496-7730; January 4-6; 2 p.m.; room 6, building 31, C-wing.  
Genetics, Dr. Katherine Wilson, room 349, telephone 496-7271; January 10-12; 9:00; Ashlomar Conference Center, Pacific Grove, Calif.  
Hematology, Dr. Joseph Hayes, room 355, telephone 496-7508; January 10-12; 9:00; Holiday Inn, Chevy Chase, Md.  
History of the Life Sciences, Mrs. Ileen Stewart, room A-22, telephone 496-7581; January 26; 9:00; room 2, building 31.  
Human Embryology and Development, Dr. Samuel Moss, room 221, telephone 496-7597; January 11-13; 9:00; Holiday Inn, Silver Spring, Md.  
Immunobiology, Dr. James Turner, room A-25, telephone 496-7780; January 18-20; 9:00; Linden Hill Hotel, Bethesda, Md.  
Medicinal Chemistry A, Dr. Asher Hyatt, room 222, telephone 496-7286; January 12-14; 8:30; meeting room not finalized, La Jolla, Calif.  
Medicinal Chemistry B, Mr. Richard Bratzel, room 222, telephone 496-7286; January 12-14; 8:30; meeting room not finalized, La Jolla, Calif.  
Metabolism, Dr. Robert Leonard, room 218, telephone 496-7091; January 11-13; 8:30; room 10, building 31, C-wing.  
Microbial Chemistry, Dr. Gustave Silber, room A-26, telephone 496-7130; January 18-20; 8:30; room 4, building 31.  
Molecular Biology, Dr. George Eaves, room 328, telephone 496-7830; January 18-20; 9:00; room 7, building 31, C-wing.  
Neurology A, Dr. Wm. Morris, room 326, telephone 496-7095; January 11-13; 9:00; room 8, building 31, C-wing.  
Neurology B, Dr. Louise Thomson, room 2A-10, telephone 496-7422; January 10-13; 8:30; Sea Lodge, La Jolla Shores, Calif.  
Nutrition, Dr. John Schubert, room 206, telephone 496-7318; January 22-24; 1:00 p.m.; Fitzsimons General Hospital, Denver, Colo.  
Pathology A, Dr. Wm. Savchuck, room A-19, telephone 496-7305; January 4-5; 8:30; Holiday Inn, Silver Spring, Md.  
Pathology B, Dr. James MacNamee, room 352, telephone 496-7244; January 18-20; 8:30; Holiday Inn, Silver Spring, Md.  
Pharmacology A, Dr. Lawrence Petrucelli, room 334, telephone 496-7408; January 16-18; 9:00; Army-Navy Club, Washington, D.C.  
Pharmacology B, Dr. Anne Bourke, room A-23, telephone 496-7839; January 11-13; 9:00; Conference Room C, Westwood Building, Bethesda, Md.  
Physiological Chemistry, Dr. Robert Ingram, room 338, telephone 496-7837; January 18-20; 9:00; Holiday Inn, Bethesda, Md.  
Physiology, Dr. Clara Hamilton, room 219, telephone 496-7878; January 11-13; 7:30 p.m.; room 4, building 31, Bethesda, Md.  
Population Research, Miss Carol Campbell, room 210, telephone 496-7140; January 5-7; 9:00; room 8, building 31, C-wing, Bethesda, Md.



Radiation, Dr. Robert Straube, room 248, telephone 496-7510; January 22-24; 8:30; room 10, building 31, C-wing, Bethesda, Md.

Reproductive Biology, Dr. Robert Hill, room 206, telephone 496-7318; January 8-10; 9:00; Holiday Inn, Bethesda, Md.

Surgery A, Dr. Raymond Helvig, room 336, telephone 496-7771; January 12-13; 8:30; Sheraton-Silver Spring Motor Inn, Silver Spring, Md.

Surgery B, Dr. Joe Atkinson, room 348, telephone 496-7506; January 12-13; 8:30; Sheraton-Silver Spring Motor Inn, Silver Spring, Md.

Toxicology, Dr. Rob McCutcheon, room 226, telephone 496-7570; January 11-13; 8:30; Sheraton-Silver Spring Motor Inn, Silver Spring, Md.

Tropical Medicine and Parasitology, Dr. George Luttermoser, room A-18, telephone 496-7494; January 18-20; 9:00; room 6, building 31, C-wing.

Virology, Dr. Claire H. Winestock, room 340, telephone 496-7128; January 11-13; 9:00; room 6, building 31, C-wing.

Visual Sciences A, Dr. Marie A. Jakus, room 353, telephone 496-7251; January 10-12; 9:00; Holiday Inn, Bethesda, Md.

Visual Sciences B, Dr. Marie A. Jakus, room 353, telephone 496-7251; January 11-13; 9:00; Holiday Inn, Bethesda, Md.

Arthritis and Metabolic Diseases Program Project Committee, Dr. Harold Davidson, room 2A-16, telephone 496-7055; January 25-26; 9:00; room 8, building 31, C-wing.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21761 Filed 12-19-72;8:46 am]

## HYPERTENSION INFORMATION AND EDUCATION ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, January 15-16, 1973, at the Washington Hilton Hotel, Washington, D.C. This meeting will be open to the public from 10 a.m. to 12 noon and 1 p.m. to 5 p.m. on January 15, during which time a National Conference on High Blood Pressure Education will be sponsored by the National Heart and Lung Institute. On January 16, the Hypertension Information and Education Advisory Committee will have a meeting open to the public from 1 p.m. to 4:30 p.m. Attendance by the public will be limited to space available. The conference will address itself to problems involved in a national educational effort concerning hypertension, and the advisory Committee will discuss developments of the hypertension program to date.

Mr. Hugh Jackson, Information Officer, NHLI, Building 31, Room 4A10, National Institutes of Health, 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary,

Dr. John B. Stokes III, NHLI Building 31, Room 5A04, NIH, 496-2395.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21757 Filed 12-19-72;8:45 am]

## INTERNATIONAL FELLOWSHIP REVIEW COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the International Fellowship Review Committee, January 29-30, 1973, at 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m., January 29, 1973, to discuss various aspects of the International Research Fellowship Program and for a general discussion of recent visits and interviews with national nominating committees and former International Fellows, and closed to the public from 10:30 a.m., January 29, 1973, to review, discuss, and evaluate and/or rank fellowship applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972. Attendance by the public will be limited to space available.

Summary of the meeting and roster of committee members may be obtained from:

Mrs. Lois Meng, Information Officer, Fogarty International Center, NIH, Room B2C12, Building 31, 496-4625.

Program information may be obtained from:

Dr. Robert R. Omata, Executive Secretary, International Fellowship Review Committee, Fogarty International Center, NIH, Room B2C25, Building 31, 496-6111.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21760 Filed 12-19-72;8:46 am]

## MEDICAL EDUCATION REVIEW COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671 notice is hereby given of meetings of the following committee and the executive secretary from whom summaries of meetings may be obtained:

Committee, date, time, and location

Medical Education Review Committee; January 9-11, 1973; 8:30 a.m. to 5 p.m.; Building 31, Conference Room No. 7.

Names, addresses, room numbers, and phone numbers of:

1. The Executive Secretary who will furnish summaries of the meeting and roster of committee members is:

Dr. Robert Hendrickson, National Institutes of Health, Building 31, Room 4C-11, Area Code 301, 496-6801.

2. The Executive Secretary from whom substantive information may be obtained is:

Dr. Robert Hendrickson, National Institutes of Health, Building 31, Room 4C-11, Area Code 301, 496-6801.

This meeting will be open from 8:30 a.m. to 9:30 a.m. on January 9, 1973, to discuss the minutes, other committee business and status of HPEA grant programs for fiscal year 1972, and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972, in order to review, discuss, and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

DECEMBER 13, 1972.

[FR Doc.72-21814 Filed 12-19-72;8:49 am]

## NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

### Notice of Meetings

Pursuant to Executive Order 11671, notice is hereby given of meetings of the following committees and the individual from whom summaries of meetings may be obtained.

Committee, date, time, and location of meetings

Arthritis Training Grants; January 12, 1973; 6:30 p.m.; Westwood Building, Conference Room D.

Dermatology Training Grants; January 30, 1973; 9 a.m.; Building 31, Conference Room 2.

Diabetes and Metabolism Training Grants; January 18, 19, 1973; 2 p.m.; Ramada Inn, Bethesda, Md.

Hematology Training Grants; January 26, 1973; 9 a.m.; Building 31, Conference Room 9.

Gastroenterology and Nutrition Training Grants; January 19, 1973; 9 a.m.; Holiday Inn, Bethesda, Md.

Orthopedics Training Grants; January 16, 1973; 9 a.m.; Westwood Building, Conference Room C.

Renal Disease and Urology Training Grants; January 18, 19, 1973; 8 p.m.; Westwood Building, Room 504.

The NIAMDD Information Officer, Mr. Victor Wartofsky, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. (301) 496-3583 will furnish summaries of the meetings, rosters of committee members and other information pertaining to the meetings.

These meetings will be open to the public the first hour (except for the Renal



Disease and Urology Training Grants Committee, the open portion will be from 8:30 a.m. to 9:30 a.m. on January 19, 1973) to discuss administrative reports and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972, in order to review, discuss, and evaluate grant applications. Attendance by the public will be limited to space available.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21762 Filed 12-19-72;8:46 am]

## NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SERVICES, BOARD OF SCIENTIFIC COUNSELORS

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, January 8-9, 1973, at 1:30 p.m., Research Triangle Park, N.C., Building 1 Conference Room. This meeting will be open to the public from 1:30 p.m. to 3:30 p.m., January 8, at which time Dr. David P. Rall, Director, NIEHS, will report on recent legislative activities affecting the Institute and will present an overview of Institute intramural research activities as an orientation for the Board members. The meeting will be closed to the public 3:30 p.m. to 5 p.m., January 8 and 9 a.m. to 5 p.m., January 9 to review specific intramural research projects under consideration or in progress and to consider and formulate advice on the intramural research programs. This portion of the meeting will be closed in accordance with the Secretary's determination of September 27, 1972.

Dr. David P. Rall, Director, NIEHS, Research Triangle Park, N.C. (919 549-8411, extension 3201, will furnish summaries of the meeting and rosters of the committee members, as well as any substantive information.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

DECEMBER 13, 1972.

[FR Doc.72-21810 Filed 12-19-72;8:48 am]

## NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

### Notice of Meetings

Pursuant to Executive Order 11671 notice is hereby given of meetings of the following committees and the executive secretaries from whom summaries of meetings may be obtained.

*Committee, date, time, and location of meeting*

Neurological Disorders Program—Project Review Committee; Dr. Leon J. Greenbaum, Extension 67003; January 9-10, 1973; 9 a.m.; Sheraton-Skyriders, Phoenix, Ariz.  
Communicative Disorders Review Committee; Dr. J. Buckminster Ranney, Extension

67725; January 14-15, 1973; 9 a.m.; Holiday Inn, Bethesda, Md.  
Neurological Science Research Training A Committee; Dr. Harold Fournelle, Extension 67233; January 19-20, 1973; 9 a.m.; Holiday Inn, Chevy Chase Motor Lodge, Bethesda, Md.

Neurological Science Research Training B Committee; Dr. George R. Simon, Extension 67233; January 19-20, 1973; 9 a.m.; Holiday Inn, Chevy Chase Motor Lodge, Bethesda, Md.

Mrs. Ruth Dudley, Extension 65751, Information Officer for the NINDS, will furnish summaries of the closed meetings and rosters of the committee members.

These meetings will be open to the public to discuss administrative details relating to the committees' business for approximately 1 hour at the beginning of the first session of the first day of the meetings and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972, in order to review, discuss and evaluate and/or rank grant applications.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21755 Filed 12-19-72;8:45 am]

## NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Nursing Research and Education Advisory Committee, January 15, 1973, from 9 a.m. to 5 p.m. and January 16, 1973, from 8:30 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9 to 10:15 a.m., January 15, 1973, and closed to the public from 10:15 a.m. to 5 p.m., January 15, 1973, and from 8:30 a.m. to 5 p.m., January 16, 1973, to review, discuss and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

1. The Information Officer who will furnish summary of the meeting and rosters of committee members: Mrs. Norma Golumbic, Information Officer, Division of Nursing, Room 2C19, Building 31, National Institutes of Health, Bethesda, Md. 20014, Telephone 496-1143.

2. The Executive Secretary for the Nursing Research and Education Advisory Committee from whom substantive information may be obtained: Doris Bloch, Dr. P. H., Executive Secretary, Room 2C08, Building 31, National Institutes of Health, Bethesda, Md. 20014, Telephone 496-6955.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

DECEMBER 13, 1972.

[FR Doc.72-21811 Filed 12-19-72;8:48 am]

## OPTOMETRY, PHARMACY, PODIATRY, AND VETERINARY MEDICINE EDUCATION REVIEW COMMITTEE

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of meeting of the following committee and the executive secretary from whom summaries of meeting may be obtained.

*Committee, date, time, and location of meeting*

Optometry, Pharmacy, Podiatry, and Veterinary Medicine, Education Review Committee; January 22-24, 1973; 9 a.m. to 5:30 p.m.; NIH, Building 31, Conference Room 2, A Wing.

Names, addresses, room numbers, and phone numbers of:

1. The Executive Secretary who will furnish summaries of the closed meeting and rosters of committee members: Philip R. Hugill, National Institutes of Health, Building 31, Room 4B-43, phone 496-6631, and

2. Executive Secretary from whom substantive information may be obtained: Philip R. Hugill, National Institutes of Health, Building 31, Room 4B-43, phone 496-6631.

This meeting will be open to the public from 9 a.m. to 12 noon, January 22, 1973, to discuss grant review guidelines and procedures, and closed thereafter in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination of September 27, 1972, in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

DECEMBER 13, 1972.

[FR Doc.72-21815 Filed 12-19-72;8:49 am]

## PARASITIC DISEASES PANEL

### Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the Parasitic Diseases Panel (U.S.-Japan Cooperative Medical Science Program) on January 5, 1973, 3 p.m. to 5 p.m., to be held at the Alumni House, School of Public Health, University of California—Berkeley, Berkeley, Calif. This meeting will be closed to the public to review, discuss and evaluate and rank contract proposals in accordance with section 13(d) of Executive Order 11671 and the Secretary's Determination of September 27, 1972.

Mr. Robert Schreiber, NIAID Information Officer, National Institutes of Health, Building 31, Room 7A-34, phone 496-5717, will furnish a summary of the meeting and a roster of the committee members.

Dr. Kenneth O. Phifer, National Institutes of Health, Building 31, Room 6A-



28, phone 496-6304, will furnish substantive program information.

Dated: December 12, 1972.

JOHN F. SHERMAN,  
Deputy Director,  
National Institutes of Health.

[FR Doc.72-21756 Filed 12-19-72; 8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket Nos. 50-373, 50-374]

### COMMONWEALTH EDISON CO.

#### Notice and Order for Special Prehearing Conference

In the matter of Commonwealth Edison Co. (La Salle County Nuclear Power Station Units 1 and 2), Dockets Nos. 50-373, 50-374.

Take notice, that pursuant to the Atomic Energy Commission's Notice of Hearing on Application for Construction Permits published October 6, 1972, in the FEDERAL REGISTER, 37 F.R. 21197, and in accordance with § 2.751a of the Commission's rules of practice, a special prehearing conference will be held in the subject proceeding on January 5, 1973, at 11 a.m. local time, in the U.S. Tax Court (Room 1743) of the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

The purpose of the special prehearing conference is as follows:

- (1) Permit identification of the key issues in the proceeding;
- (2) Take any steps necessary for further identification of the issues;
- (3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and
- (4) Establish a schedule for further actions in the proceeding.

The attorneys for respective parties (which includes counsel for petitioners to intervene) are hereby directed to confer in advance of the special prehearing conference and to report to the Board at the conference on the prospects of:

1. Settlement;
2. A stipulation of the matters in controversy; and
3. A stipulation or statement of the uncontested facts.

All members of the public are entitled to attend.

It is so ordered.

Issued at Washington, D.C., this 15th day of December 1972.

The Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,  
Chairman.

[FR Doc.72-21807 Filed 12-19-72; 8:48 am]

[Docket No. 50-412]

### DUQUESNE LIGHT CO. ET AL.

#### Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., the Cleveland Electric Illuminating Co., and the Toledo Edison Co. (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed October 20, 1972, for authorization to construct and operate a pressurized water nuclear reactor at its site, located in Shippingport Borough, Beaver County, Pa. The site consists of 449 acres of land, and is located on the south bank of the Ohio River approximately 1 mile from Midland, Pa., 5 miles east of East Liverpool, Ohio, and 22 miles northwest of Pittsburgh, Pa.

The proposed nuclear facility, designated by the applicant as Beaver Valley Power Station, Unit 2, is designed for initial operation at approximately 2660 megawatts (thermal) with a net electrical output of approximately 852 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after November 28, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in appendix D to 10 CFR Part 50, a report entitled, "Applicants' Environmental Report—Construction permit Stage," dated November 6, 1972. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Beaver Valley Power Station, Unit 2, is also being made available at the Commonwealth of Pennsylvania, State Clearing House, 5100 Finance Building, Harrisburg, PA 17120, and at the Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared by the Commission. Upon preparation of the draft environ-

mental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 21st day of November 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,  
Assistant Director for Pres-  
surized Water Reactors, Di-  
rectorate of Licensing.

[FR Doc.72-20358 Filed 11-28-72; 8:45 am]

[Dockets Nos. 50-416, 50-417]

### MISSISSIPPI POWER AND LIGHT CO.

#### Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

Mississippi Power and Light Co., 308 East Pearl Street, Jackson, MS 39201, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated November 17, 1972, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Claiborne County, Miss. The proposed site consists of 2,300 acres and is located on the east bank of the Mississippi River, approximately 25 miles south of Vicksburg, Miss., and 37 miles north of Natchez, Miss.

Each unit of the proposed facility, designated by the applicant as the Grand Gulf Nuclear Station, Units 1 and 2, is designed for initial operation at approximately 3,833 megawatts (thermal) with a net electrical output of approximately 1,313 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after December 5, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Harriet Person Memorial Library, Municipal Building, Point Gibson, Miss. 39150.

Dated at Bethesda, Md., this 30th day of November 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,  
Assistant Director for Boiling  
Water Reactors, Directorate  
of Licensing.

[FR Doc.72-20939 Filed 12-5-72; 8:45 am]



# WISCONSIN PUBLIC SERVICE CORP. ET AL.

## Notice and Order for Second Prehearing Conference

In the matter of Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (Kewaunee Nuclear Power Plant), Docket No. 50-305.

Take notice that a second prehearing conference will be held in the subject proceeding on January 3, 1973, at 9:30 a.m., local time, in Federal Office Building No. 7, Room 2008, 726 Jackson Place NW., Washington, DC 20506.

It is so ordered.

Issued at Washington, D.C., this 15th day of December 1972.

ATOMIC SAFETY AND LICENSING BOARD,  
JOHN B. FARMAKIDES,  
Chairman.

[FR Doc.72-21912 Filed 12-19-72; 8:52 am]

# CIVIL AERONAUTICS BOARD

[Docket No. 24909]

## DELTA AIR LINES, INC.

### Notice of Postponement of Prehearing Conference Regarding Dallas- California Reduced Coach Fares

Notice is hereby given that the prehearing conference in the above-entitled proceeding now scheduled for December 19, 1972 (37 F.R. 24843), is hereby postponed indefinitely.

Dated at Washington, D.C., December 14, 1972.

[SEAL] RICHARD M. HARTSOCK,  
Administrative Law Judge.

[FR Doc.72-21825 Filed 12-19-72; 8:49 am]

[Docket No. 24488; Order 72-12-64]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Youth and Student Fares in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would establish individual and group youth fares for travel between the United States and Europe/

Africa/Middle East for the period December 15, 1972, through October 31, 1973, and was occasioned by a governmental disapproval of previously agreed youth fares which were to have become effective December 1, 1972.<sup>1</sup> The agreement provides for off-season youth fares at levels agreed earlier and establishes peak-season fares at levels ranging up to 26 percent above those currently in effect pursuant to Government orders. Age eligibility is limited to persons between the ages of 12 and 14 years, and confirmed reservations may be made only within 7 days of scheduled departure of the flight.

On November 27, 1972, the member carriers of the National Air Carrier Association (NACA)<sup>2</sup> filed comments urging the Board to (1) limit its approval to March 31, 1973, and make clear its intention to re-examine these fares in the context of the new IATA fare structure which will likely take effect on April 1, 1973, and in light of any determination which the Board may make in the interim in its pending investigations of both foreign and domestic youth fares; and (2) direct the carriers to mark any youth-fare tariff with an expiry date of March 31, 1973.

We have decided to adopt NACA's suggestion and will limit our approval of the agreement through March 31, 1973. That date coincides with the expiration of the presently effective North Atlantic fare agreement. Approval of the present agreement for a temporary period will also permit the higher level of youth fares to become effective pending further Board action in the international youth-fare investigation, Docket 23780, in light of our recent decision finding domestic youth fares unlawful.<sup>3</sup>

The Board, acting pursuant to sections 102, 204(a), 404(b), 412, and 1002 of the Act and pending investigation in Docket 23780, does not find that Agreement CAB 23401, R-1 through R-5, is adverse to the public interest or in violation of the Act, provided that with respect to Resolution 092g:

(a) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(b) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over

<sup>1</sup> Order 72-11-58 approved these fares through Mar. 31, 1973, as agreed.

<sup>2</sup> Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

<sup>3</sup> Domestic Passenger Fare Investigation Phase 5-Discount Fares, Order 72-12-18, Dec. 5, 1972. (Members Minetti and Murphy dissented from the order.) The instant IATA agreement will be included in the investigation in Docket 23780.

the cost of normal-fare transportation from the point of origin to the point of cancellation.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

Accordingly, it is ordered, That:

1. Agreement CAB 23401, R-1 through R-5, be and hereby is approved subject to the conditions set forth herein;

2. Approval is limited through March 31, 1973;

3. An investigation is hereby instituted to determine whether Agreement CAB 23401 is adverse to the public interest or in violation of the Federal Aviation Act of 1958, and whether the fares, rules, conditions, and provisions which are, or will be, established pursuant to this agreement are or will be unjustly discriminatory, unduly preferential, or unduly prejudicial, and if such fares, rules, conditions or provisions are found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares, rules, conditions or provisions should be altered, or what order should be made to remove such discrimination, preference or prejudice; and

4. The investigation ordered in paragraph 3 above is consolidated into that currently pending in Docket 23780.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-21824 Filed 12-19-72; 8:49 am]

[Docket No. 25009, etc.; Order 72-12-68]

## WILMINGTON SERVICE INVESTIGATION

### Order Regarding Applications for Declaratory Ruling

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1972.

There are now pending before the Board a number of pleadings relating to Wilmington, Del. Action on these pleadings has been deferred (see Order 71-5-131) pending informal discussions between the community, interested air carriers, and the Board's staff, with respect to the possibility of an investigation of the certification of additional and/or replacement air service at Wilmington. The tenor of these discussions, which were held in the Board's offices, was that none of the carriers were interested in obtaining authority to serve Wilmington without receiving authority to serve additional new points on their systems. Accordingly, it is now appropriate to process the deferred pleadings.



Allegheny Airlines, Inc., and Eastern Air Lines, Inc., have filed petitions for reconsideration of Order 70-9-104. This order, *inter alia*, denied the applications of both Allegheny and Eastern requesting authority to temporarily suspend service at Wilmington, Del., until 60 days after Board decision on each of the carrier's concurrently filed deletion applications (Dockets 21987 and 22049, respectively) and denied Eastern's request for an expedited hearing in Dockets 22049 and 22050.

An answer to the petitions for reconsideration was filed by the Board of Transportation of New Castle County, Del., and the Delaware State Chamber of Commerce (Wilmington).

American Airlines, Inc., has filed in Dockets 21988 and 22046 a request for a declaratory ruling that American is not required by condition (18) on Route 4 and Condition (6) on Route 25 to reinstitute service at Wilmington if the Board " \* \* \* is inclined to grant Allegheny's application for temporary suspension \* \* \* ". American's present certificate provides that its authority to serve Wilmington will be suspended for the period during which Allegheny is authorized to serve the point. American has also filed a deletion application (Docket 22045).

Wilmington filed in Dockets 14493 and 22050 a request for an emergency order which would require Eastern to provide two daily round trips to Wilmington, pending further action in Docket 22050.

An answer to Wilmington's petition was filed by Eastern.

Upon reconsideration, we have decided to institute an investigation of air service at Wilmington to consider whether Eastern and Allegheny should continue to serve Wilmington,<sup>1</sup> and whether American and TWA should continue to have a contingent obligation to serve Wilmington.<sup>2</sup>

We recognize, as pointed out in Order 70-9-104, that extensive hearings concerning air service at Wilmington were held in 1965 and 1967;<sup>3</sup> that after these hearings the Board concluded that there should be no changes in service to Wil-

ilmington until there had been an experiment with improved service by the authorized carriers; that Allegheny failed to provide this service<sup>4</sup> and that traffic did improve in response to Eastern's improved service. Notwithstanding these considerations, however, we have concluded that various changes in the circumstances surrounding air service at Wilmington—some of which have occurred since our prior order<sup>5</sup>—make it desirable to reconsider our prior decision and to hold an investigation of air service at Wilmington.<sup>6</sup>

We have further decided to deny the requests for reconsideration of our denial of Eastern's and Allegheny's requests for authority to suspend service temporarily at Wilmington. The question of which air carriers should serve Wilmington raises legal and policy issues which we are unwilling to resolve prior to an evidentiary hearing.

In light of the investigation we have instituted, we will dismiss Wilmington's request for an emergency order and American's request for a declaratory ruling.<sup>7</sup>

Accordingly, it is ordered, That:

1. An investigation designated as the "Wilmington Service Investigation," be and it hereby is instituted in Docket 25009, pursuant to sections 204(a), 401(g) and 401(j) of the Federal Aviation Act of 1958, as amended, to determine (1) whether the public convenience and necessity require the alteration, amendment, or modification of the certificates of Allegheny Airlines for route 97, and/or Eastern Air Lines for routes 5 and 6, and/or

<sup>1</sup> See n. 10 in Order 70-9-104.

<sup>2</sup> There have been a number of recent changes in the transportation characteristics of Wilmington. Some of these changes were not focused upon in our prior order, while others have taken place since our prior order. Thus, since the prior investigations, a second Delaware Memorial Bridge has been constructed, construction of I-95 has been completed to within 8 miles of Philadelphia International Airport, and the remainder of I-95, currently under construction, will pass adjacent to that airport. Construction of I-295 has been completed from the Delaware Memorial Bridge to Bridgeport. (I-295, also parallels the New Jersey Turnpike to Trenton and is toll free.) In addition, conventional railroad trains have been replaced by high-speed metroliners which have substantially reduced the rail travel time from Wilmington to Baltimore, Washington, and New York, and there is regularly scheduled limousine service to Philadelphia International Airport where there are a multiplicity of schedules. Finally, computer air taxi service has been inaugurated by Altair Airlines.

<sup>3</sup> We are, of course, not suggesting in this order that any of the changes discussed herein (see Note 6 supra) are sufficient to require a change in the pattern of certificated service at Wilmington. This issue will be considered on the basis of the evidentiary record developed in this proceeding.

<sup>4</sup> With respect to Wilmington's request, it should be noted that the Board does not have the power to regulate carrier scheduling except in a formal adequacy-of-service proceeding and the Wilmington parties have neither requested such a proceeding nor shown that such a proceeding would be warranted.

or American Airlines for routes 4 and 25, and/or Trans World Airlines for route 2, so as to (a) delete, suspend or otherwise modify the authority to serve Wilmington, Del., or (b) redesignate Wilmington and Philadelphia as a hyphenated point with service to be provided through the Philadelphia International Airport, or (2) whether the public interest requires the suspension of service at Wilmington, Del., and, if so, what conditions (if any) should be attached to such suspension.

2. To the extent that they fall within the scope of the proceeding as heretofore delineated, the applications of Allegheny Airlines, Eastern Air Lines, and American Airlines, in Dockets 21987, 22049, and 22045, respectively, be and they hereby are consolidated with the above "Investigation";

3. The petitions of Allegheny Airlines, Inc., and Eastern Air Lines, Inc., for reconsideration of Order 70-9-104, be and they hereby are denied except to the extent granted herein;

4. The application for an emergency order of the Board of Transportation of New Castle County and the Delaware State Chamber of Commerce in Dockets 14493 and 22050, be and it hereby is dismissed;

5. The request for a declaratory ruling or, in the alternative, a temporary suspension of American Airlines, Inc., in Dockets 21988 and 22046, be and it hereby is dismissed;

6. Allegheny Airlines, Eastern Air Lines, American Airlines, Trans World Airlines, the Board of Transportation of New Castle County, and the Delaware State Chamber of Commerce are hereby made parties to this "Investigation";

7. Motions to consolidate applications and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

8. The "Investigation" instituted herein shall be set for hearing before an Administrative Law Judge at a time and place to be hereafter designated; and

9. A copy of this order shall be served on Allegheny Airlines, Inc.; Eastern Air Lines, Inc.; American Airlines, Inc.; Trans World Airlines, Inc.; Altair Airlines, Inc.; the Board of Transportation of New Castle County, Delaware; the Delaware State Chamber of Commerce; the Mayor of Wilmington; the Mayor of Philadelphia; the Governor of Pennsylvania; the Governor of Delaware; the Airport Manager, Wilmington, Delaware; and the Postmaster General, Washington, D.C.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc. 72-21823 Filed 12-19-72; 8:49 am]

<sup>1</sup> Trans World Airlines, Inc. (TWA), also filed a pleading in Dockets 21987 and 21988, which does not oppose Allegheny's suspension application " \* \* \* provided TWA is not required as a result of any suspension order issued by the Board to resume service at Wilmington." TWA's service at Wilmington was suspended by Order E-7294, dated Apr. 10, 1953, as long as Allegheny provided service at Wilmington. See Condition (14) of TWA's certificate for Route 2.

<sup>2</sup> The deletion issue subsumes the less drastic possibility of authorizing a continued suspension of one or all of the carriers temporarily suspending Wilmington service and whether such temporary suspension(s) should be subject to conditions.

<sup>3</sup> The deletion applications filed by Allegheny, Eastern, and American will be consolidated into this proceeding.

<sup>4</sup> See Eastern Air Lines, Inc., redesignation of Philadelphia, Pa.-Wilmington, Del. Case, Order E-22981, dated Dec. 8, 1965, and Allegheny Airlines, Inc. Segment 8 Renewal and Route Realignment Investigation, Order E-25192, dated May 25, 1967.



# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

### Entry or Withdrawal From Warehouse for Consumption

DECEMBER 11, 1972.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. The agreement was initially extended through December 31, 1971, and further extended through December 31, 1973. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 43, 51, and 60 for the agreement year beginning January 1, 1973.

Accordingly, there is published below a letter of December 11, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period January 1, 1973, and extending through December 31, 1973, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary and Direc-  
tor, Bureau of Resources and  
Trade Assistance.

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

DECEMBER 11, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973, and for the 12-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from ware-

house for consumption of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following levels of restraint:

Category	12-month level of restraint
43 -----dozen-----	85,230
51 -----do-----	30,151
60 -----do-----	51,593

In carrying out this directive, entries of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been exported to the United States from Malta prior to January 1, 1973, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the 12-month period beginning January 1, 1972, and extending through December 31, 1972.

In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta, which provide in part that within the aggregate and applicable group limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carry-over of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textile products from Malta have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,  
Chairman, Committee for the Imple-  
mentation of Textile Agreements,  
and Deputy Assistant Secretary  
and Director, Bureau of Resources  
and Trade Assistance.

[FR Doc.72-21829 Filed 12-19-72;8:49 am]

## CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

### Entry or Withdrawal From Warehouse for Consumption

DECEMBER 11, 1972.

On September 21, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done

at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Republic of the Philippines concerning exports of cotton textiles and cotton textile products from the Philippine to the United States. On December 26, 1967, the two Governments exchanged notes amending the bilateral agreement. On November 17, 1970, the two Governments exchanged notes further amending and extending the bilateral agreement. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 for the agreement year beginning January 1, 1973.

Accordingly, there is published below a letter of December 11, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1973, and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary and Direc-  
tor, Bureau of Resources and  
Trade Assistance.

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

DECEMBER 11, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973, and for the 12-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 produced or manufactured in the Philippines in excess of the following levels of restraint:

Category	12-month level of restraint
9-----	1,595,352 square yards.
22-----	1,914,423 square yards.
26-----	1,595,352 square yards (of which not more than 382,885 square yards may be in duck fabric.)



Category	12-month level of restraint
32.-----	3,828,845 dozen.
39.-----	350,977 dozen pairs.
42.-----	38,288 dozen.
43.-----	76,578 dozen.
45.-----	38,288 dozen.
46.-----	12,763 dozen.
50.-----	12,763 dozen.
51.-----	12,763 dozen.
60.-----	10,849 dozen.
61.-----	1,978,237 dozen.
Part of 63.---	(T.S.U.S.A. Nos. 380,3980 and 382,3380 only) 152,255 pounds.

<sup>1</sup> Only T.S.U.S.A. Nos.:

320.-----	01 through 04, 06, 08
321.-----	01 through 04, 06, 08
322.-----	01 through 04, 06, 08
323.-----	01 through 04, 06, 08
327.-----	01 through 04, 06, 08
328.-----	01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to January 1, 1973, shall, to be charged against the levels of restraint established for such goods for the 12-month period beginning January 1, 1972, and extending through December 31, 1972. In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.

[FR Doc.72-21830 Filed 12-19-72;8:49 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.,  
Temporary Reg. F-163]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (Docket No. 9981-E-1051) involving the application of Mountain States Telephone & Telegraph Co. for a telephone rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,  
Acting Administrator  
of General Services.

DECEMBER 13, 1972.

[FR Doc.72-21795 Filed 12-19-72;8:48 am]

## PRICE COMMISSION

[Notice 42]

### ADVERTISING RATES OF RADIO AND TELEVISION STATIONS

#### Supplemental Notice

On July 12, 1972, the Price Commission published Notice 25 (37 F.R. 13659) to provide the broadcasting industry with pricing flexibility to reflect the fact that advertising dollars generally move away from programs losing audience to programs gaining audience. The purpose of this notice is to correct an error in Notice 25 and to supplement that notice with respect to the use of audience surveys in connection with advertising rate charges.

In Notice 25 the term "base period rate" was used inadvertently. The correct term should have been "base rate"

which is consistent with the term "base price" as used in the Price Commission's regulations. Accordingly, wherever "base period rate" appears in Notice 25, it should read as "base rate." The "base rate" with respect to a sale of an advertising unit to a specific class of purchasers is: (1) The highest price, at or above which, at least 10 percent of those units were priced by the seller in transactions with that class of purchasers during the freeze base period divided by the audience survey size used to establish that price; or (2) the price at which those units were priced in transactions with that class of purchasers on May 25, 1970, divided by the audience survey size used to establish that price, whichever is higher. The "base rate" is expressed in dollars per 1,000 listeners or viewers.

In addition, for purposes of adjusting the advertising fees, the Price Commission recognizes that the most current audience survey does not represent in every circumstance the "present audience size" as that term is used in Notice 25. Therefore, the Commission has determined that a firm may use an audience survey of a past comparable selling period for audience sizes which normally fluctuate in seasonal patterns until an audience survey is available for the current season's selling period. For example, if there is a delay in the issuance of audience surveys, an audience survey for a past comparable selling period on a time slot, e.g., last fall, may be more representative of audience size for determining advertising fees on that time slot this fall than the current audience survey which may only indicate audience size for this past summer selling period. Accordingly, a firm may use its survey for a given time unit or program in the last comparable season until such time as an audience survey has been released representing audience size for the current selling period for that program or time slot. The firm's adjustment in its advertising fees for seasonal fluctuations must be an established practice.

Issued in Washington, D.C., on December 14, 1972.

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

[FR Doc.72-21789 Filed 12-19-72;8:47 am]

### ASSISTANT DIRECTORS OF PROGRAM OPERATIONS

#### Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4 (37 F.R. 7552), I hereby delegate authority to each of the Assistant Directors of Program Operations to—

(a) Make decisions and issue orders with respect to individual requests for price increases of adjustments involving a dollar impact of less than \$10 million and a percentage of price increase on sales of less than 5 percent, and those



involving less than \$5 million, regardless of the percentage of price increase on sales;

(b) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto; and

(c) Conduct investigations, conferences, or hearings with respect to the foregoing, and take such further action as may appear necessary in connection therewith.

Issued in Washington, D.C., on December 14, 1972.

DON I. WORTMAN,  
Director, Program Operations.

[FR Doc.72-21792 Filed 12-19-72; 8:47 am]

[Notice 43]

## CERTIFICATES OF COMPLIANCE FOR STATE AND FEDERAL REGULATORY AGENCIES

### List of Recipients

Section 300.304(c) of the regulations of the Price Commission provides for the issuance by the Price Commission of Certificates of Compliance to State and Federal regulatory agencies whose rules for implementing the Economic Stabilization Program with respect to public utilities, have been approved by the Price Commission. In accordance with the Commission's policy, this notice is issued on a monthly basis, to inform all interested persons of those regulatory agencies to which certificates have been issued.

As of December 14, 1972, Certificates of Compliance have been issued to the following agencies:

#### FEDERAL

Civil Aeronautics Board.  
Interstate Commerce Commission.

#### STATE

Alabama Public Service Commission.  
Arkansas Public Service Commission.  
California Public Utilities Commission.  
Colorado Public Utilities Commission.  
Delaware Public Service Commission.  
District of Columbia Public Service Commission.  
Florida Public Service Commission.  
Georgia Public Service Commission.  
Indiana Public Service Commission.  
Iowa Commerce Commission.  
Kansas State Corporation Commission.  
Kentucky Public Service Commission.  
Maryland Public Service Commission.  
Michigan Public Service Commission.  
Mississippi Public Service Commission.  
Missouri Public Service Commission.  
Montana Public Service Commission.  
New Hampshire Public Utilities Commission.  
New Jersey Public Utilities Commission.  
New York Public Service Commission.  
North Carolina Utilities Commission.  
Oklahoma Corporation Commission.  
Oregon (Public Utilities Commissioner of).  
Pennsylvania Public Utility Commission.  
South Carolina Public Service Commission.  
Texas Aeronautics Commission.  
Virginia State Corporation Commission.

Washington Utilities and Transportation Commission.

Wisconsin Public Service Commission.

By direction of the Commission.

Issued in Washington, D.C., on December 14, 1972.

JAMES B. MINOR,  
General Counsel, Price Commission.

[FR Doc.72-21790 Filed 12-19-72; 8:47 am]

## DEPUTY DIRECTOR OF PROGRAM OPERATIONS

### Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 12 (37 F.R. 28096), I hereby delegate authority to the Deputy Director of the Office of Program Operations to—

(a) Order and supervise investigations to determine whether persons are in compliance with the regulations, decisions, and orders of the Price Commission; and

(b) Order enforcement actions related to noncompliance with Price Commission regulations or orders.

The authority delegated hereby is in addition to any other authority previously delegated to the Deputy Director of Program Operations.

Issued in Washington, D.C., on December 14, 1972.

DON I. WORTMAN,  
Director, Program Operations.

[FR Doc.72-21793 Filed 12-19-72; 8:48 am]

[Order 12]

## DIRECTOR OF PROGRAM OPERATIONS

### Delegation of Authority

Pursuant to the provisions of the Economic Stabilization Act, as amended (Public Law 92-210), Executive Order No. 11640 (37 F.R. 1213), Cost of Living Council Orders No. 4 (36 F.R. 20202) and No. 7 (37 F.R. 2727), delegations of authority thereunder, and Price Commission Order No. 3, I hereby delegate authority to the Director of Program Operations, subject to the authority of the Executive Director, to—

(a) Order and supervise investigations to determine whether persons all in compliance with the regulations, decisions, and orders of the Price Commission; and

(b) Order enforcement actions related to noncompliance with Price Commission regulations or orders.

The authority delegated hereby is in addition to any other authority previously delegated to the Director of Program Operations.

Issued in Washington, D.C., on December 14, 1972.

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

[FR Doc.72-21791 Filed 12-19-72; 8:47 am]

## TARIFF COMMISSION

[AA1921-112]

### COLLAPSIBLE BABY STROLLERS

#### Notice of Investigation and Hearing

Having received advice from the Treasury Department of December 12, 1972, that collapsible baby strollers, designed as folding strollers to be carried on the arm when not in use, from Japan are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on February 13, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, February 8, 1973.

By order of the Commission.

Issued: December 15, 1972.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-21828 Filed 12-19-72; 8:50 am]

## DEPARTMENT OF LABOR

### Office of the Secretary CARTHAGE MARBLE CORP.

#### Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on December 11, 1972, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Oil, Chemical, and Atomic Workers International Union on behalf of workers of Carthage Marble Corp., Carthage, Mo. (TEA-I-20.2). The request for certification is made under the President's decision of January 28, 1972. That decision provides, pursuant to section 302(a)(3), with respect to the domestic marble and travertine industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance, under chapter 3, title III, of the Trade Expansion Act of 1962.



(Weekly Compilation of Presidential Documents, Jan. 31, 1972, p. 148; Congressional Record, issue Jan. 31, 1972, S. 724, H. 447).

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects in investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before December 27, 1972.

Signed at Washington, D.C., this 12th day of December 1972.

GLORIA G. VERNON,  
Director, Office of  
Foreign Economic Policy.

[FR Doc.72-21797 Filed 12-19-72;8:48 am]

## INTERSTATE COMMERCE COMMISSION

### ARKANSAS RICE GROWERS' COOPERATIVE ASSOCIATION

#### Notice of Filing of Petition

DECEMBER 15, 1972.

No. MC-C-7949 (Notice of petition for issuance of declaratory order), filed November 8, 1972. Petitioner: Arkansas Rice Growers' Cooperative Association. Petitioner's representatives: Dickson R. Loos and Barry Roberts, 888 17th Street NW., Washington, D.C. 20006. Petitioner requests issuance of a declaratory order finding that rice mill feed pellets are an exempt agricultural commodity within

the meaning of section 203(b)(6) of the Interstate Commerce Act. Petitioner is engaged in the warehousing, milling, and marketing of rice and rice byproducts. Among the commodities handled by petitioner are rice bran and rice hulls, ground and unground, both of which commodities have been declared exempt from economic regulation by the Commission. Rice mill feed is a mixture of rice bran and ground rice hulls. Petitioner has under construction a plant at which these commodities will be compressed and pelletized. The issue to be decided in this proceeding is whether pelletizing renders the involved commodities nonexempt. Petitioner states that it is prepared to offer proof that pelletizing rice mill feed is done solely for purposes of transportation and to enhance the product's marketability, that the pelletized product has the same use as before, that its essential character has not changed, that it is not a manufactured product, and that it is, therefore, an exempt agricultural commodity. Any interested person desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views, or arguments in support of or against the proposal, within 30 days of this publication in the FEDERAL REGISTER. A copy of those representations also must be served on petitioner's representatives indicated above.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21837 Filed 12-19-72;8:51 am]

[Notice 139]

### ASSIGNMENT OF HEARINGS

DECEMBER 15, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 1367 Sub 5, Owl Transfer & Storage Co., Inc., now assigned December 18, 1972, at Seattle, Wash., is postponed to February 5, 1973, at Seattle, Wash., in a hearing room to be later designated.

MC-FC-73782 Beals Express, Inc., Thurmont, Md.—Transferee—and Western Express, Inc., Baltimore, Md., transferor now assigned December 20, 1972, at Washington, D.C., is postponed to January 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 98701 Sub 3, Cleveland Express, Inc., now assigned January 15, 1973, at Knoxville, Tenn., is postponed indefinitely.

AB 19 Sub 1, Baltimore & Ohio Railroad Co., and The Pittsburgh & Western Railroad Co., abandonment between Bruin and Mt. Jewett in Butler, Armstrong, Clarion, Forests, Elk, and McKean Counties, Pa., now assigned January 22, 1973, at Kane, Pa., is postponed indefinitely.

MC 127777 Sub 17, Mobile Home Express, Inc., now assigned January 22, 1973, at Chicago, Ill., hearing is canceled and application dismissed.

MC-C-7734, Resort Bus Lines, Inc., et al. v. Mayflower Coach Corp., now assigned January 30, 1973, at Newark, N.J., is postponed indefinitely.

MC 29392 Sub 18, Les Johnson Cartage Co., now being assigned hearing January 22, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 107818 Sub 56, Greenstein Trucking Company, now being assigned continued hearing February 14, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21834 Filed 12-19-72;8:50 am]

### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 15, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG AND SHORT HAUL

FSA No. 42590—Sugar to the Southwest and West (to points in Texas). Filed by Trans-Continental Freight Bureau, Agent (No. 475), for interested rail carriers. Rates on sugar, beet or cane, in bulk, in carloads, as described in the application, from points in Arizona, California, Idaho, Oregon, and Washington, to Dallas, Ft. Worth, Garland, Great Southwest, Hebco, and Paris, Texas.

Grounds for relief—Rate Relationship. Tariffs—Supplement 193 to Trans-Continental Freight Bureau, Agent, tariff ICC 1822, and supplement 32 to Southwestern Freight Bureau, Agent, tariff ICC 4815. Rates are published to become effective January 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21835 Filed 12-19-72;8:50 am]

### FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 15, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.



## LONG AND SHORT HAUL

FSA No. 42589—*Carbolic acid (phenol)* from Nadeau and Texas City, Tex. Filed by Southwestern Freight Bureau, agent (No. B-370), for and on behalf of The Baltimore and Ohio Railroad Co., and other rail carriers named in the application. Rate on acid, carbolic (phenol), in tank carloads, as described in the application, from Nadeau and Texas City, Tex., to Marietta, Ohio.

Grounds for relief—Private barge competition.

Tariff—Supplement 245 to Southwestern Freight Bureau, agent, tariff ICC 4834. Rates are published to become effective January 13, 1973.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21836 Filed 12-19-72; 8:50 am]

[Notice 33]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 15, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-2186 (Deviation No. 2) CONTINENTAL ATLANTIC LINES, INC., 448 Pine Street, Macon, GA 31201, filed December 7, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Macon, Ga., over Interstate Highway 16 to junction Georgia Highway 29 (northwest of Soperton, Ga.), with the following access routes: (1) from junction Interstate Highway 16 and Georgia Highway 257 over Georgia

Highway 257 to Dublin, Ga., and (2) from junction Interstate Highway 16 and Georgia Highway 19 over Georgia Highway 19 to Dublin, Ga., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Macon, Ga., over Georgia Highway 57 to junction Georgia Highway 18, thence over Georgia Highway 18 to Gordon, Ga., thence return over Georgia Highway 18 to junction Georgia Highway 57, thence over Georgia Highway 57 to Irwinton, Ga., thence over Georgia Highway 29 via Dublin and Soperton, Ga., to Higgston, Ga., and return over the same route.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21839 Filed 12-19-72; 8:51 am]

[Notice 37]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 15, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-26739 (Deviation No. 35), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, MO 64502, filed December 7, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) from junction U.S. Highway 66 and U.S. Highway 36 (at Springfield, Ill.), over U.S. Highway 36 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania

Highway 31, thence over Pennsylvania Highway 31 to junction Pennsylvania Turnpike (Gate 10), thence over the Pennsylvania Turnpike to junction U.S. Highway 11 (Gate 16), thence over U.S. Highway 11 to junction M. Harvey Taylor Bridge, thence over the M. Harvey Taylor Bridge (Harrisburg, Pa.) to junction U.S. Highway 22, (2) from Kansas City, Mo., over Interstate Highway 70 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction Pennsylvania Turnpike (Gate 10), thence over the Pennsylvania Turnpike to junction U.S. Highway 11 (Gate 16), thence over U.S. Highway 11 to junction M. Harvey Taylor Bridge, thence over the M. Harvey Taylor Bridge (Harrisburg, Pa.) to junction U.S. Highway 22, (3) from junction U.S. Highway 66 and U.S. Highway 36 (at Springfield, Ill.) over U.S. Highway 36 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 75, thence over Pennsylvania Highway 75 to junction Pennsylvania Highway 641, thence over Pennsylvania Highway 641 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction M. Harvey Taylor Bridge, thence over the M. Harvey Taylor Bridge (Harrisburg, Pa.) to junction U.S. Highway 22, (4) from Kansas City, Mo., over Interstate Highway 70 to junction Pennsylvania Highway 31, thence over Pennsylvania Highway 31 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 75, thence over Pennsylvania Highway 75 to junction Pennsylvania Highway 641, thence over Pennsylvania Highway 641 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction M. Harvey Taylor Bridge, thence over the M. Harvey Taylor Bridge (Harrisburg, Pa.) to junction U.S. Highway 22.

(5) From junction U.S. Highway 66 and U.S. Highway 36 (at Springfield, Ill.) over U.S. Highway 36 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 76 (also known as Interstate Highway 80-S), thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46 (at Columbia, N.J.), thence over U.S. Highway 46 to junction Interstate Highway 80 (also over Interstate Highway 80 between Columbia and Netcong, N.J., when Interstate Highway 80 is completed), thence over Interstate Highway 80 to junction U.S. Highway 46 (at Denville, N.J.), thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction U.S. Highway 22, (6) from Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Inter-



state Highway 76 (also known as Interstate Highway 80-S), thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46 (at Columbia, N.J.), thence over U.S. Highway 46 to junction Interstate Highway 80 (also over Interstate Highway 80 between Columbia and Netecong, N.J. when Interstate Highway 80 is completed), thence over Interstate Highway 80 to junction U.S. Highway 46 (at Denville, N.J.), thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction U.S. Highway 22.

(7) From junction U.S. Highway 66 and U.S. Highway 36 (at Springfield, Ill.), over U.S. Highway 36 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 224, and (8) from Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 224, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Monroe City, Mo., thence over U.S. Highway 24 to Kansas City, Mo., (2) from Chicago, Ill., Highway 66 to Springfield, Ill., thence thence over U.S. Highway 36 to St. Joseph, Mo., (3) from Chicago, Ill., over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Highway 18 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to New York, N.Y., thence over U.S. Highway 1 to Bridgeport, Conn., and (4) from Chicago, Ill., over the route described in (3) above to junction Ohio Highway 18 and U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Philadelphia, Pa. exit, thence over U.S. Highway 1 via New York, N.Y., to Bridgeport, Conn., and return over the same routes.

No. MC-30605 (Deviation No. 21), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. 67201, filed December 7, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: from Denver, Colo., over Interstate Highway 70 to junction U.S. Highway 81, ap-

proximately 2 miles north of Salina, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Denver, Colo., over U.S. Highway 85 to junction relocated U.S. Highway 85, near Crow, Colo., thence over relocated U.S. Highway 85 to junction U.S. Highway 85, south of Greenhorn, Colo., thence over U.S. Highway 85 via Rowe and Glorieta, N. Mex., to Albuquerque, N. Mex. (also from Denver, as specified above to Rowe, N. Mex., thence over unnumbered highway via Pecos, N. Mex., to Glorieta, N. Mex., thence over U.S. Highway 85 to Albuquerque), (2) from the Colorado-Kansas State line over U.S. Highway 50 to Pueblo, Colo., (3) from junction U.S. Highway 50 Bypass and U.S. Highway 85 north of Pueblo, Colo., over U.S. Highway 50 Bypass to junction U.S. Highway 50, (4) from Dodge City, Kans., over U.S. Highway 50 to the Kansas-Colorado State line, (5) from Scott City, Kans., over U.S. Highway 83 to Garden City, Kans., (6) from Jetmore, Kans., over U.S. Highway 156 to Garden City, Kans., (7) from Hutchinson, Kans., over Kansas Highway 17 to junction U.S. Highway 54, thence over U.S. Highway 54 to Wichita, Kans., (8) from Hutchinson, Kans., over Kansas Highway 96 to Lyons, Kans., thence over U.S. Highway 50-N to Jetmore, Kans., thence over U.S. Highway 283 to Dodge City, Kans., (9) from Great Bend, Kans., over Kansas Highway 96 to Scott City, Kans., (10) from Ness City, Kans., over U.S. Highway 283 to Jetmore, Kans., (11) from Salina, Kans., over U.S. Highway 40 to junction Kansas Highway 45, thence over Kansas Highway 45 to Great Bend, Kans., (12) from Omaha, Nebr., over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 via Beatrice, Nebr., to Randolph, Kans., thence over Kansas Highway 13 to Manhattan, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 177 to junction U.S. Highway 77, thence over U.S. Highway 77 to Oklahoma City, Okla., and (13) from Kansas City, Kans., over Kansas Highway 10 to Lawrence, Kans., thence over U.S. Highway 40 to Manhattan, Kans., and return over the same routes.

No. MC-30605 (Deviation No. 22), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. 67201, filed December 7, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Enid, Okla., over Oklahoma Highway 15 to junction U.S. Highway 281, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Enid, Okla., over U.S. Highway 64 to Tulsa, Okla., (2) from

Enid, Okla., over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 166 to Arkansas City, Kans., (3) from junction U.S. Highways 177 and 77 over U.S. Highway 77 via Marland, Okla., to junction U.S. Highway 60, (4) from Omaha, Nebr., over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 via Beatrice, Nebr., to Randolph, Kans., thence over Kansas Highway 13 to Manhattan, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 177 to junction U.S. Highway 77, thence over U.S. Highway 77 to Oklahoma City, Okla., and (5) from Wichita, Kans., over Kansas Highway 2 to junction U.S. Highway 281, thence over U.S. Highway 281 to junction Oklahoma Highway 15, thence over Oklahoma Highway 15 to Woodward, Okla., and return over the same routes.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21840 Filed 12-19-72;8:51 am]

[Notice 103]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 15, 1972.

The following publications<sup>1</sup> are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

#### MOTOR CARRIERS OF PROPERTY

No. MC 1263 (Sub-No. 16) (Clarification), filed July 13, 1972, published in the FEDERAL REGISTER issue of August 3, 1972, and republished this issue. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Leonard Rose, Suite 1011, Commerce Bank Building, 922 Walnut Street, Kansas City, MO 64106. 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, house-

<sup>1</sup>Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of this application.



hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bethany, Mo., on the one hand, and, on the other, Kansas City, St. Joseph, St. Louis, and Trenton, Mo.: (1) From Kansas City over Interstate Highway 29 to St. Joseph, Mo., thence over U.S. Highway 36 to junction U.S. Highway 69 or Interstate Highway 35, thence over U.S. Highway 69 or Interstate Highway 35 to Bethany, Mo., and return over the same route; (2) from Kansas City, Mo., over U.S. Highway 69 or Interstate Highway 35 to Bethany, Mo., and return over the same route; (3) from St. Louis, Mo., over Interstate Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri State Highway 6, thence over Missouri State Highway 6 to junction Missouri State Highway 146, thence over Missouri State Highway 146 to junction U.S. Highway 136, thence over U.S. Highway 136 to Bethany, Mo., and return over the same route; (4) from St. Louis, Mo., over Interstate Highway 70 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri State Highway 6, thence over Missouri State Highway 6 to junction Missouri State Highway 146, thence over Missouri State Highway 146 to junction U.S. Highway 136, thence over U.S. Highway 136 to Bethany, Mo., and return over the same route; (5) from St. Louis, Mo., over Interstate Highway 70 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 136, thence over U.S. Highway 136 to Bethany, Mo., and return over the same route; serving in (1), (2), (3), (4), and (5) above all points within 25 miles of Bethany, Mo., Lineville, Iowa, and South Lineville, Mo., as off-route points in connection with the described regular route operation. Restriction: No service shall be rendered on shipments moving between Kansas City and St. Louis, Mo. **NOTE:** The purpose of this republication is to clarify applicant's request for regular route authority in lieu of irregular route authority, to show applicant's substituted representative, and to indicate the hearing information. Hearing: On January 29, 1973, at Kansas City, Mo., in a room to be later designated.

No. MC 124025 (Sub-No. 2) (Republication) filed January 10, 1972, published in the FEDERAL REGISTER issue of February 10, 1972, and republished this issue. Applicant: GLASS TRUCKING COMPANY, INC., 200 Chestnut, Post Office Box 276, Newkirk, OK 74647. Applicant's representative: Marlin Glass (same address as applicant). A supplemental order of the Commission, Operating Rights Board, dated November 20, 1972, and served December 7, 1972 (finds that applicant seeks to amend its permit No. MC 124025 (Sub-No. 2), issued September 7, 1972, by adding the New Era Milling Co., of Arkansas City, Kans. as a shipper, and that operation by applicant,

in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of flour and mill feed, in containers, from Arkansas City, Kans., to points in Kentucky, under continuing contracts with Dixie Portland Flour Mills, Inc., and the New Era Milling Co., both of Arkansas City, Kans., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

**APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE**

No. MC 42487 (Sub-No. 795), filed October 26, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between all points in Chautauqua and Cattaraugus Counties, N.Y. **NOTE:** Applicant states that tacking is intended at Jamestown, Westfield, and Frewsburg (Chautauqua County) and Salamanca and Olean (Cattaraugus County), N.Y. with presently held authority. Common control may be involved. This application is a matter directly related to MC-F-11712, published in the FEDERAL REGISTER issue of November 22, 1972. The instant application seeks to convert the Certificate of Registration of Rapid Delivery Service, Inc., under MC 121652 into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 54567 (Sub-No. 12) (correction), filed September 25, 1972, published in the FEDERAL REGISTER issue of November 22, 1972, and republished in part, as corrected, this issue. Applicant: RELIANCE TRUCK CO., a corporation, 2500 North 24th Avenue, Phoenix, AZ 85009.

Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. **NOTE:** The sole purpose of this partial republication is to correctly reflect the commodity description as sought in the application, inserting and underlining the portions that were omitted in the previous publication. The corrected description is as follows: Construction materials, equipment, and supplies; machinery and machinery parts; *iron and steel and iron and steel products; self-propelled vehicles (excluding automobiles and over the highway trucks); commodities which because of size or weight require the use of special equipment; pipe and fittings.* In addition, under subdivision (1) Barstow should be corrected to Barstow. The rest of the application remains as previously published.

**APPLICATIONS UNDER SECTIONS 5 AND 210a(b)**

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

**MOTOR CARRIERS OF PROPERTY**

No. MC-F-11730 (correction) (QUALPECO TRANSPORTATION, INC.—CONTROL—M & M TRANSPORTATION COMPANY, B & P MOTOR EXPRESS, INC., AND C. I. WHITTEN TRANSFER COMPANY), published in the December 6, 1972, issue of the FEDERAL REGISTER on page 25972. Upon consummation of the transaction, U.S. Industries, Inc., will not control Qualpeco Transportation, Inc.

No. MC-F-11736. Authority for control and merger by CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, NC 28021, of the operating rights and property of LEONARD EXPRESS, INC., Calter Avenue, Greensburg, Pa. 15601. Applicants' attorneys: Edward G. Villalon, and James E. Wilson, 1032 Pennsylvania Building, Washington, D.C. 20004, and John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, and Jerome Solomon, 31st floor, U.S. Steel Building, Pittsburgh, Pa. 15219. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, class A and B explosives, livestock, household goods, and commodities in bulk, as a common carrier over regular routes, between Greensburg, Pa., and New York, N.Y., and certain specified intermediate and off-route points in New Jersey, New York, and Pennsylvania, between specified points in Pennsylvania, between Toronto, Ohio, and Pittsburgh, Pa., and Bellaire, Ohio, and Wheeling, W. Va., serving all intermediate points, between Pittsburgh, Pa., and Weirton, W. Va., serving all intermediate points in West Virginia, service is authorized to and from the off-route points of Moundsville, W. Va.,



Beaver Falls, Monaca, and New Kensington, Pa., and points in Allegheny County, Pa., except that service to and from Toronto, Ohio, is restricted to pickup and delivery of traffic moving to or from points other than Beaver Falls, Monaca, New Kensington, Pa., and points in Allegheny County, Pa., between Steubenville, Ohio, and Hollidays Cove, W. Va., between Steubenville, Ohio and West Virginia Highway 2, between Bridgeport, Ohio, and Wheeling, W. Va., between Bellaire, Ohio, and Wheeling, W. Va., serving no intermediate or terminal points, between Parkersburg, and Spencer, W. Va., between Macfarlan, and Grantsville, W. Va., serving all intermediate points, between Parkersburg, and Wheeling, W. Va., serving all intermediate points, and the off-route point of Steinersville, Ohio; *such merchandise* as is dealt in by 5 cent and \$1 stores, from McKeesport, Pa., to Torrington, Conn., and to the intermediate and off-route points of Stamford, Ansonia, and New Canaan, Conn., restricted to delivery only; *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, over irregular routes, between points in a defined area of New Jersey, on the one hand, and, on the other, New York, N.Y., and points in Westchester, and Nassau Counties, N.Y., between points in specified northern New Jersey Counties, on the one hand, and, on the other, points in New York commercial zone subject to a restriction from Hoboken and Jersey City, N.J., between points in specified northern New Jersey Counties, and points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Manchester, Conn., points in that part of Connecticut on and west of U.S. Highway 5, Philadelphia, Pa., and points in that part of Delaware County, Pa., on and east of U.S. Highway 202, between points in Ohio and Marshall Counties, W. Va., and Belmont County, Ohio, between points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., and Allegheny and Westmoreland Counties, Pa., on the one hand, and, on the other, Newark, N.J., and points in New Jersey and New York within 30 miles of Newark, N.J., between points in Marshall County, W. Va., and Allegheny and Westmoreland Counties, Pa., on the one hand, and, on the other, Philadelphia, Pa., and points in Ohio, between points in Marshall County, W. Va., on the one hand, and, on the other, points in a defined area of Pennsylvania, with restriction, between points in Hancock and Brooke Counties, W. Va., and Allegheny and Westmoreland Counties, Pa., on the one hand, and, on the other, points in a defined area of Ohio, between Newark, N.J., and points in New Jersey and New York within 30 miles of Newark, N.J., on the one hand, and, on the other, points in Ohio; *trunks, baggage, and theatrical equipment*, between Wheeling, W. Va., on the one hand, and, on the other, points in those parts of Ohio, Pennsylvania, and West Virginia within 100 miles of Wheel-

ing, W. Va.; *pipe fittings*, from Greensburg, Pa., to Baltimore, Md.; *rubber products*, from Jeannette, Pa., to Baltimore Md. Carolina Freight Carriers Corp. is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Florida, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, Alabama, West Virginia, Ohio, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11737. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of a portion of the operating rights of PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, Mass. 02343, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Building, 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicants' attorneys: John P. Kelly, also of Menlo Park, Calif. 94025, Francis E. Barrett, Sr., 60 Adams Street, Milton, MA 02187, and Francis E. Barrett, Jr., 10 Industrial Park, Hingham, MA 02043. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Antrim, N.H., and Boston, Mass., serving certain specified points of New Hampshire, with restrictions, between Northwood and Dover, N.H., between Northwood, and Concord, N.H., between Northwood and Manchester, N.H., serving all intermediate points; *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, over irregular routes, between Lee, N.H., and points in New Hampshire within 10 miles of Lee, not including Dover, Somersworth, and Rochester, N.H., on the one hand, and, on the other, certain specified points in Massachusetts; *materials and supplies*, used or useful in the manufacture of shoes, between Brockton, and Boston, Mass., points within 5 miles of Brockton, and points within 10 miles of Boston, on the one hand, and, on the other, Manchester, and Nashua, N.H.; *groceries*, from Boston, Mass., and points within 10 miles thereof, to Manchester, N.H. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona, Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-11738. Authority sought for purchase by THE MASON AND DIXON LINES, INC., Eastman Road, Post Office Box 969, Kingsport, TN 37662, of a portion of the operating rights of NESTOR BROS., INC., 614 Vestal Parkway West, Box 277, Vestal, NY 13850, and for acquisition by E. WILLIAM KING, 1315 Belmeade Drive, Kingsport, TN 37660, JOHN R. KING, 4504 Hickory Hill Road, Kingsport, TN 37660, and MARGARET K. NORRIS, 1400 Belmeade Place Kingsport, TN 37660, of control of such rights and property through the purchase. Applicants' attorney: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes between Binghamton, N.Y., Wilkes-Barre, Pa., serving the intermediate and off-route points of Hop Bottom, Nicholson, Clarks Summit, Scranton, Pittston, Kingston, Tunkhannock, Plymouth, Old Forge, Luzerne, Nanticoke, and Dunmore, Pa., and those in Dickinson and Fenton Townships, Broome County, N.Y., between Syracuse, and Elmira, N.Y., serving all intermediate points, and off-route points of McGraw, Groton, and Cayuta, N.Y., between Cayuta and Romulus, N.Y., serving the intermediate point of Watkins Glen, N.Y., between Owego, and Groton, N.Y., between Ithaca, and Richford, N.Y., between Candor and Spencer, N.Y., between Van Etten and Ithaca, N.Y., between Ithaca and Slaterville Springs, N.Y., between Ithaca and Flemingville, N.Y., serving all intermediate points; *general commodities*, with no exceptions, between Buffalo and Binghamton, N.Y., serving the intermediate points of Elmira and Owego, N.Y., in the movement of *general commodities*, with no exceptions and intermediate and off-route points of Batavia, Rochester, Canadawaga, Geneva, Ithaca, Niagara Falls, Tonawanda, North Tonawanda, and North Collins, N.Y., those in Dickinson and Fenton Townships, Broome County, N.Y., and all intermediate points between Ithaca and Owego and between Owego and Binghamton, in the movement of *general commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, Tennessee, Virginia, South Carolina, New York, Maryland, New Jersey, Delaware, Pennsylvania, Washington, D.C., Illinois, Kentucky, Indiana, Ohio, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11740. Authority sought for purchase by CENTRAL FREIGHT LINES, INC., 310 South 12th Street, Waco, TX 76703, of a portion of the operating rights of CENTRAL EXPRESS, INC., Post Office Box 238, Waco, TX 76703, and for acquisition by W. W. CALLAN, also of Waco, Tex. 76703, of control



of such rights through the purchase. Applicants' attorney: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Luling and Austin, Tex., between Luling and San Marcos, Tex., between Lockhart and Martindale, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11741. Authority sought for control by TRANSPON INTERNATIONAL, INC., a noncarrier, 5150 Brighton Boulevard, Denver, CO 80216, of DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South Eighth West, Salt Lake City, UT, and for acquisition by GEORGE W. PLAVEC, of Denver, Colo. 80126, and ROGER C. THORSLUND, 8040 South Roberts Road, Bridgeview, IL, of control of DUNKLEY REFRIGERATED TRANSPORT, INC., through the acquisition by TRANSPON INTERNATIONAL, INC. Applicants' attorneys: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, FL 33308, and Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, UT 84111. Operating rights sought to be controlled: *Frozen fruits, frozen berries, and frozen vegetables*, as a *common carrier* over irregular routes, from points in California, to points in Idaho south of the southern boundary of Idaho County, points in Utah, Nevada (except points in Ormsby and Washoe Counties), and Wyoming, from points in Washington, to points in Idaho south of the southern boundary of Idaho County, from Salt Lake City, Utah, to points in Wyoming; *frozen fruits and frozen vegetables*, from points in Utah, to points in Oregon, California, and Washington, from points in Idaho south of the southern boundary of Idaho County, to points in Oregon; *frozen berries and frozen vegetables*, from Salt Lake City, Utah to points in Idaho south of the southern boundary of Idaho County, from points in Oregon, to Salt Lake City and Ogden, Utah, points in Wyoming, and points in Idaho south of the southern boundary of Idaho, from points in Washington, to Salt Lake City and Logan, Utah; *frozen fruits and frozen berries*, from points in Utah, to Las Vegas, Nev.; *frozen vegetables*, from points in Idaho south of the southern boundary of Idaho County, to points in Washington, California, and Salt Lake City, Utah; *frozen fish*, when moving in the same vehicle, at the same time, with frozen fruits, frozen berries, and frozen vegetables, from points in California, to points in Idaho south of the southern boundary of Idaho County, and points in Utah, from Salt Lake City, Utah, to points in Wyoming, and to points in Idaho south of the southern boundary of Idaho County, from points in Washington, to points in Idaho south of the

southern boundary of Idaho County, and to Salt Lake City and Logan, Utah, from points in Utah, to points in California, from points in Oregon, to Salt Lake City and Ogden, Utah and to points in Wyoming; *frozen poultry*, when moving in the same vehicle, at the same time, with frozen fruits, frozen berries, and frozen vegetables, from Salt Lake City, Utah, to points in Wyoming, from points in Utah, to points in Washington, and to Las Vegas, Nev., from points in Oregon, to Salt Lake City and Ogden, Utah, and points in Wyoming;

*Frozen vegetables, and fresh vegetables and fresh eggs* when moving in the same vehicle and at the same time with frozen vegetables, from Provo, Utah, to Denver, Colo.; *frozen bakery goods*, from the Fresno, Calif., plant of Pet Milk Co., to points in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming; *frozen meat and frozen meat products*, from the plantsite of Chip Steak Co. at Oakland, Calif., to points in Utah, Idaho, Wyoming, and Montana; *frozen foods*, from Marysville, Calif., to Logan, Ogden, Provo, and Salt Lake City, Utah, and points in Idaho, Montana, and Wyoming, from points in Oregon, to points in Utah, Idaho, and Wyoming, from points in Washington, to points in Wyoming, Idaho, Nevada, Utah, and Denver, Colo., with restrictions, from the warehouse of the frozen foods division of Lindley and Co., a subsidiary of Utah Wholesale Grocery, in Sparks, Nev., to points in Montana, Oregon, and Washington, from Marysville, Calif., to points in Nevada (except Clark, Lincoln, and Nye Counties), from points in California, to points in Utah and Montana, from points in Salt Lake, Weber, Utah, and Cache Counties, Utah, to points in Idaho and Montana, from points in California to certain specified points in Nevada, with restrictions; *fruit juices, juice concentrates, and citrus products*, from Corona and Ontario, Calif., to Salt Lake City, Utah, and points in Idaho, Montana, and Wyoming, from Salt Lake City, Utah, to points in Idaho, Montana, and Wyoming; *shell nuts* when moving in the same vehicle, at the same time, with frozen fruits, frozen berries, and frozen vegetables, from points in California, to points in Utah; *eggs* when moving in the same vehicle, at the same time, with frozen fruits, frozen berries, and frozen vegetables, from Salt Lake City, Utah, to points in Wyoming, from points in Utah, to points in California; *frozen food and potato products*, not frozen, from points in Idaho south of the southern boundary of Idaho County, to points in Utah, Oregon, Washington, California, Wyoming, Nevada, and Denver, Colo., from Ogden, Salt Lake City, and Provo, Utah, to points in Oregon, Washington, California, Wyoming, Nevada, and Denver, Colo.;

*Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from certain specified points in Idaho, to points in Nevada, Utah, and California, from certain specified points

in Utah, to points in Nevada, Idaho, and California, from Thayne, Wyo., to Victor, Idaho, and Salt Lake City, Utah; *frozen foods*, in vehicles, equipped with mechanical refrigeration, from the plantsite of Mar Kes Foods at Compton, Calif., to certain specified points in Utah; *frozen foods*, from the plantsite of Mar Kes Foods at Compton, Calif., to points in Idaho, Montana, and Wyoming; *canned fruits and vegetables*, when moving in the same vehicle at the same time, with frozen fruits and vegetables, in vehicles equipped with mechanical refrigeration, from Provo, Utah, to certain specified points in California; *frozen fruits and vegetables and canned fruits and vegetables* when moving in the same vehicle, at the same time, with frozen fruits and vegetables, in vehicles equipped with mechanical refrigeration, from Provo, Utah, to points in Arizona; *foodstuffs* (except frozen foods, bananas, and commodities in bulk), in mechanically refrigerated vehicles, when transported at the same time and in the same vehicle with frozen foods (otherwise authorized), from points in California, to points in Utah; *cream and cream substitutes*, in vehicles equipped with mechanical refrigeration, from Gustine, Calif., to points in Nevada, Utah, Idaho, Montana, and Wyoming; *pickles and pickle products*, when transported at the same time and in the same vehicle with dairy products (as otherwise authorized), from Salt Lake City, Utah, to points in California, Idaho, and Nevada; *foodstuffs* when transported at the same time and in the same vehicle with frozen foods, from points in Washington and Oregon, to certain specified points in Idaho and points in Utah, from certain specified points in Utah, to points in California; *frozen foods and foodstuffs*, when transported in the same vehicle and at the same time with frozen foods, in vehicles and equipped with mechanical refrigeration, from Salt Lake City, Utah, to points in Arizona, with restriction. TRANSPON INTERNATIONAL, INC., holds no authority from this Commission. However, it is affiliated with J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80126, which is authorized to operate as a *common carrier* in Illinois, Iowa, Nebraska, Kansas, Colorado, Ohio, Wisconsin, Missouri, Michigan, Indiana, Kentucky, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico, Minnesota, Oklahoma, Pennsylvania, New York, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, New Jersey, Vermont, New Hampshire, Maine, Virginia, West Virginia, South Dakota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11742. Authority sought for control by ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223, of DANIEL HAMM DRAYAGE COMPANY, Second and Tyler Streets, St. Louis, Mo. 63102, and for acquisition by R. J. DORAN, R. E.



DORAN, and C. M. DORAN all of Cincinnati, Ohio 45223, of control of DANIEL HAMM DRAYAGE COMPANY, through the acquisition by ACE DORAN HAULING & RIGGING CO. Applicants' attorney: A. Charles Tell, 100 E. Broad Street, Columbus, OH 43215. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions and numerous other specified commodities, as a common carrier over irregular routes, from, to, and between points in the States of Illinois, Kentucky, Missouri, Louisiana, Oklahoma, Texas, Kansas, Nebraska, Iowa, Tennessee, Arkansas, Indiana, Ohio, and Michigan, with restrictions, as more specifically described in Docket No. MC-42963 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full the entirety, thereof. ACE DORAN HAULING & RIGGING CO., is authorized to operate in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11743. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, NY 11101, of the operating rights of KENNEDY MOTOR LINES, INC., 7101 Shore Road, Brooklyn, NY 11209, and for acquisition by ALEXANDER SHAPIRO, and ROBERT SHAPIRO, both of Long Island City, N.Y. 11101, of control of such rights through the purchase. Applicants' attorney: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Operating rights sought to be transferred: *New furniture*, as a common carrier over irregular routes, between Hoboken, N.J., on the one hand, and, on the other, points and places in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia, from Brattleboro, Vt., Winchendon, Leominster, Clinton, Boston, and Gardner, Mass., Berkshire, Chichester, and New York, N.Y., Phoenixville and Philadelphia, Pa., and Avenel and Trenton, N.J., to points and places in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, and the District of Columbia; and certain specified points in Pennsylvania and Maryland; steel cabinets, from Weehawken, N.J., to points and places in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia; *new furniture* (except store fixtures), *ice refrigerators*, *cabinets*, *kitchen sinks*, *uncrated*, *new office and hospital equipment*, and *laboratory equipment and laboratory furniture* (except kitchen equipment), *uncrated*, between New York, N.Y., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Is-

land, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, and the District of Columbia, with restriction, from Merrick, Long Island, Nassau County, N.Y., to points in the above-named States and the District of Columbia; *children's vehicles*, *uncrated*, from New York and Merrick, N.Y., to points in the above-named States and the District of Columbia. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11744. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, MI 49502, of a portion of the operating rights of CONGDON TRANSPORTATION, 52 Canco Road, Portland, ME 04103, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Tower, Atlanta, Ga. 30303, of control of such rights through the purchase. Applicants' attorney: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a common carrier over regular routes, between Portland and Sanford, Maine, serving all intermediate points, and the off-route points of South Portland and West Buxton, Maine, between Portland and Fairfield, Maine, serving all intermediate points, and certain specified off-route points of Maine, between Portland and Belfast, Maine, serving all intermediate points and the off-route points of South Portland, Winslow Mills, and Warren, Maine; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, between Sanford and South Berwick, Maine, between Biddeford and Kittery, Maine, between Lewiston and Freeport, Maine, serving all intermediate points, with restriction; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between points in York, Androscoggin, and Kennebec Counties, Maine, and those in that part of Penobscot County, Maine, on and south of a line beginning at Newport, Maine and extending along U.S. Highway 2 to Bangor, Maine, thence along U.S. Highway 1 to East Holden, Maine, with restriction. Vendee is authorized to operate as a common carrier in Ohio, Indiana, Pennsylvania, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Colorado, Nebraska, Wyoming, Kansas, Delaware, Connecticut, North Dakota, South Dakota, Arkansas, Oklahoma, Texas, Tennessee, Louisiana, Maine, New Hampshire, and the District of Columbia. Ap-

plication has been filed for temporary authority under section 210a(b).

No. MC-F-11745. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, ME 04101, of a portion of the operating rights of CONGDON TRANSPORTATION, 52 Canco Road, Portland, ME 04101, and for acquisition by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all of 550 Forest Avenue, Portland, ME 04101, of control of such rights through the purchase. Applicants' attorneys: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155, and Raymond E. Jensen, 477 Congress Street, Portland, ME 04111. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a common carrier over regular routes, between Portland and Fryeburg, Maine, serving all intermediate points, except Bridgton, Maine, and to and from the off-route points of Crescent Lake, Brownfield, South Hiram, Cornish, Porter, and Denmark, Maine, between Portland and Waterford, Maine, serving the intermediate points of Bridgton, Harrison, North Bridgton, and South Waterford, Maine, with restriction, between Farmington and Wilton, Maine, and points in Cumberland, Sagadahoc, Knox, Waldo, Lincoln, and Oxford Counties, Maine, with restriction. Vendee is authorized to operate as a common carrier in Maine, New Hampshire, Massachusetts, New York, New Jersey, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11746. Authority sought for control by MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, LaSalle, Province of Quebec, Canada, of H. P. WELCH CO., 400 Somerville Avenue, Somerville, MA 02143, and for acquisition by MAISLIN INDUSTRIES LTD., also of LaSalle, Province of Quebec, Canada, of control of H. P. WELCH CO., through the acquisition by MAISLIN TRANSPORT LTD. Applicants' attorneys: William D. Traub, 10 East 40th Street, New York, NY 10016, and Herbert New, 921 Bergen Avenue, Jersey City, NJ 07306. Operating rights sought to be controlled: *General commodities*, except those of unusual value, dangerous explosives, liquid petroleum products in bulk, in tank trucks, as a common carrier over regular routes, between Boston, Mass., and Concord, N.H., between Concord and Plymouth, N.H., between Lawrence and Lowell, Mass., between Concord, N.H., and White River Junction, Vt., between Manchester, N.H., and White River Junction, Vt., between Potter Place, N.H., and junction New Hampshire Highway 11 and New Hampshire Highway 103 near Wendall, N.J.; general commodities, excepting among others, dangerous explosives, household goods, and commodities in bulk, between Keene, N.H., and Burlington, Vt., between Keene, N.H., and Brattleboro, Vt.,



between White River Junction and Fair Haven, Vt., between Rutland and Montpelier, Vt., between Royalton and Bethel, Vt., between Burlington and St. Albans, Vt., between Burlington and Essex, Vt., between Winchester, N.H., and New York, N.Y., between Worcester and Boston, Mass., and Keene, N.H., between Keene and Manchester, N.H., between Milford and Nashua, N.H., between St. Albans, Vt., and ports of entry on the United States-Canadian boundary line at or near Rouses Point and Champlain, N.Y., and the intermediate points of Rouses Point and Champlain, N.Y., with restriction; wool, textiles, textile machinery, and textile mill supplies, over irregular routes, from Manchester, N.H., to points and places in Massachusetts and Rhode Island; general commodities, with exceptions, between points and places in Connecticut, on the one hand, and, on the other, certain specified points in Massachusetts, Rhode Island, New Jersey, and Pennsylvania; textiles, textile supplies, and textile machinery, from Keene, N.H., to New Bedford, Mass.; general commodities, excepting among others, dangerous explosives, household goods, and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 35 miles of City Hall, New York, N.Y., over one alternate route for operating convenience only. MAISLIN TRANSPORT LTD., is authorized to operate as a common carrier in New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11747. Authority sought for purchase by NIELSEN FREIGHT LINES, 1272 Gossage, Petaluma, CA 94952, of a portion of the operating rights of YREKA WESTERN RAILROAD COMPANY, Post Office Box 660, Yreka, CA 96097, and for acquisition by JAMES P. NIELSEN, also of 1272 Gossage, Petaluma, CA 94952, of control of such rights through the purchase. Applicants' attorney: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-52389 Sub 5, covering the transportation of property, as a common carrier, in interstate commerce within the State of California. Vendee is authorized to operate as a common carrier in California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11749. Authority sought for purchase by ALLEGHENY FREIGHT LINES, INCORPORATED, Post Office Box 601; 2929 Valley Avenue, Winchester, VA 22601, of the operating rights of MURL E. TWIGG, doing business as TWIGG TRANSFER & GENERAL HAULING, Post Office Box 1147, Clarksburg, W. Va. 26301, and for acquisition by J. M. GROVE, IVA S. GROVE, F. E. SIRBAUGH, MATTIE C. SIRBAUGH, J. E. McABOY, all of 2929 Valley Avenue, Winchester, VA 22601, of control of such

rights through the purchase. Applicants' attorney: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Operating rights sought to be purchased: General commodities, except those of unusual value, and except dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier, over irregular routes, between Clarksburg, W. Va., on the one hand, and, on the other, points and places in West Virginia within 160 miles of Clarksburg. Vendee is authorized to operate as a common carrier in Virginia, Pennsylvania, Maryland, and District of Columbia. Application has not been filed for temporary authority under section 210a(b).

[Finance Docket No. 27245]

CHICAGO AND EASTERN ILLINOIS  
RAILROAD CO.

NOTICE

Chicago & Eastern Illinois Railroad Co. hereby gives notice that on the 13th day of November 1972, it filed with the Interstate Commerce Commission at Washington, D.C. under section 5(2) of the Interstate Commerce Act and any other pertinent section, an application for a certificate of public convenience and necessity permitting:

(A) Its acquisition of trackage rights to operate over a portion of line of railroad of the Cleveland, Cincinnati, Chicago & St. Louis Railway Co. (operated by the Penn Central Transportation Co.), approximately 6.2 miles in length between Westville, Vermillion County, Ill., and Wyton, Vermillion County, Ill.; and

(B) Its acquisition of trackage rights to operate over a portion of line of railroad of Peoria & Eastern Railway Co. (operated by the Penn Central Transportation Co.), approximately 3.9 miles in length between Wyton and (Cory) Danville, Vermillion County, Ill.

Applicant is Chicago & Eastern Illinois Railroad Co., 72 West Adams Street, Chicago, IL 60603. Telephone: (AC 312) 263-6951.

Applicant's attorney is Patrick C. Mulen, vice president and general counsel, Chicago & Eastern Illinois Railroad Co., 72 West Adams Street, Chicago, IL 60603. Telephone: (AC 312) 263-6951.

The nature of the proposed transaction is the acquisition of trackage rights over a segment of line of the Penn Central from an existing intersection of applicant's track with the track of the Penn Central at Westville, Ill., a distance of 6.2 miles, to the point designated by Penn Central as Wyton, at which point Penn Central track makes a connection with the track of the Peoria & Eastern, thence a distance of 3.9 miles, to a connection with a yard track of Louisville & Nashville Railroad Co. in Danville, Ill.

The trackage rights are sought to provide applicant with a superior route between Westville and Danville, Ill., in lieu of an inferior line between the same points, for which abandonment authority has been sought. Applicant would operate as a common carrier by railroad over

the trackage rights, continuing essentially its existing transportation service to the public.

In the opinion of the applicant, the proposed transaction is not a major Federal action significantly affecting the quality of the human environment.

The proceeding assigned Finance Docket No. 27245 will be handled without public hearing unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Interstate Commerce Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21841 Filed 12-19-72; 8:51 am]

NOTICE OF FILING OF MOTOR  
CARRIER INTRASTATE APPLICATIONS

DECEMBER 15, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-828 (Sub-3), filed November 9, 1972. Applicant: TARHEEL EXPRESS, INC., Post Office Box 1177, Hickory, NC 28601. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601. Certificate of public convenience and necessity sought to operate a freight service as follows: By amending the first paragraph of Certificate C-578, Exhibit B, to read as follows, the italicized counties being additional counties: Transportation of general commodities, except those requiring special equipment, over irregular routes, between points and places in the counties of Cabarrus, Alamance, Cherokee, Cumberland, Davie, Davidson, Forsyth, Gaston, Durham, Cleveland, Halifax, Iredell, Jackson, Johnston, Lee, Mecklenburg, Montgomery, McDowell, Randolph, Rockingham, Richmond, Rowan, Surry, Stanly, Anson, Caldwell, Edgecombe, Catawba, Guilford, Haywood, New Hanover, Henderson,



Wilkes, Union, Vance, Wake, Buncombe, Burke, Alexander, Harnett, Lincoln, Scotland, Robeson, Hoke, Moore, Wayne, Columbus, Wilson, Pasquotank, Rutherford, Polk, Yadkin, Stokes, Orange, and Chatham; and by amending the second paragraph of Certificate C-578, Exhibit B, now reading: Transportation of furniture and furniture parts, new, between Iredell County and points and places in North Carolina, to read: Transportation of new furniture, in cartons or containers; parts and items used and dealt in by wholesale and retail furniture merchandisers and suppliers, between Iredell County and all points in North Carolina. Hearing: January 17, 1973, at the North Carolina Utilities Commission, Raleigh, N.C., at 10 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

North Carolina Docket No. T-681 (Sub-No. 37), filed November 17, 1972. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC 28001. Applicant's representative: J. Ruffin Bailey, Bailey, Dixon, Wooten & McDonald, Post Office Box 2246, Raleigh, NC 27602. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of flat glass and glass glazing units from Clinton and Laurinburg, N.C., including the manufacturing plants, warehouses or other storage facilities of Libby-Owens-Ford Co., located in the vicinity of Clinton and Laurinburg, N.C., to all points in North Carolina. Both intrastate and interstate authority sought. Hearing: February 2, 1973, at the North Carolina Utilities Commission, Raleigh, N.C., at 10 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4470 (Sub-No. 10). Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, TN 38583. Applicant's representative: James Clarence Evans, 1800 Third Na-

tional Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, excluding used household goods, commodities in bulk, and class A and B explosives—to amend Certificate of Convenience and Necessity No. 2144-F by deleting the words: "except excluded and restricted against the transportation of property from Warren County on the one hand, and Memphis, Tenn. on the other, and further restricted" and inserting the word "but" so that the Certificate 2144-F shall hereafter read as follows: "general commodities, excluding used household goods, commodities in bulk, and class A and B explosives, between Nashville and Memphis, Tenn., via Interstate Highway 40, and between all points served by Potter, on the one hand, and Memphis on the other hand, to be used with all of Potter's existing authority, but restricted against any service between Chattanooga and Memphis, Tenn." NOTE: The effect of this amendment will be to authorize service from otherwise authorized service points in Warren County to Memphis; such points will include McMinnville and such service will include from McMinnville to Memphis. Both interstate and intrastate authority sought. HEARING: January 23, 1973, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4777 (Sub-No. 1), filed October 9, 1972. Applicant: AVERITT EXPRESS, INC., Post Office Box 273, Livingston, TN 38570. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, except classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment, between Knoxville, Tenn., and Livingston, Tenn.; from Knoxville over Interstate Highway 40 to its junction with Tennessee Highway 42, thence over Tennessee Highway 42 to Livingston, and return over the same

route, serving all intermediate points in Overton and Putnam Counties, Tenn., and serving all other points in Overton and Putnam Counties, Tenn., and all points in Fentress and Pickett Counties, Tenn. as off route points. Applicant proposes to utilize the authority sought herein in conjunction with all of its existing authority, except its existing authority to serve points in Jackson County, Tenn. Applicant seeks coextensive interstate authority. Both intrastate and interstate authority sought.

Hearing: January 22, 1973, at the Rice Motor Inn, Cockeville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

Louisiana Docket No. T-12234, filed November 8, 1972. Applicant: MORTON JOHN KAVANAUGH, JR., doing business as KAVANAUGH MOTOR FREIGHT, West California Avenue, Ruston, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, from Pineville, La., along Louisiana Highway 1, to Shreveport, La., serving no intermediate points. From Homer, La., along Highway 2, to junction of Highway 159 to junction of Highway 157 to Springhill, La., serving no intermediate points and restricted against traffic moving between Homer and Springfield, La. From Shreveport, La., along U.S. Highway 80 to junction of Louisiana Highway 7, serving all intermediate points; thence along Highway 7 to Springhill, La., serving no intermediate points. Both intrastate and interstate authority sought.

Hearing: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Louisiana Public Service Commission, Post Office Box 44035, Capitol Station, Baton Rouge, LA 70804, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-21838 Filed 12-19-72; 8:51 am]



## CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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WEDNESDAY, DECEMBER 20, 1972  
WASHINGTON, D.C.

Volume 37 ■ Number 245

PART II



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## PRICE COMMISSION

■

### RECLASSIFIED PRICE CATEGORY II LUMBER FIRMS

#### List of Firms



# PRICE COMMISSION

## RECLASSIFIED PRICE CATEGORY II LUMBER FIRMS

### List of Firms

This notice contains a list of the names and addresses of those firms the Price Commission has identified as of December 6, 1972, as reclassified price category II firms, in accordance with § 101.13(a) (4) of the regulations of the Cost of Living Council (6 CFR 101.13(4)). Subparagraph (4) was added to § 101.13(a), effective October 3, 1972 (37 F.R. 20949).

Price Commission Order No. 11 (37 F.R. 21019) issued at the same time the Cost of Living Council amended § 101.13 (a): *Provided*, That each firm (other than a firm described in § 101.11) with \$5 million or more in annual sales or revenues from or by the sale or brokerage of lumber, plywood, veneer, millwork, and structural wood members and associated wood products such as hardboard and particleboard, not previously classified as a category II firm was reclassified from a category III to category II reporting firm and would be referred to as a "reclassified firm."

Although the primary business of a firm may not be directly related to the sale or brokerage of lumber or other wood products, it is nonetheless classified as a category II firm if the fraction of its annual sales or revenues attributable to commercial transactions in lumber or wood products is \$5 million or more. For example, a ready-mix concrete company with annual sales of \$35 million, which has annual sales or revenues of \$6 million in the sale of wood trusses, would be a reclassified firm, since its portion of sales attributable to transactions in pertinent products exceeds \$5 million. However, a firm engaged primarily in building roads for timber access, with annual revenues of \$6 million, would not be a reclassified firm, since its revenues are acquired through provision of ancillary services, not the commercial exchange of lumber or wood products.

The list has been prepared on the basis of currently available financial information regarding sales or revenues of firms heretofore classified as price category III firms. In some cases this information is limited in detail regarding specific dollar amounts of sales or revenues attributable to commercial transactions in particular kinds of product categories. The list will be updated periodically by the Commission and published in the FEDERAL REGISTER for the information of all interested persons.

Any firm listed herein as a reclassified price category II firm that believes that it should not be listed, or that its address or name is incorrect, should notify the Chief, Division 50, Office of Program Operations, Price Commission, 2000 M Street NW., Washington, DC 20508, in writing, so that the matter may be corrected. To support a request for change in price category, a firm should submit a copy of

an audited financial statement, stating the specific amount of sales or revenues attributable to transactions in products named in Commission Order No. 11, for its most recently completed fiscal year. If the firm does not customarily have an audited financial statement available, it should submit a certificate to that effect together with such supporting documents as will show the specific amount of sales or revenues attributable to transactions in products named in Commission Order No. 11 for its most recently completed fiscal year. Any firm that can show the

Commission by December 30, 1972, that it does not belong on the list will be removed from it. The burden of making the showing is on the firm. The mere filing of such a request does not relieve a firm of the reporting requirements for reclassified lumber firms set forth in Price Commission Order No. 11A (37 F.R. 23386).

Issued in Washington, D.C., on December 14, 1972.

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

### PRICE CATEGORY II RECLASSIFIED LUMBER FIRMS AS OF DEC. 6, 1972

Name	Street address	City	State	Zip
A. R. Lumber Sales	100 River Ave.	Eugene	Oregon	97402
A. C. Houston Lumber Co.	125 North Market	Wichita	Kansas	67202
A. Jayem Lumber Corp.	34 Gear Ave.	Lindenhurst	New York	11757
Addington-Beaman Lumber Co., Inc.	Waco St. and Naval Base Rd.	Norfolk	Virginia	23505
Addison-Rudsal, Inc.	1425 Ellsworth Ind. Dr. NW	Atlanta	Georgia	30318
Aetna Plywood & Veneer Co.	1731 Elston Ave.	Chicago	Illinois	60622
Agnew S. J.	903 B St.	Centralla	Washington	98531
Albuquerque Lumber Co.	3825 Edith NE	Albuquerque	New Mexico	87107
Alexander Lumber Co.	515 Redwood Drive	Aurora	Illinois	60507
Alexander Warehouse & Sales Co.	do	do	do	60507
All American Plywood Co.	Fall Creek Road	Springfield	Oregon	97477
Allen Logging & Veneer Co.	Hoh River Highway 101	Forks	Washington	98331
Allen Millwork Manufacturing Corp.	6505 St. Vincent Ave	Shreveport	Louisiana	71106
Allied Building Stores, Inc.	615 North 5th St.	Monroe	do	71201
Alpine Veneers, Inc.	1507 Southeast 122nd Ave.	Portland	Oregon	97216
Alray Supply, Inc.	2627 South Andrews Ave.	Fort Lauderdale	Florida	33316
American Creosote Works, Inc.	8200 Hampson St.	New Orleans	Louisiana	70118
American Forest Products, Inc.	4820 West 77th St.	Minneapolis	Minnesota	55435
American International Hardwood	320 Park Ave.	New York	New York	10022
American Lumber Co.	815 Superior Ave.	Cleveland	Ohio	44114
American Lumber Co., Inc.	25-45 Borden Ave.	Long Island	New York	11101
Amsden Lumber Co., Inc.	307 Maple	Wichita	Kansas	67213
Anderson & Middleton Lumber	State & Broadway	Aberdeen	Washington	98520
Anderson Lumber Co.	1115 1st Security Bank	Ogden	Utah	84402
Anderson Tully Co.	1242 North 2d St.	Memphis	Tennessee	38101
Andrews Lumber Co.	320 Southwest Stark	Portland	Oregon	97204
Annett Wood Products, Inc.	1-97 3d Ave. SW	Vernon	Alabama	35592
Anson Gilkey Co., Inc.	South Sales St.	Merrill	Wisconsin	54452
Anthony Forest Products Co.	309 North Washington	El Dorado	Arkansas	71730
Arca Plywood Corp.	Samor Rd. K St.	Arcata	California	95521
Arkansas Face Veneer Co., Inc.	Route 707, 15 South Border St.	Benton	Arkansas	72015
Arling Lumber Co., Inc.	5255 Delhi Pike	Cincinnati	Ohio	45238
Arundel Corp.	501 St. Paul Place	Baltimore	Maryland	21202
Associated Forest Products, Inc.	State Docks Rd.	Enfauia	Alabama	36027
Astoria Plywood Corp.	409 23d St.	Astoria	Oregon	97103
Atlantic Creosoting Co., Inc.	Sugar Refinery Rd.	Savannah	Georgia	31402
Atlantic Veneer Corp.	N/8 Lennoxville Rd.	Beaufort	North Carolina	28516
Augusta Wood Preserving Co.	115 Gwinnett St. Extension	Augusta	Georgia	30900
Ave Corp.	123 South Broad St.	Philadelphia	Pennsylvania	19109
Avison Lumber Co.	5th Lola Ave.	Mollala	Oregon	97088
Babeock Lumber Co.	2226 Palmer St.	Pittsburgh	Pennsylvania	15218
Baillie Lumber Co., Inc.	12 Main St.	Hamburg	New York	14075
Balsley Lumber Corp.	193 Horton Ave.	Lynbrook	do	11563
Balfour-Guthrie Forest Product	520 Northwest 23d Ave.	Portland	Oregon	97210
Ballmill Lumber Sales Corp.	128 Marsh St.	Port Newark	New Jersey	07114
Banks Lumber Co., Inc.	225 South Six Span Bridge	Elkhart	Indiana	46514
Barker-Lubin Co.	1900 East Carpenter	Springfield	Illinois	62708
Barnes Norman & Co., Inc.	801 2d Ave.	Seattle	Washington	98104
Barton E. C. & Co.	202 Huntington Ave.	Jonesboro	Arkansas	72401
Bass & Co Inc.	1102 South Virginia St.	Hopkinsville	Kentucky	42240
Bauman Lumber Co.	Post Office Box 188	Lepanion	Oregon	97355
Baxter, J. H., & Co.	1700 South El Camino Real	San Mateo	California	94403
Beacon Investment Co.	1890 U 166th St.	Gardena	do	90247
Beard Hardwood Lumber, Inc.	108 State St.	Greensboro	North Carolina	27420
Bearden Lumber Co., Inc.	Highway 79, edge of town	Bearden	Arkansas	71720
Bell Lumber & Supply Co.	1001 West 11th St.	Chicago	Illinois	60643
Bellwood Millwork Co., Inc.	533 West Collins Ave.	Orange	California	92669
Belman Lumber Corp.	4223 East 49th St.	Cleveland	Ohio	44125
Bemis Manufacturing Co.	300 Mill St.	Sheboygan Falls	Wisconsin	53085
Bend Millwork Co.	0	Bend	Oregon	97701
Bennett Lumber Products, Inc.	2 miles east on Highway 95A	Princeton	Idaho	83857
Bernard Lumber Co., Inc.	433 Euphrasine	New Orleans	Louisiana	70125
Berwyn Lumber Co.	2947 South Oak Park Ave.	Berwyn	Illinois	60402
Biles-Coleman Lumber Co.	729 South Jackson St.	Omak	Washington	98841
Bingen Plywood Co.	Port docks	Bingen	do	98605
Bison Building Materials	9039 Katy Freeway	Houston	Texas	77024
Black Diamond Co.	7701 17th Ave.	Sacramento	California	95820
Bloch Lumber Co.	400 South Madison St.	Chicago	Illinois	60606
Block Wholesale Lumber Co.	13777 North Central East Way #11	Dallas	Texas	75231
Bloedorn Lumber Co.	60 East Floyd Ave.	Englewood	Colorado	80110
Blount Lumber Co.	Demott St.	Lacoma	New York	13063
Bodding Lumber Co.	625 West Vermijo St.	Colorado Springs	Colorado	80901
Boehm-Madison Lumber Co.	161 West Wisconsin Ave.	Milwaukee	Wisconsin	53203
Bohemia Lumber Co., Inc.	2280 Oakmont Way	Eugene	Oregon	97401
Bohrer Bros., Inc.	1705 Chase St.	Falls City	Nebraska	68355
Booker & Co., Inc.	Morgan and Bell Sts.	Tampa	Florida	33601
Bowles Lumber and Supply Co.	Route 1	Dunnellon	do	32630
Bradley Plywood Corp.	West Lathrop Ave.	Savannah	Georgia	31402
Brady International Lumber, Inc.	1910 Fairview East	Seattle	Washington	98102
Brand-S Corp.	Airport Rd.	Corvallis	Oregon	97330
Braun-Cross Lumber Co.	15285 Hesperian Blvd	San Leandro	California	94577



Name	Street address	City	State	Zip
Braver Lumber and Supply Co.	5300 East Nevada.	Detroit	Michigan	48234
Bravay Bros. & Finley Co.	600 Executive Bldg.	Omaha	Nebraska	68102
Brewer Lumber Co.	9618 Gravelly Lake	Tacoma	Washington	98439
Brewing L. L. Lumber Co., Inc.	Highway 84 West	Winfield	Louisiana	71483
Bridge Manufacturing Co.	Randolph St.	Enfield	Connecticut	06082
Bridgton Distributing Co., Inc.	30 Shipyard St.	Providence	Rhode Island	02905
Broadview Lumber Co., Inc.	221 West 4th St.	Carthage	Missouri	64836
Brockway-Smith Co.	140 Dussomb Rd.	Brookings	South Dakota	57001
Brookings Plywood Corp.	705 Chetco	Brookings	South Dakota	57001
Brookings Lumber Co.	121 South 10th St.	Minneapolis	Minnesota	55415
Broughton Lumber Co.	Highway 14	Underwood	Minnesota	55083
Brown J. G. Foundation, Inc.	211 Commerce Bldg.	Louisville	Kentucky	40202
Brown Lumber Co.	101 17th St.	Denver	Colorado	80202
Brown Timber Sales Co.	101 East Miller Ave.	Albany	California	95741
Brown-Trites Co.	Bay Street and Union Hill	Grass Valley	California	95945
Bryant Woodworking Co.	101 W. 8th St.	Georgetown	Washington	98501
Buller, Marks & Amman, Inc.	Main St., Lincoln Ave.	Georgetown	Washington	98501
Builders Supply Co., Inc.	4089 South 72d St.	Omaha	Nebraska	68127
Building Industries, Inc.	600 42d Ave. North	Nashville	Tennessee	37203
Building Material Distributors	1000 East Channel Rd.	Stockton	California	95201
Building Material Supply Co., Inc.	3386 Lawrenceville Hwy.	Tucker	Georgia	30084
Burkland Lumber Co.	3rd and Chicago Sts	Turner	Oregon	97382
Burns Lumber Co.	16355 Ventura Blvd.	Encino	California	91316
Buse Timber Sales, Inc.	3812-28 Place NE	Mayville	Washington	98270
C. & C. Plywood Corp.	Sunset Drive	Kalispell	Montana	59901
C. D. I. Homes Inc.	324 South Broadway	Riddle	Oregon	97469
Cabax Mills, Barker Williamet.	118 Highway 99 North	Edmond	Oklahoma	73034
Cable Land Co., Inc.	Highway #67	Eugene	Oregon	97401
Calfall Bros. Forest Products	5405 North Lagoon	Gordon	Arkansas	72727
Cal. Sugar, Western Pine Agency	100 South Ellsworth	Portland	Oregon	97213
Calasien Lumber Co.	110 Southeast Taylor St.	San Mateo	California	94401
Calasien Cedar Products Co.	701 West Fifth St.	Portland	Oregon	97214
Calpine Containers	1341 West Washington St.	Austin	Texas	78767
Canton Lumber Sales Co.	1875 Olympic Blvd.	Stockton	California	95201
Canton Redwood Yard, Inc.	221 West 78th St.	Walnut Creek	California	94596
Capitol Plywood, Inc.	do	do	do	55420
Carey Lumber Corp.	160 Commercial Cr.	Sacramento	California	95818
Cariboo-Pacific Corp.	19 Northwest 16th St.	Oklahoma	California	95818
Carroll Lumber Corp.	9612 Gravelly Lake Dr. South	Oklahoma	Oklahoma	73101
Carroll Builders Corp.	4223 East 49th St.	Tacoma	Washington	98409
Carroll Builders Corp.	300 Yonkers Rd.	Cleveland	Ohio	44125
Carroll-Waters Lumber Co.	601 Tallmadge Rd.	Kent	Ohio	44240
Carter-Waters Corp.	2440 West Penway	Kansas City	Missouri	64108
Cascade Wood Products, Inc.	14th and H Sts.	White City	Oregon	97301
Cashway Building Materials Co.	1225 Airways Blvd.	El Paso	Texas	79925
Castle Concrete Co.	Garden of the Gods Rd.	Colorado Springs	Colorado	80901
Causeway Lumber Co., Inc., Association.	2627 South Ardmore Ave.	Fort Lauderdale	Florida	33316
Central Builders Supplies Co.	221 South 4th St.	Burr Oak	Michigan	49030
Chandler Co.	7817 Van Nuys Blvd.	Van Nuys	California	90000
Chandler Supply Co.	1301 North Orchard	Boise	Idaho	83701
Chapman Lumber Co.	813 Southwest Alder	Portland	Oregon	97205
Chatham Service Bureau, Inc.	W. Lathrop Ave.	Savannah	Georgia	31402
Cheney Lumber Co.	2424 Cheney Rd. East	Tacoma	Washington	98401
Chesapeake Industries, Inc.	818 Roeder Rd.	Silver Spring	Maryland	20910
Chicago Lumber Co. of Omaha	1324 Pierce St.	Omaha	Nebraska	68103
Chicago Mill and Lumber	215 Percy St.	Greenville	Mississippi	38701
Chupac Corp.	2501 North General Bruce Dr.	Tempe	Texas	76701
Church and Church, Inc.	7669 Auburn Road	Utica	Michigan	48087
Church Lumber Yard	do	do	do	48087
City Lumber Co. of Bridgeport	75 3rd St.	Bridgeport	Connecticut	06604
Claster, M. L. & Sons, Inc.	367 Phoenix Ave.	Bellevue	Pennsylvania	16009
Cleveland Builders Supply Co.	2100 West 3rd St.	Cleveland	Ohio	44113
Cost Lumber Co.	20th Street Extended	Waldon	North Carolina	28789
Cobb, R. M. Co.	2800 Centre Ave.	Los Angeles	California	90011
Coler Bros., Inc.	200 Main St.	Truckee	Georgia	30084
Colin Millwork Co.	McKay Rd.	Princetonville	Oregon	97134
Collins Plywood Co.	1924 Southwest Morrison St.	Portland	Oregon	97205
Collins Lumber and Manufacturing Co.	500 Hampton St.	Columbia	South Carolina	29201
Commander Plywood Corp.	2300 Southwest First Ave.	Portland	Oregon	97201
Commanider Industries Inc.	Olive Rd., Rawson Ave.	Red Bluff	California	96080
Cone Lumber Co.	do	Gresham	Oregon	97030
Conkling, Frank A. Co.	8-16 South Main St.	Memphis	Tennessee	38103
Connor Forest Industries	Highway 32	Loma	Wisconsin	54641
Consolidated Lumber Corp.	90 Oak St.	Clifton	New Jersey	07014
Contact Lumber Co.	430 Southwest Morrison	Portland	Oregon	97204
Continental Forest Products	501 First St.	Lake Oswego	do	97034
Coos Head Timber Co.	Olive Barber Rd.	Coos Bay	do	97420
Copeland, J. W. Yards	119 Southeast Main St.	Oreos	do	97214
Cox & Hanlon, Inc.	Route 228	Oreos	New York	14869
Cox Lumber Supply Co.	1275 28th St. South	St. Petersburg	Florida	33712
Cox Wood Preserving Co.	Cannon Bridge Rd.	Orangeburg	South Carolina	29115
Crissey Fowler Lumber Co.	177 West Vermijo Ave.	Colorado Springs	Colorado	80903
Crosby Lumber Co. of Jackson	400 Woodrow Wilson	Jackson	Mississippi	39216
Currier Lumber Co.	7500 East Davidson Ave.	Lakeview	Michigan	48212
Dane Lumber Moulding Co.	Klamath Falls Hwy.	Kansas City	Missouri	64124
Daniel-McCray Lumber Co.	5201 East 9th St.	Orlando	Florida	32808
Danning Lumber Supply Co., Inc.	3018 West Beaver St.	Jacksonville	do	32205
Danziger Lumber Export Co.	850 West Beaver St.	Darlington	South Carolina	29532
Davenport Peters Co.	172 Milk St., 7th Floor	Boston	Massachusetts	02109
Davison Industries Inc.	Highway 36	Indianapolis	Indiana	46217
Davison Plywood Lumber Co.	223 East Del Amo Blvd	Appleton	Oregon	97453
Davison Sash and Gravel Co.	3d Ave. and 4th St.	Compton	California	92526
Davison Sash and Gravel Co.	301 J. and 4th St.	New Kensington	Pennsylvania	15065
Davison-Walsh Lumber Co.	10201 Southwest 77th Ave	Lake Charles	Louisiana	70601
Davison-Howard A. Lumber Co.	11435 Schaefer Hwy.	Metairie	Louisiana	70001
Del-cork Lumber Co., Inc.	104 South Hutchinson Ave	Adel	Georgia	31620
Delta Industries Inc.	1821 West Bay Drive	Olympia	Washington	98507
Della Reserve Supply Co.	103 West Woodrow Wilson Ave.	Jackson	Mississippi	39205
Denver Wood Products Co.	555 West 48th Ave	Denver	Colorado	80216
Dependable Lumber Supply Co.	1376 6th St.	do	do	80223
Derr Flooring Co.	2059 West Glenwood Ave	Philadelphia	Pennsylvania	19132
Devlin Lumber and Supply Corp.	1540 Rockville Pike	Rockville	Maryland	20850
Diamond Lumber Co.	Tillamook Naval Station	Tillamook	Oregon	97141
Dichter Lumber Sales, Inc.	242 South Robertson Blvd	Beverly Hills	California	90211
Dier Lumber Products, Inc.	1756 South 6th West	Salt Lake City	Utah	84117
Diel Lumber Co., Inc.	5660 Freeport Blvd	Sacramento	California	95822
Direct Lumber, Inc.	213 South 4th St.	Burr Oak	Michigan	49030
Dixie Plywood Co.	Lathrop Ave. West, Post Office box.	Savannah	Georgia	31402
Dixieland Lumber Co.	3250 Sports Arena Blvd	San Diego	California	92110
Dobbs Brothers Lumber Co.	1824 28th Ave., South	Birmingham	Alabama	35209
Dollar Robert Co.	311 California St.	San Francisco	California	94104
Dorris Lumber Moulding Co.	2900 Redding Ave.	Sacramento	do	95812
Douglas County Lumber Co.	Winchester St.	Roseburg	Oregon	97470
Douglas Forest Materials Corp.	612 Southwest Idaho	Portland	do	97201
Drain Plywood Co.	Hayhurst Rd.	Drain	do	97435
Dunnellon Hardware Lumber Co.	Route 1	Ocala	Florida	32630
Dutton A. C. Lumber Corp.	Off 12 Raymond Ave	Poughkeepsie	New York	12603
Dutton Pacific Forest Products	610 Southwest Alder	Portland	Oregon	97205
Duval Lumber Supply Co.	2926 West Beaver St.	Jacksonville	Florida	32205
DWS Sales Co.	49750 Martin Dr.	Wixom	Michigan	48166
Dyke Associates, Inc.	309 Center St.	Little Rock	Arkansas	72201
Eastern Lumber and Building Supplies	1203 West St. George Ave.	Linden	New Jersey	07036
Eel River Sawmills, Inc.	Hwy. 101	Fortuna	California	95540
Eggers Plywood Co.	1819 East River St.	Two Rivers	Wisconsin	54241
Elder International, Inc.	4800 Race St.	Denver	Colorado	80216
Ellington Lumber Co.	3275 Baker St.	Baker	Oregon	97514
Embler Door Co., Inc.	U.S. Hwy. 278	Vernville	South Carolina	29524
Emmer Brothers Co.	6800 France Ave., South	Minneapolis	Minnesota	55435
Empire Lumber Co.	271 Franklin St.	Graunville	Michigan	49418
Empire Wholesale Lumber Co.	Corner Miami and Gault Sts	Akron	Ohio	44310
Enap, Inc.	301 Broadway	Newburgh	New York	12550
Erie Insurance Exchange	375 South Eton	Birmingham	Michigan	48012
Escambia Treating Co.	44 East 6th St.	Erie	Pennsylvania	16507
Everett Plywood Corp.	3910 West Palook St.	Kenosha	Wisconsin	53102
Everitt Lumber Co., Inc.	1201 North Chicago	Everett	Washington	98201
Exeter Lumber Sales Co.	Industrial Way	Fort Collins	Colorado	98521
F. Rowley Smith & Son, Inc.	4500 East Lombard St.	Baltimore	do	98252
Fat West Fir Sales Co.	18300 Gohard St.	Huntington	Maryland	21224
Feldman Wood Products Co., Inc.	1 Herriicks Rd.	Bacon	California	92947
Ferro Union Corp.	733 Third Ave	Garden City	New York	11040
Fingerle Lumber Co.	617-715 South 5th Ave.	New York	do	10017
		Ann Arbor	Michigan	48106



Name	Street address	City	State	Zip	Name	Street address	City	State	Zip
Flr-Ply, Inc.	7975 11th St.	White City	Oregon	97501	Hogsett Lumber Co.	2900 28th St.	Boulder	Colorado	80302
Florida Lime & Cement Co.	3347 Pearson Ave.	Memphis	Tennessee	38118	Hoh River Cedar Products	Hwy. 101	Beaver	Washington	98305
Forest Products Corp.	1616 Northwest 14th St.	Ocala	Florida	32670	Holbrook Lumber Co.	Railroad Ave.	Albany	New York	12205
Forest Products Corp.	Port Everglades	Port Lauderdale	do	33302	Holly Hill Lumber Co., Inc.	South Carolina Highway 45	Holly Hill	South Carolina	29059
Forest Products Sales Co.	110 South Jackson St.	Statesville	North Carolina	28677	Holmes, Fred, Lumber Co., Inc.	301 West Elm Ave.	Fort Bragg	California	95437
Forest Products Sales Co.	Post Office Box #746	Corvallis	Oregon	97330	Holston Builders Supply	645 East Main St.	Kingsport	Tennessee	37660
Forest Lumber Co., Oregon	Mixon Court	Augusta	Georgia	30904	Home Mart Building Centers, Inc.	Dixie St.	Carrollton	Georgia	30117
Foretrogen Lumber Co., Oregon	1307 West Main St.	Medford	Oregon	97501	Home Supply Co., Inc.	3720 South 7th Street Rd.	New Albany	Kentucky	40216
Forester Manufacturing Co., Inc.	79 Depot St.	Wilton	Maine	04284	Hooster Panel Co., Inc.	Silver and Monon Sts.	Houston	Texas	47180
Fort Hill Lumber Co.	2041 Southwest 58th Ave.	Portland	Oregon	97221	Hubbard Johnson Lumber Co.	3000 Brittmore Rd.	Redwood City	California	94064
Fort McHenry Plywood Co., Inc.	1901 East Fort Ave.	Baltimore	Maryland	21230	Hudspeth Pine, Inc.	775 Harbor Blvd.	Prineville	Oregon	97754
Foster Lumber Co.	Foot of West 13th St.	Vancouver	Washington	98660	Hughes Bros., Inc.	210 North 13th St.	Prineville	Oregon	97754
Fox W. S. and Sons, Inc.	235 Canyon Blvd.	Boulder	Colorado	98302	Hunt Lumber Co., Inc.	466 South Mingo	Tulsa	Oklahoma	74145
Foxworth-Gabraith Lumber Co.	205 West 6th	Pine Bluff	Texas	71601	Hunt Lumber Co., Inc.	217 West Carolina	Baton Rouge	Louisiana	70809
Frank Lumber Co., Inc.	210 Mercantile Cont Bldg.	Dallas	Oregon	97301	Husky Lumber Co., Inc.	807 1/2 4th Ave. NE	Ballwin	Washington	72170
Fremont Forest Products	Old Mill City Hwy.	Mill City	California	94008	Intellig Lumber and Door Co.	Highway 10 West	St. Louis	Missouri	63114
Fresno Lumber Co., Inc.	12107 East Philadelphia	Whittier	Oregon	97388	Illinois Forest Industries, Inc.	Highway 10 West	Chicago	Illinois	60608
Fresno Veneer Co.	Right off 14th St.	Lyons	do	97388	Imperial Components, Inc.	300 North Tyler Rd.	Saint Charles	Illinois	60108
Fruit Growers Supply Co.	14330 Riverside Dr.	Van Nuys	California	91406	Independent Lumber Co., The	555 17th St.	Denver	Colorado	80202
Fulton Lumber Co.	1200 Roanoke Bldg.	Minneapolis	Minnesota	55402	Industrial Lumber Co.	1763 London Rd.	Cleveland	Ohio	44112
Furman Lumber Inc.	108 Massachusetts Ave., 7th	Boston	Massachusetts	02115	Inland Lumber Co.	Hwy. 41, 49	Colton	California	92324
Futter & Co. Lumber Corp.	15 Melden Lane	New York	New York	10038	Industrial Industries Corp.	1840 North Clybourn Ave.	Chicago	Illinois	60614
Gabbert Lumber Sales, Inc.	7050 San Joaquin St.	Sacramento	California	95820	Intermountain Co.	Bitterroot and Milwaukee Tr.	Missoula	Montana	59801
Gabbert Lumber Sales, Inc.	1810 Commerce St.	Tacoma	Washington	75201	International Forest Products	223 West 7th South	Salt Lake City	Utah	84110
Gabbert Lumber Sales, Inc.	Puget Sound Bank Bldg.	Tacoma	Washington	98401	Iowa Lumber & Supply Corp.	4350 East Camelback	Phoenix	Arizona	85018
Gabbert Lumber Sales, Inc.	1200 Providence Hwy.	Norwood	Massachusetts	02062	Iron City Sash and Door Co.	Highway 65 S	Iowa Falls	Iowa	50126
General Builders Supply Co.	367 Ellington Rd.	East Hartford	Connecticut	06000	Iroquois Door Co., Inc.	631 Iron City Dr.	Pittsburgh	Pennsylvania	15203
General Plywood Corp.	3345 Lenox Rd. NE, Suite 842	Atlanta	Georgia	30326	Iroquois Millwork Co.	22 Mill St.	Albany	New York	12204
Genesee Reserve Supply, Inc.	200 Jefferson Rd.	Rochester	New York	14623	Island Woods International	900 Wilshire Blvd.	Los Angeles	California	90017
German Lumber Corp.	4140 Brownsville Rd.	Pittsburgh	Pennsylvania	15227	Jasper Wood Products Co., Inc.	13th and Leupold	Jasper	Indiana	47546
Gerrity Co., Inc.	77 Franklin St.	Boston	Massachusetts	02110	Jeld-Wer, Inc.	3303 Lakeport Blvd.	Klamath Falls	Oregon	97601
Gilchrist Lumber Co.	Highway 97	Gilchrist	Oregon	97337	Jenken Wholesale Supply Co.	Vance and Maple Sts	North Wilkesboro	North Carolina	28669
Gilchrist Lumber Co., Inc.	4501 Wyunkoop St.	Denver	Colorado	80216	Jersey Millwork Co.	38 Blanchard St.	Newark	New Jersey	07105
Gustina Bros. Lumber and Plywood	West 2d Ave. and Garfield	Eugene	Oregon	97401	Joanna P. Olson	1127 West Arcadia St.	Pittsburgh	Pennsylvania	15222
Glen Rock Lumber Supply Co.	Route 70, Cedarbridge Ave.	Bricktown	New Jersey	08723	Jones & Brown, Inc.	16th and Liberty Aves	Brooklyn	Massachusetts	02402
Globe International	9059 Venice Blvd.	Los Angeles	California	90034	Jones & Brown, Inc.	118 Sawtelle Ave.	Brooklyn	Massachusetts	02402
Gold-Rite Forest Products	4105 Southwest Cedar Hills Blvd.	Beaverton	Oregon	97004	Jones & Brown, Inc.	1301 Kimberly Rd.	North Tonawanda	New York	14120
Golden State Building Products	4616 El Camino Ave.	Sacramento	California	95821	Joyce, R. T., Lumber Co., Inc.	35 Island St.	Chicago	Illinois	60602
Golden State Forest Products	4000 North State St.	Ukiah	do	95482	Joyce, William T., Co.	IN LaSalle St.	Denver	Colorado	80202
Goldenberg Plywood Lumber Co.	824 East 24th St.	Los Angeles	do	90011	K-V Lumber Sales	701 South Logan St. 105	Phoenix	Arizona	85004
Goodrich Forest Products, Inc.	5319 Southwest Westgate Dr.	Portland	Oregon	97221	Kalab Industries	3802 South 27th St.	St. Peters	Missouri	63376
Grand Rapids Sash and Door Co.	5758 Vinton, NW	Idanha	Michigan	49321	Kaplan Lumber Co., Inc.	1-70 North Sue Rd.	St. Peters	Missouri	63376
Green Veneer Inc.	23155 Groesbeck Hwy.	Warren	Michigan	48090	Keen Distributing Co., Inc.	Oakmont Ave.	Edmonds	Washington	98020
Gross-James Co.	55 Olive	St. Louis	Missouri	63124	Kentucky-Indiana Lumber Co., Inc.	22617 76th St.	Louisville	Kentucky	40208
Gulf Lumber Co., Inc.	1850 Conception St.	Mobile	Alabama	36601	Kentucky Lumber Co.	1540 South 9th St.	Seattle	do	40208
H. J. Scheffrich Co.	250 Ottawa Ave.	Louisville	Kentucky	40221	Ketchum, Henry H., Lumber Co., Inc.	1661 East Olive Way	Seattle	Washington	98102
Hager, T. W., Lumber Co., Inc.	1545 Marquette SW	Grand Rapids	Michigan	49509	Kindt Corp.	do	do	do	do
Haggerty Lumber Supply Co.	2655 Haggerty Hwy.	Walled Lake	Michigan	48090	Kinzua Corp.	do	do	do	do
Hall Lumber Sales	6924 University Ave.	Middleton	Wisconsin	53562	Kirk Patrick Lumber Co.	Seaside County Rd.	Lomira	Wisconsin	53048
Hamer Lumber Co., Inc.	901 12th St.	Kenova	West Virginia	25580	Kitchen Compact, Inc.	140 North 1st	Kinzua	Oregon	97849
Hampton Lumber Sales Co.	1220 Southwest Morrison	Portland	Oregon	97206	Klingbeil Lumber Co., Inc.	KK Plaza	Nashville	Tennessee	37213
Hardman Lumber Co.	404 North First St.	Osborne	Kansas	67236	Klingbeil Lumber Co., Inc.	Highway 64 West	Jeffersonville	Indiana	47130
Hardwoods of Morgantown, Inc.	408 Ottawa St.	Morgantown	North Carolina	28455	Klumb, C. E., Lumber Co., Inc.	313 Hulton Bldg.	Medford	Wisconsin	54451
Harris Brothers Co.	910 Cleveland Ave.	Wausau	Wisconsin	54980	Knap, J. L., Lumber Co.	280 South Pacific	Gulport	Mississippi	39501
Hawaii Lumber Corp.	346 Holcomb St.	Wailuku	New Jersey	07401	Knap, J. L., Lumber Co.	1020 National Bank Bldg.	Medford	Oregon	97501
Hawai Planting Mill, Ltd.	88 Kaneohe Ave.	Hilo	do	96730	Knoeburg Lumber Co.	1900 South Broadway	Lima	Ohio	45802
Haworth Lumber Co., Inc.	385 Kaneohe Ave.	Hilo	New York	10352	Knutz, Peter Co.	120 West 2d St.	Dayton	Ohio	45402
Heap Lumber Co., Inc.	11336 Manchester	St. Louis	Missouri	63122	Knutz, Peter Co.	5500 block of Lacey Blvd.	Lacey	Washington	98501
Hearn Forest Industries, Inc.	4854 Southwest Scholls Ferry Rd.	Portland	Oregon	97255	Laird Norton Co.	125 West Fifth St.	Winona	Minnesota	55987
Hemphill-Onell Lumber Co.	83 National Ave.	Redding	Washington	98352	Lampert Lumber Co.	35 South Spelling Ave.	St. Paul	Minnesota	55105
Heron Mills, Inc.	2375 Garden St.	Redding	California	96001	Lampert Yards, Inc.	do	do	do	do
Hess Gardner Lumber Co., Inc.	2180 Arlington Ave.	Columbus	Ohio	43221	Lane Plywood, Inc.	465 South Bertelson Rd.	Eugene	Oregon	97401
Higgins L. E. Lumber Co., Inc.	69 Bayshore Blvd.	San Francisco	California	94119	Langdale Co., Inc.	N/S Madison Highway	Valdosta	Georgia	31611
Hill-Behan Lumber Co.	6515 Page Blvd.	St. Louis	Missouri	63133	Laville Lumber Co., Inc.	115-31st St., South	Fargo	North Dakota	58102
Hinchelliff Products Co.	2784 Westwood Dr.	Siringsville	Ohio	44136	Layman Lumber Co., Inc.	Highway 12, 4 miles of Naches	Naches	Washington	98837
Hirt & Wood Lumber Co., Inc.	743 Lawrence	Eugene	Oregon	97401	Leading Plywood Corp.	4800 Reservoir Rd.	Corvallis	Oregon	97330
Hobbs Wall Lumber Co., Inc.	48 Paul Drive	San Rafael	California	94903	Lebanon Lumber Co.	do	Lebanon	do	97355
Hodson Houses, Inc.	540 Madison Ave.	New York	New York	10022	Leesburg Building Materials Co.	420 Leonhardt Bldg	Leesburg	Virginia	27448
Hof Lumber Co.	1/4 mile south of town	Horseshoe Bend	Idaho	83629	Leonhardt, H. E., Lumber Co.	James St. and Level Lane	Oklahoma City	Oklahoma	73102
Hoffman-Atchley Cabinets, Inc.	270 Plummer St.	Chatsworth	California	91311	Lewis Palmer G., Co., Inc.	4 South Idaho St.	Lakewood	New Jersey	08701
							Seattle	Washington	98134



## NOTICES

Name	Street address	City	State	Zip	Name	Street address	City	State	Zip
Lifetane Doors, Inc.	12500 Meridian Rd.	Livonia	Michigan	48151	Mr. Lumber, Inc.	89 Teed Dr.	Randolph	Massachusetts	02365
Link, C. J., Handle Co.	11711 East 8 Mile Rd.	Warren	Michigan	48090	Martin Brake Plywood, Inc.	3924 Roeder	Bellingham	Washington	98225
Link, O. P., Handle Co.	South Main St.	Salem	Indiana	47167	Martin Plywood Lumber	8779 Karland, suite 211	Los Alamitos	California	90201
Linton Plywood Association	10504 North west St. Helens Rd.	Portland	Oregon	97203	Multimark Plywood Corp.	2001-23 24th Ave. North	Sanit Helens	Oregon	97061
Linton N. Tibbets	1275 28th St. South	St. Petersburg	Florida	33712	Murphy Co.	620 Southwest Yamhill	Portland	do	97204
Lloyd Plywood Co., Inc.	1318 4th Ave., Room 3301	Seattle	Washington	98101	Murphy Veneer Co.	936 Pacific Bldg.	Melville, Long	do	97204
Long Leaf Forest Products, Inc.	4646 Roanoke Pky.	Kansas City	Missouri	64112	Nassau Suffolk Lumber & Supply	425 Broadway Rd.	Islamd.	New York	11746
Long Leaf Forest Products, Inc.	1505 South East Gideon St.	Portland	Oregon	97202	National Holding Co.	3000 Cantrell Rd.	Little Rock	Arkansas	72203
Longleaf Industries, Inc.	Highway 80 Spur 22	Columbus	Georgia	31907	National Lumber Co.	24505 Grossbeck Hwy.	Warren	Michigan	48090
Lorden Lumber Co., Inc.	Nashua St.	Millford	New Hampshire	03055	National Wood Products	3801 Interstate 86 North	Charlotte	North Carolina	28219
Lumber and Millwork Co. of Philadelphia	3812 Old York Rd.	Philadelphia	Pennsylvania	19140	National Woodworks, Inc.	2201-23 24th Ave. North	Birmingham	Alabama	35207
Lumber Products, Inc.	2116 Northwest 20th Ave.	Portland	Oregon	97209	Nelson Lumber Co.	602 Fidelity Bldg.	Spartanburg	South Carolina	29583
Lumber Specialists Co., Inc.	50451 Huber St.	Grainger	Indiana	46520	Nickerson Lumber Co.	Main St.	Orleans	Massachusetts	02653
Lyle Wood Products, Inc.	951 Canal St.	Tacoma	Washington	98421	Nicola Co.	1812 North Columbia Blvd.	Portland	Oregon	97217
Lyman Lumber Co.	337 Water St.	Excelsior	Minnesota	55331	Niedermeyer-Martin Co.	1772 Northeast 11th Ave.	do	do	11791
Lyman Lumber Industries, Inc.	936 Willis Ave.	Alberton	New York	11507	Noble Lumber Corp.	175 Vericho Turnpike	Syosset	New York	11791
M. and E. Timber	Martine and K Sts	Port Angeles	Washington	98362	Nord E.A. Co., Inc.	4540 West Marginal Way SW.	Seattle	Washington	98126
Main Industries, Inc.	Highway 239	Bieber	California	90009	Nord E.A. Co., Inc.	3d and Norton	Everett	Washington	98201
Manke & Sons, Inc.	1750 Marine View Dr.	Tacoma	Washington	98422	Nordias American Homes Co.	Highway 22	Minnetonka	Minnesota	55068
Marquet-Wolfe Lumber Co., Inc.	510 West Grove Ave.	Orange	California	92665	North American Plywood Corp.	411 West Central St.	Sutherlin	Oregon	97479
Marquette Lumbermans Warehouse, Inc.	1545 Marquette St. Southwest	Grand Rapids	Michigan	49509	North Aunon Reel Co.	733 3d Ave NW	New York	New York	10017
Marquette-Saginaw Warehouse	825 South Outer Dr.	Saginaw	do	38601	North Pacific Plywood, Inc.	1349 Dock St.	Tacoma	Washington	98402
Marshall & Trueman Lumber Co.	382 South Michigan Ave.	Chicago	Illinois	60604	North Pacific Plywood, Inc.	131 Northeast Pine St.	Salem	Oregon	97376
Marvin Lumber Co., Inc.	1228 Fenner St.	Portland	Oregon	97208	North Star Forest Materials	Alsea and Newport Hwys.	Philomath	do	97376
Marvin Lumber & Cedar Co.	Highway 11	Waxahatch	Louisiana	71301	North State Lumber Co.	222 North Concord St.	Radiating	California	90001
Marvin Lumber Co., Inc.	400 Portland Ave.	Cambridge	Massachusetts	02140	North Valley Lumber Sales, Inc.	3375 Garden Ave.	Portland	Oregon	97221
Marvin Lumber Co., Inc.	509 Madison St.	Meriden	Connecticut	06460	North West and Specialty, Inc.	6115 Southwest Canyon Ct.	Hawkins	Wisconsin	54530
Marvin Lumber Co., Inc.	Bevins Bldg.	Meriden	Mississippi	39318	Northern Hardwood Co.	62nd St.	Portland	Oregon	97205
Mayfield Building Supply Co., Inc.	1260 Foster St. NW	Atlanta	Georgia	30318	Northwest Lumber Sales, Inc.	62111 Truett Morrison	Spokane	Washington	99211
Mayfield Logging Co., Inc.	601 East Main	Arlington	Texas	76010	Northwest Lumber Sales, Inc.	4600 Southway Lynn Blvd.	Spokane	Washington	99211
Mayr Bros. Logging Co., Inc.	Rural Route 8	Houma	Louisiana	70105	O'Connor Corp.	4007 Southway Lynn Blvd.	Spokane	Washington	99211
Maywood, Inc.	900 East 2d St.	Amarillo	Texas	79105	O'Connor Industries, Inc.	89 Teed Dr.	Radiating	California	90001
McMazama Timber Products, Inc.	8 Park Dr.	Creswell	Oregon	97436	Oakley Plywood and Door Co., Inc.	375 Tennant Ave.	Morganhill	California	95037
McCormick, Baxter Cresoading	300 North Edgewater St.	Portland	Oregon	97208	Ocala Cheat Co.	1925 Northwest 21st St.	Ocala	Florida	32670
McCoy Lawrence R. & Co., Inc.	332 Main St.	Worcester	Massachusetts	01608	Ocala Lumber Co.	1317 North Magnolia Ave	do	do	32670
McCoy Lumber Industries, Inc.	1014 Homeland Ave.	Greensboro	North Carolina	27402	Olson-Lawyer Lumber, Inc.	7800 Agate Rd.	Medford	Oregon	97501
McCoy Lumber Industries, Inc.	1001 English Rd.	High Point	do	27260	Oregon-Washington Plywood	Highway 101	Garibaldi	do	97118
McCoy Lumber Co., Inc.	Kay Field	Meridian	Mississippi	39301	Oregon Lumber Co.	7105 Overland Rd.	Lockhart	do	92810
McCoy Lumber Co., Inc.	146 Mistletoe Rd.	Ashtand	Oregon	97520	Osgood Robert, Inc.	3315 West 6th St.	Los Angeles	California	90005
McCoy Lumber Co., Inc.	208 South Lasalle St.	Crescent City	California	95531	Ostrand Construction Co.	909 Terminal Sales Bldg	Portland	Oregon	97205
McCoy Lumber Co., Inc.	16-7 5th St.	Chicago	Illinois	60604	Owen Lumber Millwork, Inc.	2525 Summer Ave.	Memphis	Tennessee	38112
McCoy Lumber Co., Inc.	Ave G and Agate Rd.	White City	Oregon	97501	Owen Wholesale Lumber, Inc.	do	do	do	3



Name	Street address	City	State	Zip
Plunkett-Webster Lumber Co., Inc.	2 Clinton Place	New Rochelle	New York	10801
Plywood, Inc.	1145 Oshkosh Ave.	Oshkosh	Wisconsin	54901
Ply-Gem Industries, Inc.	182-20 Liberty Ave.	Jamaica	New York	11412
Plywood & Door Manufacturers Corp.	1435 Morris Ave.	Union	New Jersey	07083
Plywood Distributors, Inc.	1615 Dart	Houston	Texas	77001
Plywood Door, Midwest Corp.	1430 East 130th St.	Chicago	Illinois	60633
Plywood, Los Angeles, Inc.	6401 Florilla St.	Los Angeles	California	90022
Plywood Panels, Inc.	Building 17, room 11-B	New Orleans	Louisiana	70115
Plywood Corp.	850 South Hughey at Gore	Orlando	Florida	32801
Ponderosa Mouldings, Inc.	Redmond and Antler Sts.	Redmond	Oregon	97556
Port Barre Lumber Co.	Highway 190	Port Barre	Louisiana	70677
Power Lumber Co.	534 Ryan St.	Lakes Charles	Laurens	29560
Power Lumber Sales, Inc.	2506 North Sheridan Rd.	Lakewood	Oklahoma	73801
Pozzi, Arthur A. Co.	5001 1st St.	Lake Oswego	Oregon	97034
Prassel Lumber Co. et al.	East Raymond Gardens Apt.	Jackson	Mississippi	39204
Puget Sound Plywood, Inc.	230 East F St.	Tacoma	Washington	98401
Rainier Manufacturing Co.	Foot of Mill Rd.	Oskosh	Wisconsin	54901
Ray Lumber Co.	4450 West Camelback Rd.	Phoenix	Arizona	85017
Reliable Wholesale Lumber, Inc.	8614 East Valley Blvd.	Rosemead	California	91770
Requarth, F. A. Co.	447 East Monument St.	Dayton	Ohio	45401
Reserve Supply Corp.	3700 North Mannheim Rd.	Franklin Park	Illinois	60131
Reverse Supply Co.	5110 Main St. NE	Philadelphia	Mississippi	55421
Rex Clemens	150 Fawcett St.	Cambridge	Oregon	97338
Rex Lumber Co.	1730 South Kedzie	Chicago	Massachusetts	02133
Rinn-Scott Lumber Co.	146 East Northampton St.	Chicago	Illinois	60623
Robbins Door and Sash Co.	138 St. and Nebraska	Wilkes-Barre	Pennsylvania	18703
Robbins Manufacturing Co., Inc.	138 St. and Nebraska	Tampa	Florida	33601
Roberts & Dyball, Inc.	303 5th St.	Des Moines	Iowa	50309
Robertson Companies, Inc.	405 Park Ave.	Grand Forks	North Dakota	58201
Rodman Industries	2525 4th Ave.	Rock Island	Illinois	61201
Rogers, T. H., Lumber Co.	4545 Lincoln	Oklahoma City	Oklahoma	73105
Rogge, Ken, Lumber Co.	East Highway 101, 2 miles north	Bandon	Oregon	97411
Rogue Plywood Sales, Inc.	1795 Antelope Rd.	White City	do	97501
Rogue Valley Plywood, Inc.	102 Main St.	Pella	Iowa	50219
Rosboro Co.	2509 East Main St.	Springfield	Oregon	97477
Rounds & Porter Lumber Co.	430 North Waco Ave.	Wichita	Kansas	67201
Ruggles, Carlos, Lumber Co.	1387 Main St.	Springfield	Massachusetts	01101
Rusco Industries, Inc.	Pegasus Ave.	Northvale	New Jersey	07647
Russells, Inc.	6550 East Washington Blvd.	City Commerce	California	90040
Sacramento Valley Moulding Co.	River Rd.	Crescent Mills	do	95394
Sagebrush Sales Co.	824 Arno NE	Albuquerque	New Mexico	87125
Scherer Bros. Lumber Co.	9 9th Ave.	Minneapolis	Minnesota	55413
Schultz-Snyder and Steele Lumber	610-16 East Grand River Ave.	Lansing	Michigan	48906
Scotch Lumber Co.	Highway 43 near	Fulton	Alabama	36446
Scott's Plywood Co., Inc.	Highway 43	do	do	36446
Scott's Home Builders Supply	Recker Hwy	Winter Haven	Florida	33880
SDS Lumber Co.	Port docks	Bingen	Washington	98605
Seaboard Plywood and Lumber Corp.	17 Bridge St.	Watertown	Massachusetts	02172
Seacoast Industries, Inc.	8th Ave., Broadway exit	Myrtle Beach	South Carolina	29577
Seattle Cedar Lumber Manufacturing Co.	4703 Ballard Ave. NW	Seattle	Washington	98107
Seaway Lumber Sales Corp.	Hillside Manor Dr.	New Hyde Park	New York	11040
Security Lumber Co., Inc.	3828 Rodgers Rd.	Houston	Texas	77036
Sequoia Forest Industries	6801 Ave. 430	Dubuque	California	93018
Smiling Menke Co., Inc.	South 1st St.	Merrill	Wisconsin	54452
Seneza Sawmill Co.	2305 Highway 99 North	Eugene	Oregon	97401
Setzer Forest Products	5660 Freepport Blvd.	Sacramento	California	95822
Shakleton Corp.	1200 Keran St.	Winlock	Washington	98506
Shepard & Morse Lumber Co.	2001 Beacon St.	Boston	Massachusetts	02146
Sheppard Building Supply Co.	1325 Hattiesburg St.	Jackson	Mississippi	39204
Sierra Mountain Mills	Star Route Highway 49	North San Juan	California	95567
Simmons Lumber Co.	Highway 101	South River	do	75201
Sitco, Inc.	3020 Republic Bank Tower	Dallas	Texas	75225
Slaughter Bros., Inc.	8124 Westchester Dr.	do	do	75235
Slender Lumber Products Co.	2801 Lombardy La.	do	do	51330
Solana Lumber and Builders Supply Co.	513 3d St.	Yreka	California	95763
Somerville Plywood Corp.	105 North Cedros	Solana Beach	do	92075
South Atlantic Lumber Co.	14701 Ingleswood Ave.	Hawthorne	do	90250
	1027 Arnold St.	Greensboro	North Carolina	27420
South Coast Lumber Co., Inc.	Highway 101	Brookings	Oregon	97415
South Houston Lumber Co., Inc.	801 Dumont St.	South Houston	Texas	77587
Southeastern Lumber Co., Inc.	6731 Stage Rd.	Memphis	Tennessee	38128
Southern Oregon Plywood Co., Inc.	605 Southeast J St.	Grants Pass	Oregon	97526
Southern Pacific Lumber Co., Inc.	855 South Plaza Dr.	Jackson	Mississippi	39204
Southern Pine Plywood Co., Inc.	Mill and Nellipickett	Diboll	Texas	75241
Southern States Lumber Co., Inc.	102 West Main St.	Laurens	South Carolina	29560
Spaulding & Son, Inc.	3248 Rogers Rd.	Houston	Texas	77058
Standard Wholesale Lumber Co.	1336 Kalamazoo Ave. NE	Grand Pass	Oregon	97538
Standard Supply and Lumber	Lake Earl D Rd. Rt. 20	Grand Rapids	Michigan	49507
Standard Veneer & Timber Co.	Loson Post Rd. Rt. 20	Prescott City	California	95851
Stammar, Inc.	2834 South Vava Rd.	Sturbury	Massachusetts	17760
State Box Co.	4700 1st Ave. North	West Sacramento	California	95822
State City Lumber Co.	Highway Valley Rd.	Birmingham	Alabama	35222
Stephens Wholesale Co.	1025 Woodland Ave.	Stevenson	Washington	98648
Stevens Co-Ply, Inc.	724 3d Ave. North	Forest Grove	Oregon	97116
Stinson Lumber Co.	3400 Steek Ave.	Columbus	Ohio	43219
Stoner Lumber, Inc.	Highway 378, 65 Bypass	Birmingham	Alabama	35202
Stripling Lake Lumber Co., Inc.	Highway 99 South	Ashtab	Texas	75766
Summit Timber Co.	Highway 378, 65 Bypass	Arlington	Washington	98233
Summit Wood Preserving Co.	Highway 99 South	Springer	South Carolina	29150
Sun Sticks, Inc.	Highway 69	Roseburg	Oregon	97501
Superior Lumber Co.	14th Ave. W. T. Waterfront	Yuba City	California	95991
Superior Lumber Co., Inc.	4000 Main St.	Duluth	Minnesota	55802
Swainland Lumber Co., Inc.	3700 Noble St.	Kansas City	Missouri	64111
Sweet R. E. Co., Inc.	4500 Roe Blvd.	Fort Worth	Texas	76103
Tabor City Lumber Co., Inc.	Railroad St.	Kansas City	Kansas	66103
Taylor John C. Lumber Sales, Inc.	11750 Southwest Beaverton Hills	Beaverton	North Carolina	28466
Taylor Ramsey Corp.	225 Trade	Lynchburg	Oregon	97003
Tenn-Flake Corp.	621 Murfreesboro Rd.	Morrisstown	Virginia	24505
Tennessee Building Products	1561 Oxnard St.	Nashville	Tennessee	37215
Terry Building Center	3220 West Lake St.	Tarzana	do	37214
Textone, Inc.	6833 Bandini Blvd.	Los Angeles	California	90022
Thompson Lumber Co.	6833 Kirbyville	Minneapolis	Minnesota	55416
Thorpe J. T. Co.	1260 Tennessee Ave.	Houston	Texas	77033
Thurner Scheper Pauley Hernst.	132d St. and St. Ann Ave.	Chicknadt	Ohio	45229
Tidewater Industries, Inc.	Airport and Industrial Port	Bronx	New York	10456
Tillamook Veneer Co.	East McAndrews at North Central	Tillamook	Oregon	97141
Timber Products Co.	3400 Northwest Yeon Ave	Medford	do	97501
Timber Structures, Inc.	3725 Seattle	Portland	do	97205
Timberland Forest Products, Inc.	163 12th Ave. East	Seattle	Washington	98104
Timberline Lumber Co.	1 North La Salle St.	Eugene	Oregon	97401
Timbont Lumber Co.	9777 Chinden Blvd	Chicago	Illinois	60602
Truss-Moist Corp.	0	Boise	Idaho	83702
Truss Masters of Florida	1624 West 21st St.	Ocala	Florida	32670
Tulsa Rig Reel and Manufacturing Co.	806 Southwest Broadway	Tulsa	Oklahoma	74101
Tunac Lumber Co.	108 1/2 East Heron St.	Portland	Oregon	97205
Twin Y Corp.	720 Southwest Washington	Yakima	Washington	98907
Twin Harbors Lumber Co.	2524 2d St. West	Aberdeen	do	98520
United Lumber Co., Inc.	998 Ferry Lane Rd. N.E.	Portland	Oregon	97205
United Plywoods Corp.	3138 Three Mile Rd. N.E.	Birmingham	Alabama	35201
United States Trading Co., Inc.	218 Continuum National	Fugate	Michigan	49605
Universal Forest Products, Inc.	218 Continuum National	Fort Worth	Texas	76102
U.S. Investment Corp.	218 Continuum National	Grand Rapids	Michigan	49508
Van Keulen & Winchester Lumber	218 Continuum National	City of Indus	California	91744
Vance Lumber Co.	Highway 71 South	Florien	Louisiana	71429
Vancouver Plywood Co., Inc.	201 North St. Marys	San Antonio	Texas	78204
Vaughan, Geo. C. & Sons	East Main St.	Whiteville	North Carolina	28472
Wacumaw Veneer Co., Inc.	1139 1st Ave. South	Birmingham	Alabama	35202
Walker Plywood Co. of Delaware	Northwest J St.	Richmond	Indiana	47374
Walley Lake Dock Co.	905 Nuggett Ave.	Sparks	Nevada	89431
Walton Lumber Co., Inc.	10701 Lyndon Ave.	Detroit	Michigan	48238
Ward & Harrington Lumber Co.	701 Madison St.	Santa Ana	California	92701
Warren Co.	1721 Arch St.	Gretna	Louisiana	70000
Warren Trask Co.	150 Causeway St.	Philadelphia	Pennsylvania	19103
Welbo Lumber Co.	2108 Center Ridge Rd.	Boston	Massachusetts	02116
Welch Lumber Co.	1218 1st St.	Cleveland	Ohio	44116
Welsh & Bressee Inc.	311 2d St.	Marysville	Washington	98270
Welsh Corp.	Foot of Oregon Way	Oakland	California	94607
Wendling-Nathan Co.	544 Market St., room 400	Longview	Washington	98042
West Elizabeth Lumber Co.	5th St.	West Elizabeth	California	94104



Name	Street address	City	State	Zip
West Fork Timber Co.		Tacoma	Washington	98104
Western Lumber, Inc.	33 North Central	Medford	Oregon	97501
Western Pine Sales, Inc.	Highway 1771, mile west	Snowflake	Arizona	85937
Western Pine Supply Co.	5760 Shellmound	Oakland	California	94608
Western States Plywood Coop.	Elk River Rd.	Port Orford	Oregon	97465
Western Wood Industries, Inc.	1426 21st	Milwaukie	do	97222
Whelans, Inc.	715 East 4th	Topeka	Kansas	66601
Whipple & Moshofsky Lumber Co.	2041 Southwest 58th Ave.	Portland	Oregon	97225
White City Plywood Co., Oregon	8380 Agate Rd.	White City	do	97501
White Jim Lumber Sales, Inc.	720 Livingston	Bay City	Michigan	48706
White Lumber Sales, Inc.	2121 Southwest 10th Court	Fort Lauderdale	Florida	33312
White Swan Lumber Co.		White Swan	Washington	98352
Williamina Lumber Co.	901 Terminal Sales Bldg.	Portland	Oregon	97205
Willer Industries, Inc.	15900 West Ten Mile Rd.	Southfield	Michigan	48075
Willett, W. R., Lumber Co., Inc.	849 Starks Bldg.	Louisville	Kentucky	40202
Williams Bros. Lumber Co.	934 Glenwood Ave. SE	Atlanta	Georgia	30316
Willis, Rogers & Pearson Lumber	109 Jameson	Sedro Wooley	Washington	98284
Wilson, Herman, Lumber Co.	Highway 229	Leola	Arkansas	72084
Wing Industries, Inc.	2929 West Kingsley Rd.	Garland	Texas	75040
Wisconsin-California Forest Prod.	225 Locust St.	Redding	California	96001
Wolohan Lumber Co.	1740 Midland Rd.	Saginaw	Michigan	48603
Wood Slicing Corp.	90 Foch St.	Eugene	Oregon	97402
Woodex Lumber Corp.	99 West Hawthorne Ave.	Valley Stream	New York	11582
Wright Gene Lumber Co.	1376 5th St.	Denver	Colorado	80204
Yakima Pine Products, Inc.	1223 North 6th Ave.	Yakima	Washington	98902
Z. & L. Lumber Co. of Columbus	149 Delta Dr.	Pittsburgh	Pennsylvania	15238
Zip-O-Log Veneer, Inc.	22 Bertelson Rd.	Eugene	Oregon	97402
Zuber Lumber Co.	1661 Dekalb Ave.	Atlanta	Georgia	30307

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