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PART I

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HIGHLIGHTS OF THIS ISSUE

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FEDERAL REGISTER

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Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURES

PART 20—INTERIM BID PROTEST PROCEDURES AND STANDARDS

For over 46 years the General Accounting Office has provided those contracting with the Government with an objective, independent and impartial forum for the handling of bid protests. The Congress, the courts, the public, and contracting agencies have come to rely upon the Comptroller General's bid protest decisions as a uniform body of administrative law applicable to the procurement process.

The General Accounting Office promulgates these interim bid protest procedures and standards, confident that their implementation will effect a marked improvement in the orderly process of Government procurement. The goals that we desire to achieve are speedier disposition of bid protests by the imposition of time limits on all parties involved, including the contracting agencies and the General Accounting Office. The General Accounting Office has no authority either to impose time limits on contracting agencies for reports on protests or to regulate the withholding of award. However, we hope that the major contracting agencies in recognition of their responsibilities toward improvement of the current system of bid protest procedures will agree to incorporate into their own regulations those portions of these procedures and standards directly applicable to their contracting functions. To this end, the General Accounting Office will cooperate with the contracting agencies of the Government in discussing and evaluating these interim procedures and standards. After such discussion and evaluation, it is anticipated that both the General Accounting Office and the contracting agencies of the Government will finally effect the appropriate changes in their respective regulations.

Part 20, including the part heading, is revised in entirety, as follows:

Sec.
20.1 Filing of protest.
20.2 Time for filing.
20.3 Notice of protest.
20.4 Withholding of award.
20.5 Time for submission of agency report.
20.6 Time for submission of comments on agency report.
20.7 Furnishing of information on protests.
20.8 Time for submission of additional information.
20.9 Conference on protest.
20.10 Time for ruling by Comptroller General.
20.11 Effect of judicial proceedings.
20.12 Definitions and effective date.

AUTHORITY: The provisions of this Part 20 issued under section 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24, 31 U.S.C. 71; sec. 304, 42 Stat. 24, as amended, 31 U.S.C. 74.

§ 20.1 Filing of protest.

(a) An interested party wishing to protest the proposed award of a contract, or the award of a contract, by or for an agency of the Federal Government whose accounts are subject to settlement by the General Accounting Office may do so by a telegram or letter to the General Counsel, General Accounting Office, Washington, D.C. 20548.

(b) The initial protest filed with the General Accounting Office shall (1) identify the contracting activity and the number of the solicitation and/or contract, (2) contain a statement of the grounds of protest, and (3) specifically request a ruling by the Comptroller General. A copy of the protest shall also be filed concurrently with the contracting officer and protest should so indicate. The grounds for protest filed with the General Accounting Office must be fully supported to the extent feasible. See § 20.2(c) with respect to time for filing any additional statement required in support of the initial protest.

§ 20.2 Time for filing.

(a) Protestors are urged to seek resolution of their complaints initially with the contracting agency. Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of proposals shall be filed prior to bid opening or the closing date for receipt of proposals. In other cases, bid protests shall be filed not later than 5 days after the basis for protest is known or should have been known, whichever is earlier. If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 5 days of notification of adverse agency action will be considered provided the initial protest to the agency was made timely. The term "filed" as used in this section means receipt in the contracting agency or in the General Accounting Office as the case may be and protestors are, therefore, cautioned that protests should be transmitted or delivered in that manner which will assure earliest receipt.

(b) The Comptroller General, for good cause shown, or where he determines that a protest raises issues significant to procurement practices or procedures, may consider any protest which is not filed timely.

(c) If an additional statement in support of the initial protest is required, one copy shall be mailed or otherwise furnished to the Office of the General Counsel, General Accounting Office, and two copies to the contracting officer no later than 5 days after the initial protest is filed.

§ 20.3 Notice of protest.

Within 1 day of the receipt of a protest, telephonic and written notice will be given by the General Accounting Office to the contracting agency. Upon receipt of notice that a protest has been made to the General Accounting Office, the contracting officer shall promptly notify the contractor or all bidders (proposers) who, in the opinion of the contracting officer, appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. Except to the extent that withholding of information is permitted or required by law or regulation, he shall also furnish such parties copies, when received, of the original protest and additional information filed by the protestor under § 20.2(c), advising them to notify the General Accounting Office if they wish to comment on the protest. (See § 20.7.)

§ 20.4 Withholding of award.

When notice is given the agency that a protest has been filed with the General Accounting Office, award shall not be made prior to a ruling on the protest by the Comptroller General, unless there has first been furnished to the General Accounting Office a written finding by the head of the agency, his deputy, or an Assistant Secretary (or equivalent), specifying the factors which will not permit a delay in the award until issuance of a ruling by the Comptroller General.

§ 20.5 Time for submission of agency report.

Within 20 days after receipt by the agency of the complete statement of protest, it shall submit to the Office of the General Counsel, General Accounting Office, a report on the protest or a written statement by an agency official at an appropriate level [1] above that of the contracting officer setting forth the reasons for the delay and the expected date of submission of the report.

§ 20.6 Time for submission of comments on agency report.

Concurrently with its submission to the General Accounting Office, the agency shall furnish a copy of its initial and any supplemental report to the protestor and to the contractor or bidders (proposers) who have received copies of the protest information in accordance with the provisions of § 20.3, except to the extent that withholding of information is permitted or required by law or regulation. All recipients shall be advised that any comments they may care to make on the report(s) shall be filed with the Office of the General Counsel, General Accounting Office, within 10 days after receipt, with a copy to the agency.

[1] To be determined by agreement between the agency and the Comptroller General on an agency-by-agency basis.

§ 20.7 Furnishing of information on protests.

The Office of the General Counsel, General Accounting Office, will, upon request, make available to any interested party information bearing on the substance of the protest which has been submitted by interested parties or agencies, except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of 10 days.

§ 20.8 Time for submission of additional information.

Any additional information requested by the Office of the General Counsel, General Accounting Office, from the agency, the protestor, or interested parties shall be submitted no later than 10 days after the receipt of such request.

§ 20.9 Conference on protest.

The protestor, other interested parties, or agency officials may request a conference regarding the merits of the protest with members of the Office of the General Counsel, General Accounting Office. All interested parties shall be given an opportunity to attend such conference.

§ 20.10 Time for ruling by Comptroller General.

Within 20 days after receipt of all information submitted by all parties and conclusion of any conference which may be held, there will be issued a decision on the protest or a written statement by the General Counsel, General Accounting Office, setting forth the expected date of decision.

20.11 Effect of judicial proceedings.

The Comptroller General may refuse to rule on any protest where the matter involved is the subject of litigation before a court of competent jurisdiction.

§ 20.12 Definitions and effective date.

(a) All "days" referred to in this part are deemed to be "working days" of the agencies of the Federal Government. The term "file" or "submit" in all sections except § 20.2(a) refers to the date of transmission.

(b) These interim bid protest procedures and standards will be applied to bid protests received by the General Accounting Office beginning 30 days after the date of publication.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.71-18764 Filed 12-22-71;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-78]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Food for Special Dietary Uses; Findings of Fact and Conclusions and Final Order Regarding Label Statements Relating to Infant Food

Correction

In F.R. Doc. 71-18078 appearing at page 23553 in the issue of Friday, December 10, 1971, the leaders in the fifth and sixth lines of § 125.5(c)(5) following the table should be deleted.

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Regulation 814.9, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1971 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.9 (36 F.R. 17024) which established allotments for the Mainland Cane Sugar Area for the calendar year 1971.

This amendment is necessary to give effect to the 17,333 ton increase in the Mainland Cane Sugar Area quota which was increased from 1,238,667 to 1,256,000 tons by Sugar Regulation 811, Amendment 7.

In accordance with paragraphs (4) and (8) of the findings and conclusions set forth in S.R. 814.9, Amdt. 1 (36 F.R. 17024), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The quantities of sugar and the percentages referred to in finding (4) and the computation of processor allotments reflecting the quota for the area of 1,256,000 short tons, raw value, is set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [3]	
					Effective inventory Jan. 1, 1971 [3]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1968-70	"Shares" of difference [4]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value
						Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Albania Sugar Co.	10,233	0.813	10,189	0.830	3,412	5,650	8,489	11,901	0.948	0.845	10,613
Alma Plantation, Ltd.	9,894	.788	11,236	.916	3,139	5,291	7,949	11,088	.883	.833	10,462
J. Aron & Co., Inc.	16,416	1.307	15,022	1.224	6,654	8,315	12,493	19,147	1.524	1.334	16,755
Billeaud Sugar Factory	12,100	.963	12,729	1.037	4,085	6,388	9,598	13,683	1.089	1.003	12,597
Breaux Bridge Sugar Co-op.	11,174	.890	10,935	.891	7,334	2,707	4,202	11,536	.918	.896	11,254
Wm. T. Burton Ind., Inc.	7,201	.573	7,738	.631	2,587	3,784	5,685	8,272	.660	.602	7,561
Calre & Graugnard	6,155	.490	6,528	.532	3,315	2,367	3,556	6,871	.547	.519	6,496
Cajun Sugar Co-op, Inc.	26,044	2.074	27,758	2.262	21,737	1,689	2,524	24,261	2.932	2.083	26,162
Caldwell Sugar Co-op, Inc.	17,690	1.408	15,880	1.293	10,108	6,142	9,228	19,426	1.547	1.413	17,747
Columbia Sugar Co.	9,150	.729	8,824	.719	4,223	3,745	5,627	9,850	.784	.738	9,269
Cora-Texas Manufacturing Co., Inc.	9,858	.785	10,239	.834	8,146	582	875	9,021	.718	.781	9,809
Dugas & LeBlanc, Ltd.	18,875	1.503	19,002	1.549	11,128	6,116	9,189	20,317	1.618	1.535	19,279
Duhe & Bourgeois Sugar Co.	13,596	1.075	11,912	.971	6,458	6,204	9,321	15,779	1.256	1.090	13,690
Evan Hall Sugar Co-op, Inc.	25,960	2.067	26,281	2.142	12,999	10,558	15,853	28,852	2.298	2.128	26,727
Frisco Cane Co., Inc.	2,212	.176	2,529	.206	156	1,644	2,470	2,626	.209	.189	2,374
Glenwood Co-op, Inc.	19,552	1.557	18,670	1.522	10,511	7,369	11,072	21,583	1.718	1.582	19,870
Helvetia Sugar Co-op, Inc.	14,495	1.154	14,032	1.144	8,134	5,026	7,551	15,685	1.249	1.171	14,708
Iberia Sugar Co-op, Inc.	21,320	1.698	20,737	1.690	13,332	6,040	9,075	22,407	1.784	1.714	21,527
LaFourche Sugar Co.	26,809	2.126	23,800	1.940	14,913	9,418	14,150	29,063	2.314	2.126	26,702
Harry L. Laws & Co., Inc.	15,622	1.244	17,067	1.391	6,797	7,245	10,885	17,682	1.408	1.306	16,403
Levert-St. John, Inc.	13,783	1.097	13,769	1.122	8,666	8,419	12,649	16,315	1.299	1.142	14,343
Louisa Sugar Co-op, Inc.	10,605	.844	12,637	1.030	3,037	5,773	8,674	11,711	.932	.899	11,291

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processor's basic allotment [4]	
					Effective inventory Jan. 1, 1971 [3]	New crop quota marketings		Measures used			
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1968–70	"Shares" of difference [4]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value
						Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Louisiana State Penitentiary	3,663	.202	4,137	.337	2,738	438	658	3,396	.270	.297	3,730
Meeker Sugar Co-op, Inc	10,383	.827	12,773	1.041	7,309	533	801	8,110	.646	.834	10,475
Milliken & Farwell, Inc	10,798	.860	12,238	.997	4,313	4,100	6,160	10,473	.834	.882	11,078
M. A. Patout & Son, Ltd	20,559	1.637	19,855	1.618	7,988	10,137	15,230	23,218	1.849	1.676	21,050
Poplar Grove Planting & Refining Co	8,870	.706	10,118	.825	3,930	3,138	4,715	8,645	.688	.726	9,118
Savoie Industries	16,312	1.299	18,010	1.468	8,853	8,880	8,834	17,687	1.408	1.355	17,018
St. James Sugar Co-op, Inc	24,736	1.970	23,965	1.953	20,518	1,677	2,519	23,037	1.834	1.939	24,353
St. Mary Sugar Co-op, Inc	16,811	1.338	16,008	1.305	8,203	7,045	10,586	18,789	1.496	1.363	17,119
South Coast Corp	67,648	5.386	71,259	5.808	55,158	4,427	6,651	61,809	4.921	5.377	67,534
Southdown, Sugars, Inc	43,230	3.442	40,816	3.302	25,671	13,790	20,719	46,390	3.695	3.465	43,520
Sterling Sugars, Inc	30,495	2.428	28,285	2.305	15,251	12,531	18,827	34,078	2.713	2.469	30,897
J. Supple's Sons Planting Co	5,398	.430	5,974	.487	2,730	1,998	3,002	5,732	.456	.447	5,614
Valentine Sugars, Inc	14,128	1.125	12,932	1.056	7,807	5,456	8,197	16,004	1.274	1.141	14,331
Vida Sugars, Inc	5,702	.454	7,186	.586	0	4,498	6,758	6,758	.538	.497	6,242
A. Wilbert's Sons Lumber & Shingle Co	9,479	.755	10,715	.873	3,469	4,809	7,225	10,724	.854	.798	10,023
Louisiana subtotal	606,756	48.312	611,476	49.837	339,929	201,011	302,007	641,936	51.111	49.177	617,651
Atlantic Sugar Association, Inc	32,220	2.566	33,358	2.718	26,607	1,857	2,790	29,487	2.348	2.553	32,065
Florida Sugar Corp	22,873	1.821	21,922	1.760	20,750	708	1,064	21,814	1.737	1.792	22,507
Glades County Sugar Growers Co-op, Association	47,004	3.743	42,893	3.496	43,013	1,330	1,998	45,011	3.584	3.662	45,994
Gulf & Western Food Products, Co	90,906	7.238	76,741	6.256	80,607	3,433	2,778	81,754	4.121	4.313	54,170
Osceola Farms Co	54,525	4.342	54,209	4.418	48,976	1,849	5,158	85,765	6.828	6.959	87,403
Sugarcane Growers Co-op. of Florida	118,988	9.474	111,046	9.051	107,007	3,994	6,001	113,008	8.997	9.294	116,730
Talisman Sugar Corp	50,352	4.009	44,617	3.636	44,858	1,831	2,751	47,609	3.790	3.891	48,870
United States Sugar Corp	232,283	18.495	231,029	18.829	206,858	8,475	12,733	219,591	17.484	18.399	230,585
Florida subtotal	649,151	51.688	615,482	50.163	578,766	23,477	35,273	641,039	48.889	50.823	638,324
Total all mainland cane	1,255,907	100.000	1,226,958	100.000	918,695	224,488	337,280	1,255,975	100.000	100.000	1,255,975

[1] The higher of either the production of sugar from the 1970 crop sugarcane or 87 percent of the average production for the 1968 crops of sugarcane.
[2] Average annual quota marketing for each processor for years 1968 through 1970.
[3] Effective inventory, Jan. 1, 1971, is the physical Jan. 1, 1971, plus processings from 1970 crop cane in 1971.
[4] The difference between 1,283,642 tons (quota for 1970 established by S.R. 811, less 25 tons reserve for Louisiana State University) and the total Jan. 1, 1971.
[5] Column (10) was determined by weighting "processings" Col. (2) by 60 percent "marketings" Col. (4) by 20 percent, and "ability" Col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 25 tons reserved for Louisiana State University, by Column (10).

Pursuant to provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.9 of this chapter, paragraph (a) of such § 814.9 is amended to read as follows:

§ 814.9 Allotment of the 1971 sugar quota for the Mainland Cane Sugar Area.

(a) The 1971 sugar quota for the Mainland Cane Sugar Area of 1,256,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co	10,613
Alma Plantation, Ltd	10,462
J. Aron & Co., Inc	16,755
Billeaud Sugar Factory	12,597
Breaux Bridge Sugar Co-op	11,254
Wm. T. Burton Ind., Inc	7,561
Caire & Graugnard	6,406
Cajun Sugar Co-op, Inc	26,162
Caldwell Sugar Co-op, Inc	17,747
Columbia Sugar Co	9,269
Cora-Texas Manufacturing Co., Inc	9,809
Dugas & LeBlanc, Ltd	19,279
Duhe & Bourgeois Sugar Co	13,690
Evan Hall Sugar Co-op, Inc	26,727
Frisco Cane Co., Inc	2,374
Glenwood Co-op, Inc	19,870
Helvetia Sugar Co-op, Inc	14,708
Iberia Sugar Co-op, Inc	21,527
Lafourche Sugar Co	26,702
Harry L. Laws & Co., Inc	16,403
Levert-St. John, Inc	14,343
Louisa Sugar Co-op, Inc	11,291
Louisiana State Penitentiary	3,730
Louisiana State University	25
Meeker Sugar Co-op, Inc	10,475
Milliken & Farwell, Inc	11,078
M. A. Patout & Son, Ltd	21,050
Poplar Grove Planting & Refining Co	9,118
Savoie Industries	17,018
St. James Sugar Co-op, Inc	24,353
St. Mary Sugar Co-op, Inc	17,119
South Coast Corp., Inc	67,534
Southdown Sugars, Inc	43,520
Sterling Sugars, Inc	30,897
J. Supple's Sons Planting Co., Ltd	5,614
Valentine Sugars, Inc	14,331
Vida Sugars, Inc	6,242
A. Wilbert's Sons Lumber & Shingle Co	10,023
Louisiana subtotal	617,676
Atlantic Sugar Association, Inc	32,065
Florida Sugar Corp	22,507
Glades County Sugar Growers Co-op Association	45,994
Gulf & Western Food Products Co	87,403
Osceola Farms Co	54,170
Sugarcane Growers Co-op of Florida	116,730
Talisman Sugar Corp	48,870
United States Sugar Corp	230,585
Florida subtotal	638,324
Total all mainland cane	1,256,000

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 209; 61 Stat. 926, as amended, 928, as amended; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for almost all processors are larger than the allotments currently in effect. To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 17, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-18690 Filed 12-17-71;3:58 pm]

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

[Navel Orange Reg. 247]

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

Limitation of Handling

§ 907.547 Navel Orange Regulation 247.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 24 through December 30, 1971, are hereby fixed as follows:

(i) District 1: 600,000 cartons.

(ii) District 2: 60,000 cartons.

(iii) District 3: Unlimited.

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

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

Dated: December 22, 1971.

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

[FR Doc.71-18868 Filed 12-22-71; 11:23 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

LIMITATIONS OF HANDLING

Notice was published in the FEDERAL REGISTER issue of December 3, 1971 (36 F.R. 23072), that the Department was giving consideration to proposed amendment of §§ 932.152, 932.154, and 932.161 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161; 36 F.R. 16185, 19113, 20217, 21874) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 36 F.R. 20355), which regulate the handling of olives grown in California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments to said rules and regulations were unanimously proposed by the Olive Administrative Committee, established pursuant to said marketing agreement and order as the agency to administer the provision thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The amendments reflect the committee's evaluation of (1) industry operations during the 1970–71 crop year under the current requirements of §§ 932.154 and 932.161 and under the then effective requirements of § 932.152(e) whose reestablishment has been recommended by said committee, and (2) the crop and marketing conditions and administrative situations that will prevail during the 1971–72 crop year and which will be aided through implementation of the amendments as hereinafter set forth.

The first amendment involves the provisions of § 932.152(e) *Examination of certain olives received for use in the production of canned ripe olives of the tree-ripened type* by reestablishing such provisions which terminated on August 31, 1971. Minor modifications are included which adapt the language thereof to the terms "lot" and "sublot" as defined in the order. The provisions are reestablished because no regulations are in effect for tree-ripened type olives and it is necessary to examine them to verify their type and segregation from regulated olives.

The second amendment involves the provisions of § 932.154 *Interhandler transfer* by changing the title and revising the section to include requirements that (1) natural condition olives transferred to a destination outside the area be size-graded, inspected, and certified as meeting the incoming size requirements applicable, under the order, to olives used in the production of canned ripe olives, and (2) such transfers be reported to the committee by the transferring handler within 10 days thereafter. During past seasons natural condition olives have been transferred out of the area and, prior to the latest amendment of the order, the provisions thereof in § 932.54 *Transfers* did not pertain to transfers of natural condition olives from within the area to any point outside thereof. Thus it is presently possible for handlers to transfer olives of any size out of the area for use in the production of any style of canned ripe olives. Such transfers could redound as a detriment, from the standpoint of unfair competition, to handlers within the area who must handle, both within the area and outside thereof, only those packaged olives that have been produced from olives which met the size requirements applicable under the order.

The third amendment revises § 932.161 *Reports* to include a requirement that handlers submit to the committee (1) certain monthly inventory reports of packaged ripe and green ripe type olives and of processed olives held in bulk storage, (2) monthly reports of ripe and green ripe type olives packed, and (3) monthly summary reports of the quantities of packaged ripe and green ripe type olives sold. The compilation of accurate inventory reports is a necessity which is basic to the consideration of annual regulation, or modifications thereof, of the various styles of canned ripe olives. The need for said reports has been rendered more acute by the recent unavailability of such reports because they are no longer compiled and issued by the California Olive Association.

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

1. The provisions of § 932.152(e) are revised to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(e) *Examination of certain olives received for use in the production of canned ripe olives of the tree-ripened type.* (1) Pursuant to § 932.51(b), whenever a handler receives a lot of natural condition olives or makes a separation resulting in a sublot, solely for use in the production of canned ripe olives of the tree-ripened type he shall, at the time of receiving such lot or making such separation, notify the committee or the Inspection Service of the lot so received or the sublot so created which shall then be subject to examination by the committee, or by the Inspection Service if so designated by the committee, to assure that the olives in such lot or sublot comply with the specifications set forth in § 932.109. Each such handler shall identify all such lots and sublots of natural condition olives and keep them separate and apart from other olives received. Such identification and separation shall be maintained throughout the processing and production of such olives as canned ripe olives of the tree-ripened type.

2. The title of § 932.154 is amended, the provisions in paragraph (a) thereof are revised, and a new paragraph (c) is added reading as follows:

§ 932.154 Handler transfer.

(a) Except as hereinafter provided in paragraph (b) of this section, Form OAC-6 "Report of Interhandler Transfer" shall be completed by the transferring handler for all lots of processed, but not packaged, olives transferred to another handler within the area and for all lots and sublots of natural condition olives transferred to another handler within the area or shipped to destinations outside the area except fresh market outlets. For natural condition and processed, but not packaged, olives transferred between handlers within the area, two completed copies of said form, signed by the transferring handler, shall accompany the lot or sublot to the receiving handler who shall certify on both copies as to receipt of the olives and forward one copy to the committee within 10 days following receipt of the olives. For natural condition olives transferred by a handler to a destination outside the area, except fresh market outlets, two copies of said form shall be completed by the transferring handler with the words "Outside the Area" included in the upper right corner of the form and one copy shall be returned to the committee within 10 days following transfer of the olives. The completed form shall contain at least the following information: (1) Name and address of both the transferor and transferee; (2) date of transfer; (3) condition (natural, processed but not packaged); (4) weight, number and size of each type of container; (5) variety; and (6) other identification (undersize olives, culls, style, etc.).

* * * * *

(c) No handler may ship any lot or sublot of natural condition olives to a destination outside the area, except fresh market outlets, unless such olives have first been size-graded and meet the disposition and holding requirements applicable under subparagraphs (2) and (4) of § 932.51(a). The size of such transferred olives shall be verified, prior to transfer, by certification issued to the transferring handler by the appropriate inspection service (Federal or Federal-State Inspection Service or the Processed Products Standardization and Inspection Branch, USDA).

3. The provisions of § 932.161 are amended by revising the existing text of paragraph (b), designating it as subparagraph (1), and adding a new subparagraph (2) thereto, and by adding new paragraphs (d), (e), and (f) reading as follows:

§ 932.161 Reports.

* * * * *

(b) *Sales reports.* (1) Each handler shall submit to the committee, on OAC Form 21 as provided by the committee, for each month and not later than the 15th day following the end of that month, a report showing his total sales of packaged olives to commercial outlets in each State, to governmental agencies, and to foreign countries. Such sales shall be reported in the following categories:

(i) Whole and whole pitted styles of canned ripe olives in consumer size containers;

(ii) Whole and whole pitted styles of canned ripe olives in institutional size containers;

(iii) Chopped or minced style of canned ripe olives in all type of containers; and

(iv) Halved, quartered, and sliced styles of canned ripe olives in all types of containers.

The quantity in each category shall be reported in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

(2) Each handler shall submit to the committee, on a form provided by the committee, for each month and not more than 15 days after the end of such month, a report showing the total quantity of packaged olives of the ripe and green ripe types sold during the month. Such reports shall include the following information, as applicable:

(i) With respect to the whole, pitted, and broken pitted styles of packaged olives of the ripe or green ripe type, each style shall be reported separately on OAC Form 29a in terms of the quantity of each size of olives as designated on the form. Such quantity, or quantities, shall be reported in terms of the total amount packaged in each of the container sizes listed on said form except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans. Each handler shall report separately the total monthly sales of packaged olives of the green ripe type.

(ii) Limited use styles of packaged olives of the ripe or green ripe type shall be reported in terms of the quantity of each style packaged in each of the container sizes listed on OAC Form 29b except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

* * * * *

(d) *Packaged olive inventory reports.* Each handler shall submit an inventory report to the committee, on a form provided by the committee, not later than the 15th day of each month showing the total quantity of packaged olives of the ripe and green ripe types held in storage at all locations on the last day of the preceding month. Such reports shall contain the followings information, as applicable:

(1) With respect to the whole, pitted, and broken pitted styles of packaged ripe or green ripe type olives, each style shall be reported separately on OAC Form 27a in terms of the packaged quantity of each size designated on the form. Such quantity, or quantities, shall be reported in terms of the total amount packaged in each of the container sizes listed on said form except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans. Each handler shall report separately the total quantity of any packaged olives of the green ripe type held in storage at all locations.

(2) Halved, sliced, quartered, and chopped or minced styles of packaged olives of the ripe or green ripe type shall be reported in terms of the quantity of each style packaged in each of the container sizes listed on OAC Form 27b except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

(e) *Processed olive bulk inventory reports.* Each handler shall submit an inventory report to the committee, on a form provided by the committee, not later than the 15th day of each month showing the total quantity of processed olives of the ripe and green ripe types held in bulk storage at all locations on the last day of the preceding month. Such reports shall contain the following information, as applicable:

(1) The total tonnage of processed olives of the ripe and green ripe types, held in storage by the handler, which are of any size that may be used in the production of packaged olives of the whole or the pitted styles shall be reported on OAC Form 27c in terms of the total quantity of each size designated on the form.

(2) The total tonnage of processed olives of the ripe and green ripe types, held in storage by the handler, which are of sizes that may be used in the production of packaged olives of the halved, sliced, quartered, or chopped or minced style shall be reported on OAC Form 27b.

(f) *Packout reports.* Each handler shall submit to the committee, on a form provided by the committee, for each month and not more than 15 days after the end of such month, a report showing the total production or packaged olives

of the ripe and green ripe types. Such reports shall include the following information, as applicable:

(1) With respect to the whole, pitted, and broken pitted styles of packaged olives of the ripe or the green ripe type, each style shall be reported separately on OAC Form 28a in terms of the total quantity of each size of olives as designated on the form. Such quantity, or quantities, shall be reported in terms of the total amount packaged in each of the container sizes listed on said form except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans. Each handler shall report separately the total monthly production of packaged olives of the green ripe type.

(2) Halved, sliced, quartered, and chopped or minced styles of packaged olives of the ripe or the green ripe type shall be reported in terms of the quantity of each style packaged in each of the container sizes listed on OAC Form 28b except that the committee may require such reporting in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of olives is now in progress and to be of maximum benefit the provisions of this amendment should become operative at the time specified herein, (2) the effective time hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) this amendment was unanimously recommended by members of the Olive Administrative Committee, (4) the provisions of this amendment are identical with the recommendations of the committee and information concerning such provisions has been disseminated among handlers of olives, and (5) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER and no objection to the amendment was received.

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

Dated December 17, 1971, to become effective upon publication in the FEDERAL REGISTER (12–23–71).

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

[FR Doc.71–18759 Filed 12–22–71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–EA–151, Amdt. 39–1363]

PART 39—AIRWORTHINESS DIRECTIVE

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S–62A and S–55 type helicopters.

There has been a report of a failure of an upper retaining lug and upper retention bolt of the servo support bracket P/N 1440–2415. Since this deficiency can exist or develop on aircraft of similar type design an airworthiness directive is being issued to provide an inspection procedure and replacement where necessary of the three primary servo mechanism supports secured to the main gearbox.

Since the foregoing requires expeditious adoption of the airworthiness directive, notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13697], § 39.19 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT. Applies to Sikorsky S–62A and S–55 type helicopters certified in all categories.

Compliance required as follows:

To preclude the failure of the S–62A and S–55 Servo Support Bracket P/N 1440–2415.

1. Unless already accomplished within the last 95 hours in service, inspect the servo support bracket within the next 25 hours in service after the effective date of this AD, in accordance with Part I subparagraph A and B of Accomplishment Instructions of Sikorsky Service Bulletins 55B40–6 or 62B40–8 as applicable dated October 1, 1971, or later FAA-approved revision or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

2. Inspect the bracket within 120 hours in service after the inspection in paragraph 1 of this airworthiness directive and every 120 hours thereafter in accordance with Part I subparagraph B of Accomplishment Instructions of Sikorsky Service Bulletins 55B40–6 or 62B40–8 as applicable dated October 1, 1971, or later approved revision or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

3. Conduct fluorescent magnetic particle inspection in accordance with Part II Accomplishment Instructions of SIK S/B 55B40–6 or 62B40–8 as applicable at gear box overhaul or 1,250 hours, whichever comes first; or an alternate method approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective December 30, 1971.

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

Issued in Jamaica, N.Y., on December 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71–18719 Filed 12–22–71;8:45 am]

[Docket No. 71–CE–30–AD, Amdt. 39–1364]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 and 100 Series Airplanes

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an Airworthiness Directive applicable to Beech 99 and 100 series airplanes.

There have been reports of incidents involving Beech 99 and 100 series airplanes wherein airplane nose-down elevator travel was restricted because the elevator stop bolt backed out of its intended position. Although no similar difficulties have occurred during elevator up travel, the elevator up stop bolts are of identical design and equally vulnerable. To prevent restricted elevator travel on these series airplanes, the manufacturer has recommended the installation of new elevator stop bolts which provide an additional means to retain the stop bolts in the position which they were rigged. Since the deficiency described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued at the request of the manufacturer to require replacement of existing elevator stop bolts with the new elevator stop bolts.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Models 99, 99A, A99, and A99A (serial Nos. U–1 through U–151) and 100 and A100 (serial Nos. B–1 through B–106) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent restricted elevator travel, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) On Models 99, 99A, A99 and A99A (serial Nos. U–1 through U–151) replace P/N NAS428–4–7 elevator stop bolts with P/N 131002–11 elevator stop bolts in accordance with Beechcraft Service Instructions 0455–152, Rev. 1, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(B) On Models 100 and A100 (serial Nos. B–1 through B–106) replace P/N NAS428–4–7 elevator stop bolts with P/N 131002–11 elevator stop bolts in accordance with Beechcraft Service Instruction 0374–152, Rev. 1, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective December 28, 1971.

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

Issued in Kansas City, Mo., on December 15, 1971.

CHESTER W. WELLS,
Acting Director,
Central Region.

[FR Doc.71-18806 Filed 12-22-71;8:53 am]

[Docket No. 71-EA-165, Amdt. 39-1366]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an Airworthiness Directive applicable to specified models of Hartzell aircraft blades.

There has been a report of a separation of a blade at the shank of a Hartzell propeller. The cause of the separation is believed to result from cracks in the blade balance hole. Because of the seriousness of this deficiency which could exist or occur in other blades of similar type design, a telegraphic Airworthiness Directive was issued on December 3, 1971, requiring inspection, alteration, and replacement when necessary of the blade. Since the foregoing situation still exists, expeditious publication of this Airworthiness Directive is required. Thus, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13697] § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HARTZELL AIRCRAFT PROPELLERS. Applies to all models of Hartzell T10173 and T10176 type blades including all serial numbers prefixed with letter "A" and up to serial No. B85887 with letter "B" prefix, installed on Hartzell HC-B3TN-2, HC-B3TN-3, and HC-B3TN-5 series propellers used on United Aircraft of Canada PT6A- and AiResearch TPE 331-type engines.

Compliance required as indicated, unless already accomplished.

To detect cracks in the blade balance holes, accomplish the following:

A. Propellers with a total of 1,300 or more hours in service, inspect in accordance with paragraph (C) within the next 200 hours in service after the effective date of this directive. If no cracks are found, shot peen propeller blade balance hole in accordance with Hartzell Bulletin No. 97, Appendix "A" dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

B. Propellers with less than 1,300 total hours in service, inspect in accordance with paragraph (C) prior to the accumulation of 1,500 total hours in service. If no cracks are found shot peen propeller blade hole in accordance with Hartzell Bulletin No. 97, Appendix "A" dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

C. Remove propeller from the aircraft and remove blades from hub. If lead wool is installed in balance hole, remove in accordance with Hartzell Bulletin No. 97 dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. Inspect interior surfaces of balance hole for cracks in accordance with Hartzell Bulletin No. 97, Appendix "B" dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. Replace any cracked blades before further flight with blades to which this AD does not apply or which have been inspected and altered in accordance with this directive.

This amendment is effective December 31, 1971.

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

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.71-18807 Filed 12-22-71;8:53 am]

[Docket No. 71-EA-164, Amdt. 39-1365]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to amend AD 71-24-3 applicable to Pratt & Whitney JT9D type aircraft engines.

AD 71-24-3 was promulgated as a result of cracks in the boss welds in the diffuser case P/N 669647. However there have been reports of cracks continuing to be found, including welds which have been repaired in accordance with AD 71-24-3. Therefore, because of the seriousness of the deficiency, a telegraphic airworthiness directive was issued on December 1, 1971, to all owners and operators of aircraft incorporating the JT9D type engine revising the airworthiness directive so as to generally lower the inspection times and reinspect repaired welds. Since the foregoing situation still exists and requires expeditious publication of this revision in the FEDERAL REGISTER, notice and public procedure hereon are impractical and the revision may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 F.R. 13697] § 39.13 of the Federal Aviation Regulations is amended so as to revise AD 71-24-3 as follows:

1. Delete paragraphs 1 through 4 inclusive and insert in lieu thereof the following:

1. For wet operating JT9D-3A engines with diffuser cases having in excess of 2,500 hours or 600 cycles time in service, inspect all borescope positions in accordance with paragraph 4 within 25 cycles after the effective date of this AD and every 25 cycles thereafter.

2. For dry operating JT9D-3A engines with diffuser cases having in excess of 2,500 hours or 600 cycles in service, inspect all borescope positions in accordance with paragraph 4 within 100 cycles after the effective date of this AD or 250 cycles since the last inspection, whichever occurs later, and every 250 cycles thereafter.

NOTE: For the purposes of this paragraph, JT9D-3A engines operating both wet and dry may be considered as dry operation provided each wet cycle is counted as equivalent to 10 dry cycles.

3. Inspect all borescope positions which have been weld repaired as specified in Pratt & Whitney Aircraft Alert Service Bulletin No. 2901 in accordance with paragraph 4 within the next 5 to 15 cycles after weld repair or 15 cycles after the effective date of this AD, whichever occurs later, and every 25 cycles wet operation or 250 cycles dry operation thereafter.

4. Inspect borescope boss weld areas of the Part No. 669647 diffuser case assembly using one of the techniques specified in Pratt & Whitney Aircraft Alert Service Bulletin No. 2901 or any equivalent inspection procedure approved by the FAA, Chief, Engineering and Manufacturing Branch, Eastern Region. If any crack is found, remove the diffuser case from service, and replace or repair in accordance with Pratt & Whitney Aircraft Alert Service Bulletin No. 2901.

5. Upon submission of substantiating data through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection times specified in this airworthiness directive.

This amendment is effective December 31, 1971.

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

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-18808 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-WE-54]

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

Alteration of Control Zone and Transition Area

On November 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21697) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Flagstaff, Arizona (Pulliam Airport) control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., March 2, 1972.

(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 Los Angeles, Calif., on December 15, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Flagstaff, Ariz. (Pulliam Airport), control zone is amended to read as follows:

FLAGSTAFF, ARIZ. (PULLIAM AIRPORT)

Within a 7-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.) and within 2 miles each side of the Flagstaff VOR 127° radial, extending from the 7-mile-radius zone to 10 miles southeast of the VOR.

In § 71.181 (36 F.R. 2140) the description of the Flagstaff, Ariz. (Pulliam Airport), transition area is amended to read as follows:

FLAGSTAFF, ARIZ. (PULLIAM AIRPORT)

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pulliam Airport (latitude 35°08'16" N., 111°40'17" W.), and that airspace extending upward from 1,200 feet above the surface within 9.5 miles each side of the Flagstaff VOR 127° and 307° radials, extending from 8 miles northwest to 19 miles southeast of the VOR, excluding that portion within R-2302.

[FR Doc.71-18813 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-WE-55]

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

Alteration of Control Zone and Transition Area

On November 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21697) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Needles, Calif., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., March 2, 1972.

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

Issued in Los Angeles, Calif., on December 15, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 72.171 (36 F.R. 2055) the description of the Needles, Calif., control zone is amended to read as follows:

NEEDLES, CALIF.

Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.).

In § 71.181 (36 F.R. 2140) the description of the Needles, Calif. transition area is amended to read as follows:

NEEDLES, CALIF.

That airspace extending upward from 1,200 feet above the surface within 9 miles south and 13 miles north of the Needles VORTAC 092° and 272° radials, extending from 11 miles west to 24 miles east of the VORTAC.

[FR Doc.71-18814 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-SO-163]

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

Designation of Transition Area

On November 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21211), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Chester, S.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

CHESTER, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chester Municipal Airport (lat. 34°47'18" N., long. 81°11'45" W.).

(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 14, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-18810 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-SO-184]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Madisonville, Ky., transition area.

The Madisonville transition area is described in § 71.181 (36 F.R. 2140 and 14634). In the description, an extension is predicated on the Central City VOR 256° radial. Effective January 6, 1972, the final approach radial for VOR Runway 23 Instrument Approach Procedure will be changed to 257°. It is necessary to alter the description to reflect this change. 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 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Madisonville, Ky., transition area (36 F.R. 14634) is amended as follows:

"* * * 256° * * *" is deleted and "* * * 257° * * *" 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 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-18811 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-WE-63]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Merced, Calif. transition area.

The east boundary of the transition area is described by reference to V-283; this should be V-165. Action is taken herein to reflect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the description of the Merced, Calif. transition area is amended by deleting "* * * V-283 * * *" each place it appears in the eighth and tenth lines of the text and substituting "* * * V-165 * * *" therefor.

Effective date. This amendment will be effective 0901 G.m.t., February 3, 1972.

(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 Los Angeles, Calif., on December 15, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.71-18816 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-WE-62]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Sacramento, Calif. transition area.

The east boundary of the transition area is described by reference to V-283;

this should be V–165. Action is taken herein to reflect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the description of the Sacramento, Calif. transition area is amended by deleting "* * * V–283 * * *" each place it appears in the 11th line of the text and substituting "* * * V–165 * * *" therefor.

Effective date. This amendment will be effective 0901 G.m.t., February 3, 1972.

(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 Los Angeles, Calif., on December 15, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.71-18815 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-SO-185]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tullahoma, Tenn., transition area.

The Tullahoma transition area is described in § 71.181 (36 F.R. 2140 and 11642). In the description, an extension is predicated on the Shelbyville VOR 138° radial. Effective January 6, 1972, the final approach radial for VOR Runway 32 Instrument Approach Procedure will be changed to 136°. It is necessary to alter the description to reflect this change. 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 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Tullahoma, Tenn., transition area (36 F.R. 11642) is amended as follows:

"* * * 138° * * *" is deleted and "* * * 136° * * *" 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 15, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-18812 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-AL-23]

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

Alteration of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Shrimp, Alaska, Intersection reporting point.

A recent flight inspection of the Shrimp Intersection revealed unsatisfactory coverage through use of the bearing from the Gustavus, Alaska, radio beacon. Accordingly, action is being taken herein to redesignate the Shrimp Intersection by use of a bearing from the Cape Spencer, Alaska, radio beacon in lieu of the Gustavus, Alaska, radio beacon.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.211 (36 F.R. 2313, 18509) "Shrimp INT;" is amended to read:

Shrimp INT: INT 122° bearing Middleton Island, Alaska (MDO), RBN, 218° bearing Cape Spencer, Alaska, RBN.

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

Issued in Washington, D.C., on December 17, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-18809 Filed 12-22-71;8:53 am]

[Airspace Docket No. 71-SW-45]

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

Alteration and Designation of Federal Airway Segments

On September 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18533) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and designate segments of VOR Federal airway Nos. 19 and 83 in the vicinity of Albuquerque, N. Mex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

a. In V–19 all between "Albuquerque 160° radials;" and "Las Vegas, N. Mex.;" is deleted and "INT Albuquerque 036° and Santa Fe, N. Mex., 245° radials; Santa Fe, including a west alternate via INT Albuquerque 011° and Santa Fe 268° radials;" is substituted therefor.

b. In V–83 "Santa Fe, N. Mex.;" is deleted and "Santa Fe, N. Mex., including an east alternate via INT Otto 019° and Santa Fe 117° radials;" is substituted therefor.

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

Issued in Washington, D.C., on December 16, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-18721 Filed 12-22-71;8:45 am]

[Airspace Docket No. 71-WA-39]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segment

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a minor realignment to the U.S. portion of Jet Route No. 590 segment between Thunder Bay, Ontario, Canada and Sault Ste. Marie, Mich.

J–590 is presently designated from the Thunder Bay radio beacon direct to the Sault Ste. Marie VORTAC. Action is being taken herein to realign this route segment from Thunder Bay radio beacon to the Sault Ste. Marie radio beacon so as to provide a discrete route for aircraft equipped for low frequency navigation. Aircraft equipped for very high and ultra high frequency navigation would utilize Jet Route No. 500 segment which is currently designated from the Thunder Bay VORTAC direct to the Sault Ste. Marie VORTAC.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 75.100 (36 F.R. 2371) Jet Route No. 590 text is amended by deleting "Sault Ste. Marie, Mich." and substituting "Sault Ste. Marie, Mich., RBN." therefor.

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

Issued in Washington, D.C., on December 16, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-18720 Filed 12-22-71;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Departmental Regulation 108.650]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Part 121 of Title 22 of the Code of Federal Regulations is corrected to include articles inadvertently omitted from the regulations published in the FEDERAL REGISTER (36 F.R. 20939, November 2, 1971), and Parts 123 and 124 are amended to read as follows:

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

1. Section 121.01, Category IV(a), is amended to read as follows:

§ 121.01 The U.S. munitions list.

* * * * *

CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

(a) Rockets (except meteorological sounding rockets), bombs, grenades, torpedoes, depth charges, land and naval mines, and demolition blocks and blasting caps (see § 121.05).

* * * * *

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

2. Footnote 3, as published in 34 F.R. 13276, August 15, 1969, of § 123.10(d) is amended to read as follows:

§ 123.10 Country of ultimate destination.

* * * * *

[3] Significant combat equipment shall include the articles (not including technical data) enumerated in Categories I (a), (b), and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in Category I); IV (a), (b), (d), and (e); V (b) (in quantity); VI (a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (1); XII (a); XIV (a), (b), (c), and (d); XVI; XVII; and XX (a) and (b).

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

3. Footnote 1, as published in 34 F.R. 13276, August 15, 1969, of § 124.10(m)(2) is amended to read as follows:

§ 124.10 Required information in agreements.

* * * * *

[1] Significant combat equipment shall include the articles (not including technical data) enumerated in Categories I (a), (b), and (c) (in quantity); II (a) and (b); III (a) (excluding ammunition for firearms in Category I); IV (a), (b), (d), and (e); V (b) (in quantity); VI (a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (1); XII (a); XIV (a), (b), (c), and (d); XVI; XVII; and XX (a) and (b).

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101, 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925; Redelegation of Authority No. 104-3-A, 28 F.R. 7231; Redelegation of Authority No. 104-7, 35 F.R. 3243; Redelegation of Authority No. 104-7-A, 35 F.R. 5423, 5424)

[SEAL] JOHN N. IRWIN, II,
Acting Secretary of State.

DECEMBER 14, 1971.

[FR Doc.71-18767 Filed 12-22-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7152]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Gain Resulting From Lapse of an Option Granted as Part of a Straddle

On September 20, 1968, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1234 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 210 of the Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1580), was published in the FEDERAL REGISTER (33 F.R. 14236). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 1.1234-2, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising paragraph (a), by revising paragraph (c), by revising example (2) of paragraph (f), and by adding examples (4), (5), (6), and (7) to paragraph (f).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: December 20, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1234 of the Internal Revenue Code of 1954 to section 210 of the Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1580), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1234 is amended by redesignating section 1234(c) as section 1234(d), by inserting after section 1234(b) a new section 1234(c), and by revising the historical note. These revised and added provisions read as follows:

§ 1.1234 Statutory provisions; options to buy or sell.

SEC. 1234. *Options to buy or sell.* * * *

(c) *Special rule for grantors of straddles*—

(1) *Gain on lapse.* In the case of gain on lapse of an option granted by the taxpayer as part of a straddle, the gain shall be deemed to be gain from the sale or exchange of a capital asset held for not more than 6 months on the day that the option expired.

(2) *Exception.* This subsection shall not apply to any person who holds securities for sale to customers in the ordinary course of his trade or business.

(3) *Definitions.* For purposes of this subsection—

(A) The term "straddle" means a simultaneously granted combination of an option to buy, and an option to sell, the same quantity of a security at the same price during the same period of time.

(B) The term "security" has the meaning assigned to such term by section 1236(c).

(d) *Non-application of section.* * * *

[Sec. 1234 as amended by sec. 53, Technical Amendments Act 1958 (72 Stat. 1644); sec. 210, Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1580)]

PAR. 2. Paragraph (b) of § 1.1234-1 is amended to read as follows:

§ 1.1234-1 Options to buy or sell.

* * * * *

(b) *Failure to exercise option.* If the holder of an option to buy or sell property incurs a loss on failure to exercise the option, the option is deemed to have been sold or exchanged upon the date that it expired. Any such loss to the holder of an option is treated under the general rule provided in paragraph (a) of this section. Any gain to the grantor of an option arising from the failure of the holder to exercise it is ordinary income. However, for special rules with respect to the treatment of gain on the lapse of an option granted by the taxpayer as part of a straddle, see section 1234(c) and § 1.1234-2.

PAR. 3. There is inserted immediately after § 1.1234-1 the following new section:

§ 1.1234–2 Special rule for grantors of straddles.

(a) *In general.* Section 1234(c)(1) provides a special rule applicable in the case of gain on the lapse of an option granted by the taxpayer as part of a straddle. In such a case, the gain shall be deemed to be gain from the sale or exchange of a capital asset held for not more than 6 months on the day that the option expired. Thus, such gain shall be treated as a short-term capital gain, as defined in section 1222(1). Section 1234(c)(1) does not apply to any person who holds securities (including options to acquire or sell securities) for sale to customers in the ordinary course of his trade or business.

(b) *Definitions.* The following definitions apply for purposes of section 1234(c) and this section.

(1) *Straddle.* The term "straddle" means a simultaneously granted combination of an option to buy (i.e., a "call") and an option to sell (i.e., a "put") the same quantity of a security at the same price during the same period of time.

(2) *Security.* The term "security" has the meaning assigned to such term by section 1236(c) and the regulations thereunder. Thus, for example, the term "security" does not include commodity futures.

(3) *Grantor.* The term "grantor" means the writer or issuer of the option contracts making up the straddle.

(4) *Multiple option.* The term "multiple option" means a simultaneously granted combination of an option to buy plus an option to sell plus one or more additional options to buy or sell a security.

(c) *Special rules in the case of a multiple option.* (1) If, in the case of a multiple option, the number of the options to sell and the number of the options to buy are the same and if the terms of all of the options are identical (as to the quantity of the security, price, and period of time), then each of the options contained in the multiple option shall be deemed to be a component of a straddle for purposes of section 1234(a)(1) and paragraph (c).

(2) If, in the case of a multiple option, the number of the options to sell and the number of the options to buy are not the same or if the terms of all of the options are not identical (as to the quantity of the security, price, and period of time), then section 1234(c)(1) applies to gain on the lapse of an option granted as part of the multiple option only if—

(i) The grantor of the multiple option identifies the two options which comprise each straddle contained in the multiple option in the manner prescribed in subparagraph (3) of this paragraph; or

(ii) It is clear from the facts and circumstances that the lapsed option was part of a straddle. See example (6) of paragraph (f) of this section. A multiple option to which this subdivision applies shall be regarded as constituting straddles only to the extent of the greater of the options to sell or the options to buy as the case may be.

(3) The identification required under subparagraph (2)(i) of this paragraph shall be made by the grantor indicating in his records, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, each of the two individual options which comprise the straddle, or by adopting any other method of identification satisfactory to the Commissioner. Such identification must be made before the expiration of the 15th day after the day on which the multiple option is granted. The preceding sentence shall apply only with respect to multiple options granted after January 24, 1972. In computing the 15-day period prescribed by this paragraph, the first day of such period is the day following the day on which the multiple option is granted.

(d) *Allocation of premium.* The allocation of a premium received for a straddle or a multiple option between or among the component options thereof shall be made on the basis of the relative market value of such component options at the time of their issuance or on any other reasonable and consistently applied basis which is acceptable to the Commissioner.

(e) *Effective date*—(1) *In general.* Section 1234(c) and this section, relating to special rules for grantors of straddles, shall apply only with respect to straddle transactions entered into after January 25, 1965, in taxable years ending after such date.

(2) *Special rule.* For a special rule with respect to the identification of a straddle granted as part of a multiple option, see paragraph (c).

(f) *Illustrations.* The application of section 1234(c) and this section may be illustrated by the following examples:

Example (1). On February 1, 1971, taxpayer A, who files his income tax returns on a calendar year basis, issues a straddle for 100 shares of X Corporation stock and receives a premium of $1,000. The options comprising the straddle were to expire on August 10, 1971. A has allocated $450 (45 percent of $1,000) of the premium to the put and $550 (55 percent of $1,000) to the call. On March 1, 1971, B, the holder of the put, exercises his option. C, the holder of the call, fails to exercise his option prior to its expiration. As a result of C's failure to exercise his option, A realizes a short-term capital gain of $550 (that part of the premium allocated to the call) on August 10, 1971.

Example (2). Assume the same facts as in example (1), except that C exercises his call on March 1, 1971, and B fails to exercise his put prior to its expiration. As a result of B's failure to exercise his option, A realizes a short-term capital gain of $450 (that part of the premium allocated to the put) on August 10, 1971.

Example (3). Assume the same facts as in example (1), except that both B and C fail to exercise their respective options. As a result of the failure of B and C to exercise their options, A realizes short-term capital gains of $1,000 (the premium for granting the straddle) on August 10, 1971.

Example (4). On March 1, 1971, taxpayer D issues a multiple option containing five puts and five calls. Each put and each call is for the same number of shares of Y Corporation stock, at the same price, and for the same period of time. Thus, each of the puts and calls is deemed to be a component part of a straddle. The puts and calls comprising the multiple option were to expire on September 10, 1971. All of the puts are exercised, and all of the calls lapse. As a result of the lapse of the calls, D realizes a short-term capital gain on September 10, 1971, in the amount of that part of the premium for the multiple option which is allocable to all of the calls.

Example (5). Assume the same facts as in example (4) except that one of the puts and two of the calls lapse and the remaining puts and calls are exercised. As a result, on September 10, 1971, D realizes a short-term capital gain in the amount of that part of the premium for the multiple option which is allocable to both of the lapsed calls and the lapsed put.

Example (6). On March 1, 1971, taxpayer E issues a multiple option containing five puts and four calls. Each put and call is for the same number of shares of Y Corporation stock at the same price and for the same period of time. E does not identify the puts and calls as parts of straddles in the manner prescribed in paragraph (c)(3) of this section. However, because the terms of all of the puts and all of the calls are identical four of the puts and four of the calls are deemed to be a component part of a straddle. The puts and calls comprising the multiple option were to expire on September 10, 1971. Four of the puts are exercised and the four calls and one of the puts lapse. As a result, on September 10, 1971, E realizes short-term capital gain in the amount of that part of the premium for the multiple option which is allocable to the four lapsed calls and realizes ordinary income in the amount of that part of such premium which is allocable to the lapsed put. If E had identified four of the puts and four of the calls as constituting parts of straddles in the manner prescribed in paragraph (c)(3) of this section and the put that lapsed constituted part of a straddle, then the gain on the lapse of the put would also be short-term capital gain.

Example (7). Assume the same facts as in example (6) except that two of the puts are for Y Corporation stock at a price which is greater than that of the other puts and the other calls and that two of the calls expire on October 10, 1971. Additionally, assume that the put which lapses is at the lower price. The two puts offering the Y Corporation stock at the greater price and the two calls with the later expiration date cannot be deemed to be component parts of a straddle. Thus, only two of the puts and two of the calls are deemed to be a component part of a straddle. As a result, E realizes income as follows:

(i) On September 10, 1971, short-term capital gain in the amount of that part of the premium for the multiple option which is allocable to the two lapsed calls with the expiration date of September 10, 1971, and ordinary income in the amount of that part of such premium which is allocable to the lapsed put. If E had identified two of the puts at the lower price and the two calls with the expiration date of September 10, 1971, as constituting parts of straddles in the manner prescribed in paragraph (c)(3) of this section and if the put that lapsed was one of those identified as constituting a part of a straddle, then the gain on the lapse of that put would also be short-term capital gain.

(II) On October 10, 1971, ordinary income in the amount of that part of the premium for the multiple option which is allocable to the lapsed calls with an expiration date of October 10, 1971.

[FR Doc.71-18794 Filed 12-22-71;8:53 am]

[T.D. 7151]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Extension of Time for Compliance by Private Foundations; Correction

On Thursday, December 16, 1971, Treasury Decision 7151 was published in the FEDERAL REGISTER (36 F.R. 23905).

The following correction should be made to T.D. 7151:

On page 23905, Column 1, and following paragraph 3, change "§ 13.16" to read "§ 13.17."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-18795 Filed 12-22-71;8:53 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 165—SUSPENSION AND DEBARMENT OF NONAPPROPRIATED FUND CONTRACTORS

The Deputy Secretary of Defense approved the following:

Sec.
165.1 Purpose.
165.2 Applicability and scope.
165.3 Policy and procedures.

AUTHORITY: The provisions of this Part 165 issued under 5 U.S.C. 301.

§ 165.1 Purpose.

This part establishes policy concerning suspension and debarment of contractors, vendors, suppliers, business firms, individuals, and representatives thereof (hereinafter referred to as contractors) doing business with nonappropriated fund activities throughout the Department of Defense.

§ 165.2 Applicability and scope.

The provisions of this part apply to the Military Departments, Defense Agencies and Unified and Specified Commands, and cover nonappropriated fund activities described in III. A., B., and C., of DOD Instruction 7600.6.[1]

§ 165.3 Policy and procedures.

Active and potential contractors doing business with nonappropriated fund activities (cited in § 165.2), whose actions make it necessary, will be suspended and debarred under the same policies and procedures as appropriated fund contractors:

(a) Policies and procedures governing debarment of appropriated fund contractors are contained in Armed Services Procurement Regulation § 1.600 of this title and are hereby made applicable to nonappropriated fund purchasing throughout the Department of Defense.

(b) This policy includes the publication of "Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors," as well as the "theater lists" maintained by Unified Commands overseas in accordance with § 1.609 of this title. Nonappropriated fund contractors will be listed together with appropriated fund contractors and will not be separately identified.

(1) Lists will be exchanged among various headquarters as provided by §§ 1.1601-3 and 1.609-5 of this title.

(2) The Joint Consolidated List, as well as the overseas lists, will be provided in sufficient copies for nonappropriated fund purchasing activities.

(c) Recommendations for suspension or debarment will be initiated by the responsible command or activity doing the purchasing for nonappropriated fund activities, and require the approval of the authorized representative identified in § 1.600(b) of this title.

(1) In the case of the Army and Air Force Exchange Service, listings will be approved by the authorized representative of the Secretary of the Military Department of the officer currently serving as the Chairman of the Board of Directors.

(2) The Chief of the Army and Air Force Exchange Service may suspend contractors from doing business with the Exchange Service only, pending the decision for DOD-wide listing on the Joint Consolidated List.

(d) All Department of Defense activities will establish procedures, controls, and necessary surveillance to assure that active and potential contractors are properly identified and recommended for suspension or debarment when the circumstances and events dictate such course of action.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.71-18765 Filed 12-22-71;8:49 am]

[1] Filed as part of original. Copies available from the U.S. Publications and Forms Center, 5801 Taber Avenue, Philadelphia, PA 19120, Code: 300.

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Modification of Registration Number on Pesticide Labeling

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER on July 28, 1971 (36 F.R. 13933), proposing to amend § 162.10(d) (formerly 7 CFR 2762.10(d)) of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act to provide for a modification with respect to the registration number on pesticide labeling.

Interested persons were given 30 days to submit written views or arguments in connection with this proposal.

Upon consideration of the comments received, it has been determined that the proposal should be adopted.

Therefore, pursuant to the provisions of section 6 of the Act (7 U.S.C. 135d), § 162.10(d) of the regulations (40 CFR 162.10(d)) is amended by adding at the end thereof a new sentence, as follows:

§ 162.10 Registration.

* * * * *

(d) * * * For distributor products marketed under supplemental registration, the product number must be followed by a hyphen and the number assigned to the distributor. This may also include a letter designation of revised or amended registration as required by State law.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (12-23-71); however, there will be no objection to continued use of labels meeting previous requirements of the regulations until present stocks of printed labels are exhausted.

Dated: December 14, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs, Office of Pesticides Programs.

[FR Doc.71-18716 Filed 12-22-71;8:52 am]

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

Reorganization and Republication; Correction

In the reorganization and republication of the regulations of the Environmental Protection Agency appearing at 36 F.R. 22369, November 25, 1971, two amendments originally published at 36 F.R. 20158, October 16, 1971, were inadvertently omitted. These amendments are reprinted below without change except to bring them into line with the new codification of Title 40 of the Code of Federal Regulations.

1. Section 180.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide.

* * * * *

2. The following new section is added to Subpart C:

§ 180.299 Dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide; tolerances for residues.

A tolerance is established for negligible residues of the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity cottonseed at 0.05 part per million.

Dated: December 20, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.71-18798 Filed 12-22-71;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

REQUIRED PRICE CERTIFICATION

The table of contents of Part 5A-1 is amended to delete the following:

Sec. 5A-1.321-70 Reporting [deleted].

Sections 5A-1.321 through 5A-1.321-7 are revised as follows:

§ 5A-1.321 Stabilization of prices, rents, wages, and salaries.

(a) Excutive Order 11615, dated August 15, 1971, provided for the stabilization of prices, rents, wages, and salaries for a period of 90 days from the date of the order at levels not greater than the highest of those pertaining to a substantial volume of actual transactions of each individual, business, firm, or other entity of any kind during the 30-day base period (July 16, 1971, through August 14, 1971) in which transactions did occur. This order also established a Cost of Living Council with overall responsibility for the general administration of the wage-price freeze.

(b) Executive Order 11627, dated October 15, 1971, supersedes the earlier order, described in paragraph (a) of this section and provides for the confirmation and ratification of all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to the earlier order. This order also provides that the Cost of Living Council will be continued and that the new economic stabilization program will be carried out through a pay board and price commission established by the order.

(c) This section prescribes procedures for carrying out the purpose of the Executive order and shall apply to all procurements of the Federal Supply Service.

§ 5A-1.321-1 Solicitations (IFB/RFP).

(a) The following price certification shall be included in all solicitations (invitations for bids and requests for proposals) and resulting contracts, excluding small purchases under $2,500 (see § 5A-1.321-1(b)).

PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, for the duration thereof and further certifies that the prices bid (offered) herein conform to the requirements of Executive Order 11615, as superseded by Executive Order 11627, October 15, 1971, or shall be reduced accordingly at the time of any billings that are made during the effective period of the Executive order.

(b) Prior to the payment of invoices under this contract, the contractor shall place on or attach to each invoice submitted the following certification:

"I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price or (ii) maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971."

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

(b) The following price certification shall be included in all solicitations involving small purchases under $2,500 and in all purchase orders issued pursuant to small purchase procedures (Subpart 5A-3.6). When the solicitation is made by telephone, the offeror shall be advised of the above mandatory requirements to be included in any resulting contract or purchase order and that failure to accept will result in rejection of the offer (for purchases made with imprest funds see § 5A-1.321-6).

PRICE CERTIFICATION (SMALL PURCHASES)

(a) By submission of this offer, offeror certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, for the duration thereof.

(b) Prior to payment of invoices under this contract, contractor must place on or attach to each invoice submitted the following certification:

I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price or (ii) maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(c) Payments will not be made on invoices unless certification, as prescribed above, has been completed.

§ 5A-1.321-2 Notification of contractors.

Contracting officers shall notify all contractors with existing contracts of the change in certification requirements, as set forth in § 5A-1.321-1, whenever inquiries are made by the contractor concerning this matter or when convenient in conjunction with the issuance of an amendment to the contract.

§ 5A-1.321-3 Absence of certification in solicitations.

(a) In formally advertised procurements, invitations for bids which do not include the certification shall be amended to include the certification where there is sufficient time to amend the invitation prior to the time (including permissible time extensions) set for the opening of bids.

(b) In negotiated procurements where awards have not been made, requests for proposals shall be amended to include the certification.

(c) Where invitations for bids or requests for proposals include the certification requirement and bidders and offerors decline to comply with the certification, their bids and offers shall be deemed to be nonresponsive.

(d) In formally advertised procurements, where the invitation for bids did not include the certification requirement and the requirement was not included by an amendment of the invitation, awards shall be made in accordance with established procedures. Prior to award, however, such bidders shall be notified that they will be subject to the procedures of the applicable price certification prescribed in § 5A-1.321-1.

§ 5A-1.321-4 Violations.

Reported and suspected violations of Executive Order 11615, as superseded by Executive Order 11627, October 15, 1971, which are brought to the attention of contracting personnel, shall be reported through channels to the Commissioner, FSS.

§ 5A-1.321-5 Payments.

Contractor invoices which do not contain the certification prescribed by this section will not be paid by GSA payment offices.

§ 5A-1.321-6 Imprest funds.

Individuals authorized to place imprest fund orders shall not place such orders with concerns which are in known violation of Executive Order 11615, as superseded by Executive Order 11627. Further, such individuals shall report violations in accordance with § 5A-1.321-4.

§ 5A-1.321-7 Execution of certification.

Invoices need not be signed by contractors executing the certification in order to satisfy the certification requirements of § 5A-1.321-1.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: December 13, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71-18784 Filed 12-22-71;8:53 am]

Chapter 9—Atomic Energy Commission

PART 9–1 GENERAL

Subpart 9–1.7 Small Business Concerns

PART 9–59 ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

Miscellaneous Amendments

The principal changes in AECPR Subpart 9–1.7, Small Business Concerns, are made to (a) clarify and provide additional "small business" requirements for the administration of cost-type contractor procurement, aimed primarily at more extensive use of the small business set-aside procedure and implementation of FPR 1–1.710–4 as it relates to Small Business Administration participation in AEC reviews of its contractors' small business subcontracting programs; (b) include basic AEC policy in the implementation of FPR 1–1.705–7, *Performance of contract by SBA*, under section 8(a) of the Small Business Act (15 U.S.C. 637(a)); and (c) expand the semiannual small business reporting requirements to include information concerning (1) procurements placed with known minority business enterprises, and (2) "section 8(a)" contracts placed with the Small Business Administration. Changes are made in AECPR 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement*, to make it conform to the relevant changes in AECPR 9–1.7.

1. Subpart 9–1.7, Small Business Concerns, is revised as follows:

Subpart 9–1.7 Small Business Concerns

Sec.

AUTHORITY: The provisions of this Subpart 9–1.7 issued under section 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9–1.7 Small Business Concerns

§ 9–1.700 General.

The policies and procedures prescribed in this subpart and in FPR 1–1.7 apply to all AEC direct procurement. The following shall also be applied to cost-type contractor procurement activities.

FPR	AECPR
	9–1.702(b)(2)
1–1.703–2	9–1.703–2(a)
	9–1.705–3(a)
	9–1.706–1(d)
1–1.706–5	9–1.706–5(b)
1–1.706–6	
	9–1.709
1–1.710–1(a) and (c)	
1–1.710–2	
	9–1.710–4(a)
	9–1.751
1–1.712–2	

§ 9–1.702 Small business policies.

(a) *Specific policies.* (1) Headquarters and Field Offices shall cooperate with the SBA in implementing the policies and procedures set forth in FPR Subpart 1–1.7 and this subpart.

(2) Managers of Field Offices shall appoint persons under their jurisdiction to serve in a liaison capacity with SBA representatives. Managers of Field Offices shall request cost-type contractors to make similar appointments.

(3) The AEC–SBA Agreement set forth in § 9–1.751 provides a basis for cooperation between the two agencies to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. It is expected that field offices, through contracting officers, will cooperate with the SBA in establishing set-aside programs or in setting aside selected items or classes of items of procurement. Where SBA representatives are not available to screen proposed procurements and to initiate joint small business set-asides, unilateral small business set-asides shall be made by the contracting officers as appropriate.

§ 9–1.703–2 Protest regarding small business status.

(a) Protests received or questions raised by cost-type contractors shall be handled with the SBA regional offices through the appropriate AEC contracting officer.

§ 9–1.705–3 Screening of procurements.

(a) *Class set-asides.* An agreement has been reached between the AEC and the SBA that AEC would accept SBA initiation of class set-asides for formally advertised construction procurements estimated to cost between $2,500 and $1 million, including new construction and repair and alteration of structures. When in the judgment of the contracting officer a particular procurement falling within these dollar limits is determined unsuitable for a set-aside for exclusive small business participation, he shall notify the appropriate SBA representative of this decision. Unless SBA appeals the decision (see FPR 1–1.706–2), the contracting officer shall proceed to process the procurement on an unrestricted basis. Small business set-aside preferences should be considered for construction procurements in excess of $1 million on a case-by-case basis, favoring such preferential participation of small business whenever appropriate.

§ 9–1.705–7 Performance of contract by SBA.

(a) It is the policy of the AEC to give full consideration to contracting with SBA in order to foster or assist in the establishment or the growth of small business concerns as designated by the SBA so that these concerns may become self-sustaining, competitive entities within a reasonable period of time.

(b) The Small Business Administration has delegated to its field offices authority to handle contracts and subcontracts under section 8(a) of the Small Business Act. Managers of field offices should assure full cooperation with SBA in their efforts to place procurements with firms who are eligible for subcontract awards by SBA under section 8(a). They shall take the necessary steps to:

(1) Invite appropriate SBA field representatives to identify needs for 8(a) contracts and to provide for cooperation and assistance on the part of AEC and cost-type contractor procurement offices in verifying the availability or nonavailability of requirements, funding, and other pertinent factors; and

(2) Propose any requirements which appear to offer potential opportunity for contracting with SBA under authority of section 8(a) of the Small Business Act, for consideration by appropriate SBA field representatives.

§ 9–1.706–1 General.

(a) *Initiation of set-asides.* Initiation of set-asides by cost-type contractors shall be on a unilateral basis.

§ 9–1.706–5 Total set-asides.

(a) It is AEC policy to use the method of procurement known as "Small Business Restricted Advertising" for contracts involving total set-asides unless there are circumstances which make conventional negotiation necessary.

§ 9–1.708–3 Conclusiveness of certificate of competency.

If the contracting officer questions the acceptability of an SBA certificate of competency based on substantial doubt as to a particular firm's ability to perform, he shall, before award, promptly refer the matter to the Director, Division of Contracts for a final decision.

§ 9–1.709 Records and reports.

A semiannual report covering pertinent information concerning small business, minority business enterprises, and contracts placed with SBA for handling under authority of section 8(a) of the SBA Act shall be prepared by each field office and forwarded to the Director, Division of Contracts, not later than the 30th day following the end of the 6-month period covered by the report. Managers of field offices shall require similar reports to be prepared by cost-type contractors to accompany the field office reports, consistent with the requirements of FPR 1–1.710–3 and FPR 1–1.1310–2. Reports shall be prepared as follows:

(a) Narrative statement regarding the operation of the programs during the 6-month period.

(b) Tabulation of the following factual information:

(1) Number of awards made to (i) small business concerns, and (ii) known minority firms during the 6-month period which have not previously received awards.

(2) Number of (i) small business concerns, and (ii) known minority firms added to bidder's mailing lists during the 6-month period.

(3) Number and dollar value of awards made to (i) small business concerns, and (ii) known minority firms as compared to the number and dollar value of awards suitable for (iii) small business concerns, and (iv) known minority firms.

(4) Number and dollar value of invitations to bid and requests for proposals referred to SBA for suggestions as to (i) small business concerns, and (ii) known minority firms.

(5) Number and dollar value of set-asides to small business concerns (distinguish between those awarded to known minority firms and those awarded to other small business firms). The number and dollar value of construction set-asides shall be reported separately, also distinguishing between those awarded to known minority firms and those awarded to other small business concerns.

(6) Awards made by Small Business Administration (SBA) under the provisions and authority of section 8(a) of the Small Business Act.

(i) Name and address (street address, city, State and zip code) of firm receiving the award.

(ii) Award number identification. Show office, area office, or contractor initiating this award.

(iii) Award date and estimated completion date.

(iv) Amount of award.

(v) Brief description of services to be rendered.

(vi) Any additional pertinent information relating to the award.

§ 9–1.710–4 Review of subcontracting program.

(a) *Contractor's program.* SBA participation in AEC field office reviews of cost-type contractors' small business programs shall be on the basis of special arrangements made by managers of field offices with the Directors of SBA Regional Offices. After the initial participation by SBA representatives, the scope and frequency of SBA's further participation in a particular contractor review will depend upon such factors as magnitude of the procurement activity, program accomplishments or problems, and future small business potential, as agreed upon between AEC and SBA.

§ 9–1.751 AEC–SBA Agreement.

A revised agreement for cooperation was signed by the Chairman of the AEC and the Administrator of the SBA in October 1960. The term "Operations Office," as used in the agreement, shall also apply to field offices. The text of this agreement follows:

(a) *Introduction.* The purpose of this document is to revise and to continue an agreement between the Atomic Energy Commission (AEC) and the Small Business Administration (SBA), which has resulted in a friendly cooperative relationship since the agreement was established originally in 1953. The agreement provides a basis for cooperation between the two agencies in order to further the AEC small business program and the intent of Congress which is set forth in the Small Business Act. To the extent applicable, the agreement is supplemented by the Federal Procurement Regulations (FPR's) pertaining to Small Business, which include definitions and uniform procedures for set-asides and Certificates of Competency.

(b) *Agreement.* The AEC and SBA will continue to establish and maintain liaison between appropriate combinations of AEC Operations Offices and SBA Offices for exchanges of information regarding AEC opportunities for small businesses, additional sources of qualified small business concerns, and appropriate matters.

(c) *Liaison*—(1) *Establishment.* SBA Area Offices will continue to establish and maintain liaison with the AEC Operations Offices within their respective geographical regions. Such liaison may include arrangements with respect to the AEC Area Offices and cost-type contractors administered by an Operations Office.

Where an AEC Operations Office is located in one SBA area and the AEC Area Offices and cost-type operating contractors are located in other SBA areas, the SBA Area Office serving the area in which the AEC Area Office or cost-type operating contractor is located shall contact the AEC Operations Office concerned regarding the establishment of liaison procedures for such Area Office or cost-type contractor.

(2) *Procedures.* Detailed procedures for carrying out the exchanges of information by this agreement have been jointly developed and will continue to be maintained and modified, as experience suggests, by each combination of SBA Regional and AEC Operations Office maintaining liaison.

(3) It is not contemplated that SBA employees will operate in any area where security "Q" clearances are required.

(d) *Exchanges of information*—(1) *Procurement, research and development, and property sales.* AEC Operations Offices (including Area Offices and cost-type contractors) will provide or arrange for the provision of information to the SBA Regional Offices with which liaison has been established regarding appropriate procurement, research and development, and property sales opportunities which are suitable for small business. In turn, the SBA Regional Offices will provide information, including the names of qualified small concerns, which will further the purpose of this agreement. The interchange of information provided in this paragraph will be in such form and will be transmitted by such means and with such frequency as seems most practical to the personnel engaged in the exchange of information.

(2) *Technical information and AEC-owned patents.* AEC will assist SBA to bring unclassified AEC research reports and AEC-owned (Government) patents to the attention of interested qualified small business concerns.

(e) *Time factor.* It is anticipated that in some circumstances the time available for the submission of bids may be too short for some business concerns suggested by SBA to participate. In these circumstances, qualified small business concerns which are unable to participate will be added to bidders lists and invited to participate in subsequent procurements or sales.

(f) *Appropriate opportunities.* Appropriate opportunities, for the purpose of this agreement, will not include opportunities which must involve Government sources, those that security requirements will not permit to be publicly disclosed, and those where the urgency is too great to permit broad solicitation of bids or development of additional sources.

(g) *Review of agreement.* This agreement will be reviewed on a periodic basis to determine whether the purpose of the agreement is being achieved and whether expansion and/or modification would be appropriate.

2. In AECPR Part 9–59, Administration of Cost-Type Contractor Procurement Activities, § 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement,* is revised to read as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

The AECPR–FPR provisions referenced below pertain to cost-type contractor procurements and are listed in this part to facilitate administration. Some of these provisions are implementations of statutory or other requirements and AEC-wide policies, which provide little or no basis for the exercise of judgment. However, to the extent such provisions permit or provide for the exercise of judgment, contracting officers should be guided by good business practice and the best interests of the Government.

Subject	*Reference*
Federal Paper Specifications	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business	9–1.700.
Labor Surplus Area Concerns	1–1,805–1.
Qualified Products	9–1.11.
Minority Business Enterprises	9–1.1310(a) and (b), 1–1.1310 (1) and (2).
Organizational Conflicts of Interest	9–1.5403.
Price Negotiation Policies and Techniques	1–3.8, 9–3.800.
Subcontracting Policies and Procedures	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.601.
Indemnity Representation	9–4.5008.
Measurement Differences, SSNM Transfers	9–4.5300.
Enriched Uranium Agreements	9–4.5400.
Multiyear Procurement	9–4.5500.
Special and Directed Sources	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.5002, 9–7.5003 (c).
Termination	9–8.000.

Subject	Reference
Patents and Copyrights	9-9.5001, 9-9.5101.
Bonds and Insurance	9-10.000.
Taxes	9-11.203, 9-11.350, 9-11.4.
Labor	9-12.000, 1-12.8.
Cost Principles	9-15.50.
Construction	9-18.150, 1-18.305(b), 9-18.305, 9-18.50, 9-18.108.
Contract Finance	1-30.4, 1-30.5, 9-30.4, 9-30.5, 9-30.7.
Approval of Contracts	9-51.200, 9-51.400, 9-51.500, 9-51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9-59.005.
Contractor-controlled sources	
Subcontractor Selection	9-56.002, 9-56.405.

Records and reports	Reference
Small Business and Labor Surplus Reports	9-1.709, 9-1.807.
Possible Antitrust Violations	9-1.901.
Identical Bids	9-1.1603.
Dissemination of Procurement Information	9-3.103.
Contract Reporting	9-54.
Justifications	9-55.102-3, 9-55.204.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (12-23-71).

Dated at Germantown, Md., this 16th day of December 1971.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Division of Contracts.

[FR Doc.71-18772 Filed 12-22-71;8:50 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

PART 101-33—GOVERNMENT SOURCES AVAILABLE TO GRANTEES AND CONTRACTORS

Grantees and Contractors

A new Part 101-33 is established as a focal point for providing overall GSA policy and guidance on the use of GSA and other established Government sources by grantees and contractors.

The table of contents for Subchapter E is amended by reserving Subpart 101-26.7 and adding Part 101-33 as follows:

Subpart 101-26.7 [Reserved]

Subpart 101-26.7 is reserved as follows:

Subpart 101-26.7 [Reserved]

Part 101-33 is added to read as follows:

AUTHORITY: The provisions of this Part 101-33 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-33.000 Scope of part.

This part prescribes policies and procedures governing the use of Government supply sources and services by:

(a) Initial recipients of Federal grants and subordinate activities performing work directly related to the grant program;

(b) Contractors and subcontractors performing Government cost-reimbursement contracts; and

(c) Contractors and subcontractors performing other types of negotiated contracts where the agency determines that a substantial portion of the contractor's contracts are of a Government cost-reimbursement nature.

§ 101-33.001 Applicability.

The provisions of this part are applicable to all executive agencies. Establishments in the legislative or judicial branch of the Government are encouraged to use these provisions when involved in similar programs.

§ 101-33.002 Definitions.

As used in this Part 101-33, the following terms have the meanings set forth below:

(a) "Prime grantee or prime cost-reimbursement contractor" means the initial recipient of the Federal grant or cost-reimbursement contract.

(b) "Subordinate activity" means subgrantees and subcontractors and any other activity (excluding fixed price subcontractors) performing work directly related to the primary grant program or the cost-reimbursement contract and responsible to the prime grantee or prime cost-reimbursement contractor for the performance of that work.

(c) "Government sources" means GSA, Defense Supply Agency (DSA), Federal Prison Industries, Inc., and Workshops for the Blind and Other Severely Handicapped sources, and other supply and service sources established by law or other competent authority.

Subpart 101-33.1—Policy on Use of Government Sources

§ 101-33.100 Scope of subpart.

This subpart sets forth policy governing the use of Government sources by recipients of Federal grants and by cost-reimbursement contractors and lists the Government sources available.

§ 101-33.101 Policy on use of Government sources.

Government sources are available to recipients of Federal grants, to cost-reimbursement contractors, and to subordinate activities when the agency administering or controlling the grant or cost-reimbursement contract:

(a) Determines such use is in the best interest of the Government;

(b) Determine such use is not prohibited by law; and

(c) Issues an authorization to use Government sources.

§ 101-33.102 Government sources available.

(a) Agencies may authorize prime grantees and prime cost-reimbursement contractors and subordinate activities to use sources of:

(1) GSA;

(2) DSA;

(3) Federal Prison Industries, Inc.; and

(4) Workshops for the Blind and other Severely Handicapped.

(b) The agency may authorize the prime grantee or prime cost-reimbursement contractor to issue letters of authorization to subordinate activities,

provided that such authorization specifies that subordinate activities are subject to the same policies, procedures, limitations, and conditions contained in the original letter of authorization to the prime grantee or prime cost-reimbursement contractor.

Subpart 101–33.2—Authorization To Use Government Sources

§ 101–33.200 Scope of subpart.

This subpart provides procedures governing the issuance of authorizations to prime grantees and prime cost-reimbursement contractors and to subordinate activities authorized to use Government sources.

§ 101–33.201 Agency determinations.

(a) Agency determinations as to whether it is in the best interest of the Government to authorize activities involved in Federal grants or cost-reimbursement contracts to use Government sources, or to permit prime grantees and prime cost-reimbursement contractors to issue similar authorizations to subordinate activities, shall be based on consideration of at least the following factors:

(1) The administrative cost of placing orders or requisitions with Government sources and the program impact of delay factors, if any;

(2) Lower cost of purchased items;

(3) Suitability of items available through Government sources;

(4) Delivery factors such as cost and time; and

(5) Recommendations of grantees and cost-reimbursement contractors.

(b) If it is determined that an authorization to use Government sources should be issued, the authorizing agency may impose any reasonable limitations or conditions on such use as it may, in its discretion, deem appropriate. In all cases the authorizing agency shall consider including in its authorizations any of the following limitations or conditions:

(1) Authorize purchases from Government sources of any overhead supplies, but no production supplies; or

(2) Limit any authorization requirement to use Government sources to a specific dollar amount; or

(3) Restrict the authorization to certain plants and facilities or to specific grant or contract work.

§ 101–33.202 Agency authorizations.

(a) Authorizations to use Government sources shall be in writing and shall contain such limitations or conditions as the agency considers necessary in the public interest. Each authorization shall contain a statement that it is the responsibility of the recipient of the authorization to insure that supplies and services obtained from Government sources be confined solely to those for official use in performance under the Federal grant or cost-reimbursement contract.

(b) Each authorization issued shall:

(1) Indicate whether the recipient is a grantee or a cost-reimbursement contractor and identify the grant or cite the contract number involved. Where multiple grants or contracts are involved, a blanket authorization may be issued citing a single identification symbol;

(2) Contain, whenever practicable, a limit upon the period of effectiveness of the authorization (usually expressed as a specific expiration date);

(3) Provide that pertinent policies and procedures prescribed by the appropriate Government source of supply are applicable to the recipient of the authorization in the same degree as specified therein to the Federal agency administering or controlling the grant or cost-reimbursement contract. (For example, billing and payment for items obtained from DSA sources shall be in accordance with the procedures prescribed by DSA, as provided in Subpart 101–26.6 of this chapter, and the use of the Federal Standard Requisitioning and Issue Procedures (FEDSTRIP), including the use of address and billing codes, as provided in Subpart 101–26.2 of this chapter); and

(4) Provide, if not originally included in the grant or contract, a statement as to whether title is to be vested in the Government or in the recipient of the authorization.

(c) In lieu of a separate authorization for each subordinate activity, an agency may provide in the letter of authorization to the prime grantee or prime cost-reimbursement contractor that a copy of that letter may serve as authorization for subordinate activities designated by the agency, prime grantee, or prime cost-reimbursement contractor. If this is done, a listing of the names and addresses of the subordinate activities so authorized shall be attached to the copy of the agency's letter of authorization and forwarded by cover letter in accordance with paragraph (e) of this section.

(d) If it is determined that an authorization to use Government sources may be issued by a prime grantee or prime cost-reimbursement contractor to a subordinate activity, the agency shall include such authority in the authorization issued to the prime grantee or prime cost-reimbursement contractor, with the requirement that any authorization so issued shall be subject to the same policies, procedures, limitations, and conditions contained in the agency's authorization to the prime grantee or prime cost-reimbursement contractor.

(e) At the time of issuance of an authorization, a copy shall be forwarded to each Government source designated in the authorization. When GSA sources are designated, a copy shall be forwarded to the General Services Administration (FFS), Washington, DC 20406, and a copy to the Federal Supply Service of the GSA regional office serving the geographical area in which the facilities of the recipient of the authorization are located.

(f) Notices shall be furnished promptly by the authorizing activity to the Government source designated in the authorization whenever an authorization is withdrawn prior to the expiration of the established period of effectiveness, or upon termination of a grant or cost-reimbursement contract for which an authorization has been issued without a termination date. The notification shall be in writing and shall:

(1) Identify the grant or cite the number of the grant or cost-reimbursement contract involved; and

(2) Contain the effective date of withdrawal of the authorization which, in case of the termination of a grant or cost-reimbursement contract for which an indefinite authorization was previously issued, shall be no later than the date of the termination of the grant or cost-reimbursement contract.

Subpart 101–33.3—Use of GSA Sources

§ 101–33.300 Scope of subpart.

This subpart provides procedures governing the use of GSA sources by prime grantees and prime cost-reimbursement contractors and by subordinate activities authorized to use these sources by the Federal agency administering or controlling the grant or cost-reimbursement contract.

§ 101–33.301 Furnishing information to recipients of authorizations.

Agencies shall advise recipients of authorizations to obtain GSA publications such as pertinent Federal Supply Schedules, GSA stock catalogs, Guide to Sources of Supply and Service, and the FEDSTRIP Operating Guide from or through the GSA regional office serving the geographical area in which the facilities of the authorized activity is located.

§ 101–33.302 GSA contracts.

(a) Orders placed by recipients of authorizations under Federal Supply Schedule contracts, or GSA term contracts, shall be placed in accordance with the applicable contract. Each order shall:

(1) Cite the GSA contract number;

(2) Cite the discount terms contained in the schedule contract;

(3) Be accompanied by a copy of the authorization (unless a copy was previously furnished to the contractor); and

(4) Contain a statement as follows:

This order is placed pursuant to written authorization from _____ dated _____, (_____[1]). In the event of any inconsistency between the terms and conditions of this order and those of your contract, the latter will govern.

(b) In the event a contractor refuses to honor an order placed in accordance with the provisions of the contract, the issuer or holder of the authorization to use this supply source shall promptly report the facts and circumstances to the General Services Administration (FFS), Washington, DC 20406.

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[1] Insert "a copy of which is attached," or "a copy of which you have on file," or other suitable language, as appropriate.

§ 101–33.303 GSA stock.

(a) Requisitions placed by recipients of authorizations for items stocked in GSA supply distribution facilities shall be in accordance with the authorization, using the FEDSTRIP format in accordance with the provisions of Subpart 101–26.2 of this chapter. Each requisition shall include the FEDSTRIP address codes assigned by the Federal Supply Service of the appropriate GSA regional office.

(b) Bills for GSA stock are not rendered by GSA until after shipment has been made. Receipt of billing is construed as sufficient evidence of delivery to establish liability and make payment. Accordingly, recipients of authorizations should be directed to make payment promptly upon receipt of billing in accordance with the procedures set forth in Subpart 101–2.1 of this chapter—Billings, Payments, and Adjustments.

(c) Recipients of authorizations may obtain small repetitive requirements of administrative supplies and other selected items from GSA self-service stores. Purchases from self-service stores are generally accomplished through use of shopping plates which simplify requisitioning and accounting procedures. Cash or charge shopping plates may be obtained by authorized grantees and contractors by submitting a GSA Form 1947, Application for Self-Service Shopping Plate, to the GSA regional office providing supply support. A copy of the letter of authorization must accompany the application or be referenced if it has been previously placed on file with GSA.

§ 101–33.304 Government motor pool services.

Recipients of authorizations desiring to avail themselves of Government motor pool services shall be governed by the procedures set forth in Subpart 101–39.6 of this chapter.

§ 101–33.305 Excess personal property.

Prime grantees and prime cost-reimbursement contractors and subordinate activities having requirements involving the use of excess personal property shall be governed by the procedures set forth in Subpart 101–43.3 of this chapter.

Subpart 101–33.4—Use of DSA Sources

§ 101–33.400 Scope of subpart.

This subpart provides for the use of DSA sources by prime grantees and prime cost-reimbursement contractors and by subordinate activities authorized to use these sources by the Federal agency administering or controlling the grant or cost-reimbursement contract.

§ 101–33.401 DSA support to authorized activities.

Requisitions submitted by authorized activities to DSA supply centers shall be placed in accordance with the provisions of the grant or contract and the letter of authorization. Each requisition shall be accompanied by a copy of the authorization unless a copy was previously furnished and is on file at the DSA Supply Center.

(a) Requirements for packaged petroleum products shall be submitted to sources established by the Defense General Supply Center in accordance with the provisions of § 101–26.602 of this chapter. The Defense General Supply Center will supply material from inventory or may refer the requirement to the Defense Fuel Supply Center for purchase and direct delivery to the requisitioner. Coal and bulk petroleum fuels are excluded from DSA support to authorized activities.

(b) Requirements for electronic items shall be submitted to sources established by the Defense Electronic Supply Center in accordance with the provisions of § 101–26.603 of this chapter.

§ 101–33.402 Adherence to DSA policies.

Agencies shall provide that prime grantees and prime cost-reimbursement contractors and subordinate activities using DSA sources will be required to conform to the policies and procedures pertaining to, and established by, DSA with respect to utilizing the supply support extended by that agency to these activities.

Subpart 101–33.5—Federal Prison Industries, Inc. Sources

§ 101–33.500 Scope of subpart.

This subpart provides procedures and guidelines to prime grantees and prime cost-reimbursement contractors and to subordinate activities authorized to use Government sources regarding the ordering and purchase of products, supplies and services from Federal Prison Industries, Inc.

§ 101–33.501 Federal Prison Industries, Inc., products and services.

(a) Certain products and supplies offered by Federal Prison Industries, Inc., are generally available from GSA supply distribution facilities and are included in the GSA stock catalog. Examples of such products and supplies are certain common use brooms, brushes, metal and wood furniture. These items should be requisitioned in the same manner as any other GSA stock item.

(b) Federal Prison Industries, Inc., has available a wide range of products and services not enumerated in GSA stock catalogs. Examples of these are furniture repair and refinishing services, certain canvas and textile products, electronic and electrical cable assemblies, special furniture items both wood and metal, machine die and tool products, printing services, and automatic data processing services. These items should be ordered directly from Federal Prison Industries, Inc.

(c) A Schedule of Products is available from Federal Prison Industries, Inc. This Schedule identifies common use items stocked by GSA and lists all products and services otherwise available through Federal Prison Industries, Inc.

§ 101–33.502 Ordering procedures.

Recipients of authorizations desiring to order items from Federal Prison Industries, Inc., should request information, catalogs, and other data directly from this source. All such requests shall be directed to the Federal Prison Industries, Inc., Department of Justice, 101 Indiana Avenue NW., Washington, DC 20537.

Subpart 101–33.6—Workshops for the Blind and Other Severely Handicapped Sources

§ 101–33.600 Scope of subpart.

This subpart provides procedures and guidance to prime grantees and prime cost-reimbursement contractors and by subordinate activities authorized to use Government sources regarding the requisitioning of supplies from the Workshops for the Blind and Other Severely Handicapped.

§ 101–33.601 Ordering procedures.

(a) Supplies offered by this source are generally available from GSA supply distribution facilities and are included in the product listings in the GSA stock catalog. They should be requisitioned in the same manner as any other GSA stock item.

(b) Recipients of authorizations desiring to requisition supplies not stocked by GSA or services which for other reasons are to be ordered directly from this source should request such information from the Committee for Purchases of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (12–23–71).

Dated: December 15, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–18771 Filed 12–22–71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

REORGANIZATION OF TITLE

Correction

In F.R. Doc. 71–18535 appearing at page 24401 in the issue for Wednesday, December 22, 1971, the page following 24441 is incorrect. Page 24442 should read as set forth below:

is greater than $3,000, and there is no claim for actual direct loss of property, the maximum relocation payment that may be made shall be:

(i) The total actual moving expenses or $25,000, whichever is less; or

(ii) At the sole option of the agency, $25,000 together with a portion of the actual moving expenses in excess of $25,000 representing the same percentage of the excess as the percentage of the cost of the project paid for by the Federal grant under the terms of the pertinent Federal financial assistance contract. The agency electing to pay on this basis must make a cash payment to the displaced business, equal to the remainder of its actual moving expenses in excess of $25,000, out of local funds not to be made up of amounts consisting of any portion of the local share of the project cost: *Provided*, That, in any locality in which an LPA elects to share in the actual moving expenses in excess of $25,000 in connection with an urban renewal project, the City conducting a model cities project shall be required to share in actual moving expenses in excess of $25,000 on the same percentage basis as actual moving expenses in excess of $25,000 are borne by the LPA carrying out such urban renewal project: *And provided further*, That an LHA may elect to pay actual moving expenses in excess of $25,000 by:

(*a*) Charging two-thirds of the amount in excess of $25,000 to project development funds, and one-third of such expenses to local funds, or

(*b*) Charging three-fourths of the amount in excess of $25,000 to project development funds, and the remaining one-fourth to local funds in a locality eligible for a three-fourths grant for an urban renewal project undersection 103(a)(2)(B) of the Housing Act of 1949 (42 U.S.C. 1453(a)(2)(B)).

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the county, city, town, or village, as the case may be, in which the federally assisted activities are carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Maximum amounts—small business displacement payment, relocation adjustment payment, additional relocation payment, and replacement housing payment*—(1) *Fixed amount—small business displacement payment.* A small business displacement payment shall be $2,500 for business concerns displaced on or after August 10, 1965.

(2) *Maximum amount—relocation adjustment payment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed $500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual as determined by the agency.

(3) *Maximum amount—additional relocation payment.* The total additional relocation payment that may be made to a family, or elderly, or handicapped individual shall consist of monthly payments over a period not to exceed 24 months and shall be paid in an amount not to exceed $500 in the first 12 months and not to exceed $500 in the second 12 months (except as provided in § 41.4(b) of the regulations in this part) which, when added to 20 percent of the annual income of the family or individual at the time of displacement, shall be equal to the average annual gross rental required at such time to secure a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual as determined by the agency.

(4) *Maximum amount—replacement housing payment.* The total replacement housing payment that may be made for a family or individual eligible for a replacement housing payment under § 41.4(c) of the regulations of this part shall not exceed the lesser of (i) $5,000, or (ii) an amount which, when added to the acquisition payment, shall be equal to the average price required for a purchase of a decent, safe, and sanitary dwelling of modest standards which is adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment, and available on the private market.

§ 41.14 Condemnation proceedings and negotiated purchases.

Notwithstanding any other provision of the regulations in this part, in any State in which applicable law requires the inclusion in an award in eminent domain or in the purchase price paid for any property acquired by negotiation of an allowance for any of the expenses included within the definition of relocation payment in § 41.2(q), the portion of any judgment or any purchase price representing compensation for such expenses, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations in § 41.13: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

§ 41.15 Waiver.

No section of the regulations in this part which does not otherwise provide for waiver shall be waived unless the Secretary, after reviewing any claim for payment, authorizes waiver of the pertinent section(s) of the regulations in this part with regard to such claim.

Subpart B—Requirements Relating to Specific Programs

§ 41.21 Statement of applicability.

The regulations in this subpart shall govern basic conditions of eligibility for a relocation payment for reasonable and necessary moving expenses and actual direct loss of property (and shall form the initial basis of eligibility for the relocation payments described in Subpart A of this part) as these pertain to the programs named in this subpart.

§ 41.22 Urban renewal and neighborhood development programs.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement of the site occupant is:

(1) From real property within the urban renewal area, on or after the date of execution of the pertinent Federal financial assistance contract, or the date of HUD approval of a budget for project execution activities resulting in the displacement (provided that in the latter case a Federal financial assistance contract for such contemplated project is thereafter executed); and

(2) Made necessary by (i) the acquisition of such real property by the LPA or any other public body, or (ii) code enforcement activities undertaken in connection with the urban renewal area, or (iii) a program of voluntary rehabilitation of buildings or other improvements in accordance with the Urban Renewal Plan, as further described in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by acquisition.* A site occupant on the date of execution of a Federal financial assistance contract (or HUD concurrence, prior to its approval of an application for loan and grant, in the commencement of a project execution activity) which contemplates acquisition of the property, regardless of when or if such acquisition takes place, and a site occupant of the property at the time of its acquisition may be deemed displaced by the acquisition upon vacating the property. For this purpose, acquisition means the obtaining by the LPA or other public body of title to, or the right to possession of, the real property. No claim based upon acquisition of real property by a public body other than the LPA shall be approved unless the LPA shall have determined that the site occupant was displaced by acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (1) when it acquired or proposes to acquire the property occupied by the site occupant, and (2) whether it compensated or has agreed to compensate the claimant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(c) *Displacement made necessary by code enforcement or voluntary rehabilitation.* The vacating by the site occupant of the real property after the happening of any of the following events shall be deemed to be a displacement from the urban renewal project area made necessary by code enforcement or voluntary rehabilitation, as the case may be.

(1) In the case of code enforcement, the commencement of, or notice by the code agency of, code enforcement with respect to the real property, or the part thereof occupied by the site occupant which makes it necessary (as determined

Chapter X—Federal Insurance Administration

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Fresno	Unincorporated areas.	I 06 019 0000 04 through I 06 019 0000 25	Department of Water Resources, Post Office Box 388, Sacramento, CA 95012. California Insurance Department, 107 South Broadway, Los Angeles, CA 90112, and 1407 Market St., San Francisco, CA 94103.	Land Development Division, Fresno County, Department of Public Works, 4499 East Kings Canyon Rd., Fresno, CA 93702.	Dec. 10, 1971.
Connecticut	Hartford	Simsbury				Do.
Florida	Broward	Pompano Beach				Do.
Kentucky	Harlan	Wallins Creek				Do.
Massachusetts	Barnstable	Dennis				Do.
Do	Middlesex	Tewksbury				Do.
Michigan	Oakland	Southfield				Do.
Missouri	Taney	Branson				Do.
New Hampshire	Grafton	Lebanon				Do.
Oregon	Marion	Unincorporated areas.				Do.
Do	Polk	do				Do.
Pennsylvania	Berks	Bridgeton Township.				Do.
Do	Bucks	Yardley Borough				Do.
Do	Cumberland	Upper Allen Township.				Do.
Do	Delaware	Chester				Do.
Do	do	Parkside Borough				Do.
Do	do	Trainer Borough				Do.
Do	do	Upper Darby				Do.
Do	Luzerne	Wilkes-Barre				Do.
Do	Montgomery	Lower Merion				Do.
Tennessee	Obion	South Fulton				Do.
Washington	Snohomish	Unincorporated areas.	I 53 061 0000 03 through I 53 061 0000 51	Department of Ecology, 335 General Administration Bldg., Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Snohomish County Planning Department, Courthouse, Everett, Wash. 98201.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 13, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-18658 Filed 12-22-71;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Maricopa	Phoenix				Do.
California	Los Angeles	Azusa	I 06 037 0230 03 through I 06 037 0230 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90112, and 1407 Market St., San Francisco, CA 94103.	Office of the Director of Public Works, City of Azusa, 213 East Foothill Blvd., Azusa, CA 91702.	Do.
Do	Tulare	Unincorporated areas.	I 06 107 0000 02 through I 06 107 0000 37	do	Tulare County Planning Department, County Civic Center, Room 107 Courthouse, Visalia, Calif. 93277.	Do.
Do	do	Visalia				Do.
Delaware	Kent	Unincorporated areas.				Do.
Florida	Bay	Panama City Beach.				Do.
Illinois	Cook	Palatine				Do.
Kansas	Montgomery	Coffeyville				Do.
Kentucky	Perry	Except Hazard				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New Jersey	Union	Rahway	I 34 039 2730 07 through I 34 039 2730 12	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Office of the Planning Director, City Hall, 1470 Campbell St., Rahway, NJ 07065.	Do.
Do	do	Roselle Borough				Do.
Do	Somerset	Bernardsville Borough.				Do.
Do	Camden	Somerdale Borough.				Do.
Do	Cumberland	Vineland				Do.
Do	Monmouth	Wall Township				Do.
Do	Bergen	Westwood Borough.				Do.
Do	do	Wyckoff Township.				Do.
New York	Nassau	North Hempstead.				Do.
North Carolina	Dare	Nag's Head				Do.
Ohio	Cuyahoga	Mayfield				Do.
Pennsylvania	Delaware	Upper Chichester Township.				Do.
Rhode Island	Providence	Smithfield				Do.
Tennessee	Campbell	LaFollette	I 47 013 1320 01 through I 47 013 1320 04	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Office of the City Recorder, LaFollette, Tenn. 37766.	Do.
Do	Anderson	Oak Ridge				Do.
Texas	Brazoria	Sweeny	I 48 039 6710 03 through I 48 039 6710 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	City Hall, 222 Pecan St., Sweeny, TX 77480.	Do.
Do	Johnson	Burleson				Do.
Virginia	City of Fairfax		I 51 600 0000 03 through I 51 600 0000 10	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Department of Public Works, City Hall, Fairfax, Va. 22030.	Do.
Wisconsin	Waupaca	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 16, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-18656 Filed 12-22-71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Fresno	Unincorporated areas.	H 06 019 0000 04 through H 06 019 0000 25	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Land Development Division, Fresno County, Department of Public Works, 4499 East Kings Canyon Rd., Fresno, CA 93702.	July 1, 1970.
Connecticut	Hartford	Simsbury				Dec. 10, 1971.
Florida	Broward	Pompano Beach				Do.
Kentucky	Harlan	Wallins Creek				Do.
Massachusetts	Barnstable	Dennis				Do.
Do	Middlesex	Tewksbury				Do.
Michigan	Oakland	Southfield				Do.
Missouri	Taney	Branson				Do.
New Hampshire	Grafton	Lebanon				Do.
Oregon	Marion	Unincorporated areas.				Do.
Do	Polk	do				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Berks	Bridgeton Township.				Do.
Do	Bucks	Yardley Borough				Do.
Do	Cumberland	Upper Allen Township.				Do.
Do	Delaware	Chester				Do.
Do	do	Parkside Borough				Do.
Do	do	Trainer Borough				Do.
Do	do	Upper Darby				Do.
Do	Luzerne	Wilkes-Barre				Do.
Do	Montgomery	Lower Merion				Do.
Tennessee	Obion	South Fulton				Do.
Washington	Snohomish	Unincorporated areas.	H 53 061 0000 03 through H 53 061 0000 51	Department of Ecology, 335 General Administration Bldg., Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Snohomish County Planning Department Courthouse, Everett, Wash. 98201.	Nov. 28, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 13, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-18659 Filed 12-22-71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Maricopa	Phoenix				Dec. 17, 1971.
California	Los Angeles	Azusa	H 06 037 0230 03 through H 06 037 0230 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the Director of Public Works, City of Azusa, 213 East Foothill Blvd., Azusa, CA 91702.	Jan. 8, 1971.
Do	Tulare	Unincorporated areas.	H 06 107 0000 02 through H 06 107 0000 37	do	Tulare County Planning Department, County Civic Center, Room 107 Courthouse, Visalia, Calif. 93277.	Feb. 9, 1971.
Do	do	Visalia				Dec. 17, 1971.
Delaware	Kent	Unincorporated areas.				Do.
Florida	Bay	Panama City Beach.				Do.
Illinois	Cook	Palatine				Do.
Kansas	Montgomery	Coffeyville				Do.
Kentucky	Perry	Except Hazard				Do.
New Jersey	Union	Rahway	H 34 039 2730 07 through H 34 039 2730 12	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Planning Director, City Hall, 1470 Campbell St., Rahway, NJ 07065.	July 1, 1970.
Do	do	Roselle Borough				Dec. 17, 1971.
Do	Somerset	Bernardsville Borough.				Do.
Do	Camden	Somerdale Borough.				Do.
Do	Cumberland	Vineland				Do.
Do	Monmouth	Wall Township				Do.
Do	Bergen	Westwood Borough.				Do.
Do	do	Wyckoff Township.				Do.
New York	Nassau	North Hempstead.				Do.
North Carolina	Dare	Nag's Head				Do.
Ohio	Cuyahoga	Mayfield				Do.
Pennsylvania	Delaware	Upper Chichester Township.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Rhode Island	Providence	Smithfield				Dec. 17, 1971.
Tennessee	Campbell	LaFollette	H 47 013 1320 01 through H 47 013 1320 04	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office, Bldg., Nashville, Tenn. 37219.	Office of the City Recorder, LaFollette, Tenn. 37766.	Apr. 2, 1971
Do.	Anderson	Oak Ridge				Dec. 17, 1971.
Texas	Brazoria	Sweeny	H 48 039 6710 03 through H 48 039 6710 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, Tex. 78701. Texas Insurance Department, 110 San Jacinto St., Austin TX 78701.	City Hall, 222 Pecan St., Sweeny, TX 77480.	Nov. 28, 1970.
Do.	Johnson	Burleson				Dec. 17, 1971.
Virginia	City of Fairfax		H 51 600 0900 03 through H 51 600 0900 10	Division of Water Resources, Department of Conversation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23200.	Department of Public Works, City Hall, Fairfax, Va. 22030.	May 2, 1970.
Wisconsin	Waupaca	Unincorporated areas.				Dec. 17, 1971

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 16, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-18657 Filed 12-22-71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart D—Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 25 U.S.C. 373, the following amendments of regulations in subpart D, part 4, title 43, are made to effect editorial and other technical corrections and to clarify language in reference to agency practice in these matters. The amendments do not alter any substantive legal rights.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since these amendments are made for clarity and consistency in agency practice in these matters, and it is in the public interest as well as the interests of Indian beneficiaries and heirs not to delay implementation of these changes pending proposed rulemaking and comment, notice and public procedure thereon under 5 U.S.C. 553 are unnecessary, and these amendments will be made effective in less than 30 days. Accordingly, these amendments shall become effective upon publication hereof in the FEDERAL REGISTER (12-23-71).

Dated: December 14, 1971.

W. T. PECORA,
Under Secretary of the Interior.

1. Paragraph (a) of § 4.210 is amended to read as follows:

§ 4.210 Commencement of probate.

(a) Within the first 7 days of each month, each Superintendent shall prepare and furnish to the appropriate Examiner a list of the names of all Indians who have died and whose names have not been previously reported.

* * * * *

2. Section 4.240 is amended by adding a new subparagraph, (5), to paragraph (a) and by deleting the last sentence of paragraph (b). The added subparagraph (5) and the amended paragraph (b) read as follows:

§ 4.240 Decision of Examiner and notice thereof.

(a) * * *

(5) A determination of any rights of dower, curtesy or homestead which may constitute a burden upon the interest of the heirs.

(b) When the Examiner issues a decision, he shall issue a notice thereof to all parties who have or claim any interest in the estate and shall mail a copy of said notice, together with a copy of the decision to the Superintendent and to each party in interest simultaneously. The decision shall not become final and no distribution shall be made thereunder until the expiration of the 60 days allowed for the filing of a petition for rehearing by aggrieved parties as provided in § 4.241.

3. Paragraph (g) of § 4.241 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 4.241 Rehearing.

* * * * *

(g) No distribution shall be made under such order for a period of 60 days following the mailing of a notice of decision pending the filing of a notice of appeal by an aggrieved party as herein provided.

4. Paragraph (g) of § 4.242 is amended to delete the last sentence. The amended paragraph reads as follows:

§ 4.242 Reopening.

* * * * *

(g) No distribution shall be made under a decision issued pursuant to paragraph (b), (c), or (d) of this section for a period of 60 days following the mailing of the copy of the decision as therein provided, pending the filing of a notice of appeal by an aggrieved party.

* * * * *

5. Paragraph (a) of § 4.250 is amended to read as follows:

§ 4.250 Filing and proof of creditor claims; limitations.

(a) All claims against the estate of a deceased Indian held by creditors chargeable with notice of the hearing under § 4.211(c) shall be filed with either the Superintendent or the Examiner prior to the conclusion of the first hearing, and if they are not so filed, they shall be forever barred.

* * * * *

6. The heading to § 4.260 is amended to read as follows:

§ 4.260 Making; review as to form; revocation.

7. Section 4.271 is amended by deleting the second sentence. As amended, § 4.271 reads as follows:

§ 4.271 Summary distribution.

When an Indian dies intestate leaving only trust personal property or cash of a value of less than $1,000, the Superintendent shall assemble the apparent heirs and hold an informal hearing to

determine the proper distribution thereof. A memorandum covering the hearing shall be retained in the agency files showing the date of death of the decedent, the date of hearing, the persons notified and attending, the amount on hand, and the disposition thereof. In the disposition of such funds, the Examiner or Superintendent shall dispose of creditors' claims as provided in § 4.251. The Superintendent shall credit the balance, if any, to the legal heirs.

8. Section 4.273 is amended to read as follows:

§ 4.273 Improperly included property.

(a) When subsequent to a decision under § 4.240 or § 4.296, it is found that property has been improperly included in the inventory of an estate, the inventory shall be modified to eliminate such property. A petition for modification may be filed by the Superintendent of the Agency where the property is located, or by any party in interest.

(b) The Examiner shall review the record of the title upon which the modification is to be based, and enter an appropriate decision. If the decision is entered without a hearing, the Examiner shall give notice of his action to all parties whose rights are adversely affected allowing them 60 days in which to show cause why the decision should not then become final.

(c) Where appropriate the Examiner may conduct a hearing at any stage of the modification proceeding. Any such hearing shall be scheduled and conducted in accordance with the rules of this subpart. The Examiner shall enter a final decision based on his findings, modifying or refusing to modify the property inventory and his decision shall become final at the end of 60 days from the date it is mailed unless a notice of appeal is filed by an aggrieved party within such period. Notice of entry of the decision shall be given in accordance with § 4.240(b).

(d) A party aggrieved by the Examiner's decision may appeal to the Board pursuant to the procedures in §§ 4.291–4.297.

(e) The record of all proceedings shall be lodged with the title plant designated under § 4.236(b).

9. Paragraph (a) of § 4.274 is amended to read as follows:

§ 4.274 Distribution of estates.

(a) Unless the Superintendent shall have received a petition for rehearing filed pursuant to the requirements of § 4.241(a) or a copy of a notice of appeal filed pursuant to the requirements of § 4.291(b), he shall pay allowed claims, distribute the estate, and take all other necessary action directed by the Examiner's final order.

* * * * *

10. Section 4.291 is amended as follows: Paragraph (a) is revised, the words "It is a jurisdictional requirement that," at the beginning of the second sentence in paragraph (b) are deleted, and the following word "a" is capitalized to begin a sentence of the remaining words in that sentence. As amended, these paragraphs of § 4.291 read as follows:

§ 4.291 Appeals; how taken.

(a) *Notice of appeal.* The appellant shall file a written notice of appeal signed by him or by his attorney or other qualified representative, in the office of the Examiner who issued the decision being appealed, within 60 days after the date of mailing of the notice of the decision being appealed. A full statement of the errors of fact and law upon which the appeal is based shall be included in either the notice of appeal or in any brief which is filed pursuant to § 4.295(a). Failure to specify the basis relied upon will subject the appeal to dismissal.

(b) *Service of copies of notice of appeal.* The appellant shall hand deliver, or forward by certified mail, to the Examiner, the original and one copy of the notice of appeal, and he shall forward one copy by regular mail to the Board. At the time of filing the original notice, he shall forward copies of the notice of appeal by regular mail or otherwise to all Superintendents named on the Examiner's notice of decision, to all parties who share in the estate under the decision being appealed, and to all other parties who have appeared of record. The notice of appeal shall have attached thereto a certificate if filed by an attorney of of record, or an affidavit if filed by a nonattorney, setting forth the names of parties served and the last known address of each to whom the notice was mailed.

* * * * *

11. Section 4.296 is amended to read as follows:

§ 4.296 Decisions.

Decisions of the Board will be made in writing. Sufficient copies thereof will be forwarded to the Examiner for immediate simultaneous distribution to all parties concerned, the Superintendent, the Commissioner, the title plant designated under § 4.236(b), and to such other persons as the Board in its discretion deems appropriate. Decisions of the Board, which are final upon issuance, shall not be executed prior to the expiration of 60 days following the date of issuance of the decision. Immediately upon expiration of such period, the Examiner shall issue any implementing or supplemental order which may be necessary in accordance with the Board's decision and shall notify the same offices and parties who received the decision of the Board and the title plant designated under § 4.236(b).

12. A new § 4.297, reading as follows, is added:

§ 4.297 Disposition of the record.

The record filed with the Board under § 4.292 and all documents added during the appeal proceedings, including the Board's decision, shall be returned by the Board to the title plant designated under § 4.236(b). Upon receipt of the record, the duplicate thereof required by § 4.291 (c) shall be conformed to the original and returned to the Superintendent.

[FR Doc.71-18804 Filed 12-22-71;8:54 am]

Title 49—TRANSPORTATION

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

[Docket 1-8; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires" to increase the number of allowable casings that may be retreaded, to allow ply cord to be exposed in a limited, specified manner during the retreading process, and to modify the labeling requirements. Motor Vehicle Safety Standard No. 117 was issued April 17, 1971 (36 F.R. 7315), and amended, in response to petitions for reconsideration, on October 30, 1971 (36 F.R. 20877). Since that time certain segments of the industry have requested additional changes to the standard. This amendment is based on those requests.

1. One major objection that was raised concerns the prohibition against exposing cord in the ply area of the tire during processing. The issuance of April 17, 1971, prohibited any tire from being retreaded on which cord had been exposed either before or during the retreading process. The standard was further amended in the issuance of October 30, to allow belt material, but not ply cords, to be exposed during the retreading process.

The prohibition against retreading a casing that has exposed cord is based primarily on the fact that cord that has been exposed may have been damaged, thereby weakening the casing and increasing the chance that the completed tire will be unsafe. This is especially true where cord is exposed during the life of the original tire, as exposure of cord in this case will generally have been caused by excessive wear. However, cord has heretofore been exposed during the buffing part of many retreading processes, as a method of determining whether a sufficient amount of old tread rubber has been removed before the application of the new tread. The NHTSA recognizes the importance of removing a sufficient amount of old tread, and that, as stated in the October 30 notice, "careful buffing that barely exposes, but does not touch, the tire cords can produce satisfactory results." The Administration retained the prohibition against buffing to the cord, except for belt material, on the basis of the finding that it could result in damage to the cord and create unsafe tires.

After reviewing additional information and arguments that have been presented by interested parties, the NHTSA has now determined that buffing to the ply cord in very limited circumstances can be allowed without incurring the risk that cords will be damaged during buffing. The amendment issued herewith

allows buffing during the retreading process only at a splice, that is, where two segments of the same ply overlap. Exposure of cord at this point will not materially affect casing strength, as there still will be one layer of unexposed cord at the splice due to the ply overlap. Exposure of ply cord at a location other than a splice remains prohibited.

2. The standard as issued April 17, 1971, allowed only casings that had been labeled pursuant to Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) to be used in the manufacture of retreaded tires. The categories of casings that could be retreaded under the standard were expanded in the amendment of October 30, 1971. Certain other additions, namely, the inclusion of certain 13-inch and 15-inch tire sizes and series 70 tires, each of which must contain certain labeling, are incorporated by this amendment.

3. In the preamble to the amendment of October 30, 1971, the NHTSA denied requests to amend the requirement that the original labeling on casings be retained on the completed retreaded tire, and that casings without retainable labeling be discarded. The NHTSA's position was that retention of the original labeling was the most satisfactory way to insure that each retreaded tire would be labeled with the appropriate safety information, and it was recognized that some casings would have to be rejected because of this requirement. Information which the agency has recently received, however, indicates that this requirement may reduce the number of retreadable casings to a degree not anticipated. The shortage of casings will result because the labeling on many casings lies in an area where it would be removed during the retreading process. Although the problem had been described in comments at previous stages of rule making, specific data as to the number of available casings was presented to the agency after the October 30 amendment.

The agency has concluded after review of this data that to require the discarding of casings without retainable labeling could substantially impair the industry due to a shortage of casings. The NHTSA has accordingly decided to revoke these requirements of the standard and to propose an alternate labeling scheme. A notice of proposed rule making to that effect is published in this issue of the FEDERAL REGISTER. Much of the difficulty experienced by retreaders in finding casings that bear labeling not subject to destruction results from the fact that many new tires carry their required information in locations such that it is removed during the retreading process. The NHTSA is therefore issuing an additional notice of proposed rule making which would amend Standard No. 109 to require the labeling in question to be placed in an area where it will not be subject to destruction during the retreading process.

This amendment to Standard No. 117 does not change the requirement that only certain casings containing original labeling information be used in the manufacture of retreaded tires, but specifies that, at present, this labeling need not be retained on the completed tire.

In light of the above, § 571.117 of Title 49, Code of Federal Regulations (Motor Vehicle Safety Standard No. 117) is hereby amended as follows:

1. Paragraph S5.2.1 is amended to read as follows:

S5.2.1. No retreaded tire shall be manufactured with a casing—

(a) On which bead wire or cord fabric is exposed before processing.

(b) On which bead wire is exposed during processing.

(c) On which any cord fabric is exposed during processing, except that cord fabric that is located at a splice, i.e., where two or more segments of the same ply overlap, or cord fabric that is part of the belt material, may be exposed but shall not be penetrated or removed to any extent whatsoever.

2. Paragraph S5.2.4 is amended to read as follows:

S5.2.4 Until January 1, 1974, a retreaded tire may be manufactured with a casing that is for use on rims having diameters of 13, 14, or 15 inches, that has a size designation of either 5.60, 5.90, 6.00, 6.45, 6.50, 6.85, 6.95, 7.00, 7.35, 7.75, 8.15, 8.25, 8.45, 8.55, 8.90, 9.00, 9.15, A70, D70, E70, F70, G70, H70, J70, L70, C70, or K70, and that has been permanently labeled on the sidewall with each of the following:

(a) The generic name of the cord material used in plies of the tire;

(b) The actual number of plies;

(c) The size of the tire; and

(d) Whether the tire is tubeless or tube type.

3. Paragraph S6.3 "Permanent Labeling" is revoked.

4. Figure 1 is deleted.

Effective date: January 1, 1972. The amendments issued herein relieve restrictions and impose no additional burdens on any person. Accordingly, it is found, for good cause shown, that an effective date less than 180 days, and less than 30 days, from the day of issuance is in the public interest.

(Secs. 103, 112, 113, 114, 119, and 201, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on December 21, 1971.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.71-18842 Filed 12-22-71;8:54 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

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (12-23-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1972, through December 31, 1972, in areas designated on map as I and III; and from March 15, 1972, through September 30, 1972, daylight hours only, in area designated on map as II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 causeways, during daylight hours, from January 1, 1972, through December 31, 1972.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devil's Kitchen Lake and on Little Grassy Lake.

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, 1972.

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

DECEMBER 16, 1971.

[FR Doc.71-18749 Filed 12-22-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Determining Tax Credit for Foreign Income Taxes Paid by Controlled Foreign Corporations

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 in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 24, 1972. 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 24, 1972. 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 requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to provide special rules for determining the foreign tax credit of a domestic corporation when applying sections 902 and 960 of the Internal Revenue Code of 1954 where a first-tier foreign corporation has income excluded under section 959(b) of the Code upon which the effective rate of foreign income taxes is higher or lower than the effective rate of foreign income taxes upon the other income of such foreign corporation, the Income Tax Regulations (26 CFR Part 1) are amended as indicated below. These amendments are effective for taxable years of foreign corporations beginning after December 31, 1962, and for taxable years of U.S. shareholders within which or with which such taxable years of such corporations end.

PARAGRAPH 1. Section 1.959–3 is amended by revising that part of paragraph (e) which precedes the examples therein, and by revising paragraph (c) in each of examples (1) and (2) in paragraph (e), to read as follows:

§ 1.959–3 Allocation of distributions to earnings and profits of foreign corporations.

* * * * *

(e) *Determination of foreign tax credit.* For purposes of applying section 902 and section 960 in determining the foreign tax credit allowable under section 901 in a case in which distributions are made by a second-tier corporation or a first-tier corporation, as the case may be, from its earnings and profits for a taxable year which are attributable to an amount included in the gross income of a U.S. shareholder under section 951(a) or which are attributable to amounts excluded from the gross income of such foreign corporation under section 959(b) and § 1.959–2 with respect to a U.S. shareholder, the rules of paragraph (b) of this section shall apply except that in applying subparagraph (1) or (2) of such paragraph—

(1) Distributions from the earnings and profits for such taxable year of the second-tier corporation shall be considered first attributable to its earnings and profits attributable to distributions from the earnings and profits of the foreign corporation, if any, next lower in the chain of ownership described in section 958(a), to the extent of such earnings and profits of the second-tier corporation, and then to the other earnings and profits of such second-tier corporation, and

(2) Distributions from the earnings and profits for such taxable year of the first-tier corporation shall be considered first attributable to its earnings and profits attributable to distributions from the earnings and profits of the second-tier corporation, to the extent of such earnings and profits of the first-tier corporation, and then to the other earnings and profits of such first-tier corporation.

For purposes of this paragraph, a second-tier corporation is a foreign corporation referred to in section 960(a)(1)(B), and a first-tier corporation is a foreign corporation referred to in section 960(a)(1)(A). The application of this paragraph may be illustrated by the following examples:

Example (1). * * *

(c) During 1964, S Corporation distributes $100 to R Corporation, and R Corporation distributes $100 to A Corporation. Neither corporation has any earnings or profits or deficit in earnings and profits for such year. On December 31, 1964, R Corporation has earnings and profits (computed before distributions to A Corporation made for the year) of $200, consisting of $100 of section 959(c)(1) amounts of R Corporation for 1963 and of $100 of section 959(c)(1) amounts of S Corporation for 1963. For purposes of determining the foreign tax credit under section 960 and the regulations thereunder, the $100 distribution by R Corporation shall be considered attributable to S Corporation's earnings and profits for 1963 described in section 959(c)(1).

Example (2). * * *

(c) During 1965 neither T Corporation nor U Corporation has any earnings and profits or deficit in earnings and profits or investment of earnings in U.S. property, but T Corporation distributes $100 to A Corporation. For purposes of determining the foreign tax credit under section 960 and the regulations thereunder, the $100 distribution of T Corporation shall be considered attributable to T Corporation's earnings and profits for 1964 described in section 959(c)(1).

* * * * *

PAR. 2. Section 1.960–1 is amended by adding subdivision (iii) to paragraph (c)(1), by adding subparagraph (3) to paragraph (c), and by adding example (6) to paragraph (c)(4). These added provisions read as follows:

§ 1.960–1 Foreign tax credit with respect to taxes paid on earnings and profits of controlled foreign corporations.

* * * * *

(c) *Amount of foreign income taxes deemed paid by domestic corporation in respect of earnings and profits of foreign corporation attributable to amount included in income under section 951*—(1) *In general.* * * *

(iii) In applying subdivision (i) of this subparagraph to a first-tier corporation which for the taxable year has income excluded under section 959(b), subparagraph (3) of this paragraph shall apply for purposes of excluding certain earnings and profits of such corporation and foreign income taxes, if any, attributable to such excluded income.

* * * * *

(3) *Exclusion of earning and profits and taxes of first-tier corporation having income excluded under section 959(b).* If in the case of a first-tier corporation to which subparagraph (1)(i) of this paragraph is applied—

(i) The earnings and profits of such first-tier corporation for its taxable year consist of (*a*) earnings and profits attributable to dividends received from a second-tier corporation to which, in accordance with paragraph (b) of § 1.960–2, section 902(b) does not apply and (*b*) other earnings and profits, and

(ii) The effective rate of foreign income taxes paid or accrued by such first-tier corporation in respect to the dividends to which its earnings and profits described in subdivision (i)(*a*) of this subparagraph are attributable is higher or lower than the effective rate of foreign income taxes paid or accrued by

such first-tier corporation in respect to the income to which its earnings and profits described in subdivision (i)(*b*) of this subparagraph are attributable.

then, for purposes of applying subparagraph (1)(i) of this paragraph to the foreign income taxes paid, accrued, or deemed to be paid, by such first-tier corporation on or with respect to its earnings and profits for such taxable year, the earnings and profits of such first-tier corporation for such taxable year shall be considered not to include the earnings and profits described in subdivision (i)(*a*) of this subparagraph and only the foreign income taxes paid, accrued, or deemed to be paid, by such first-tier corporation in respect to the income to which its earnings and profits described in subdivision (i)(*b*) of this subparagraph are attributable shall be taken into account.

(4) *Illustrations.* * * *

Example (6). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, not a less developed country corporation, which owns all one class of stock of controlled foreign corporation B. All such corporations use the calendar year as the taxable year. For 1965, N Corporation is required under section 951 to include in gross income $175 attributable to the earnings and profits of A Corporation for such year. For 1965, B Corporation has earnings and profits of $225, on which it pays foreign income taxes of $75. In 1965, B Corporation distributes $150, which, under paragraph (b) of § 1.960-2, consists of $100 to which section 902(b) does not apply (from B Corporation's earnings and profits attributable to an amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation) and $50 to which section 902(b)(1) applies (from B Corporation's other earnings and profits). The country under the laws of which A Corporation is incorporated imposes an income tax of 40 percent on all income but exempts from tax dividends received from a subsidiary corporation. A Corporation makes no distribution for 1965. Under paragraph (b) of § 1.960-2, A Corporation is deemed to have paid $25 ($50/$150×$75) of the $75 foreign income taxes paid by B Corporation on its pretax earnings and profits of $225. The foreign income taxes deemed paid by N Corporation for 1965 under section 960(a)(1)(C) with respect to A Corporation are determined as follows upon the basis of the following assumed facts:

Pretax earnings and profits of A Corporation:			
Dividends received from B Corporation		$150.00	
Other income		250.00	
Total pretax earnings and profits			$400.00
Foreign income taxes:			
On dividends received from B Corporation		none	
On other income ($250×0.40)		100.00	
Total foreign income taxes			100.00
Earnings and profits:			
Attributable to dividends received from B Corporation to which sec. 902(b) does not apply		100.00	
Attributable to other income:			
Attributable to dividends received from B Corporation to which section 902(b)(1) applies	$50.00		
Attributable to other income ($250[$250×0.40])	150.00	200.00	
Total earnings and profits			300.00
Foreign income taxes deemed paid by N Corporation under sec. 960(a)(1)(C) with respect to A Corporation:			
Tax paid by A Corporation in respect to its income other than dividends received from B Corporation to which sec. 902(b) does not apply ($175/$200×$100)			87.50
Tax of B Corporation deemed paid by A Corporation under sec. 902(b)(1) in respect to such income ($175/$200×$25)			21.88
Total foreign income taxes deemed paid by N Corporation under sec. 960(a)(1)(C) with respect to A Corporation			109.38

* * * * * * *

PAR. 3. Section 1.960-2 is amended by adding subparagraph (2) to paragraph (c), by revising that part of paragarph (e) which precedes the examples therein, and by adding examples (7) and (8) to paragraph (e), as follows:

§ 1.960-2 Interrelation of section 902 and section 960 when dividends are paid by second-tier corporation or by first-tier corporation.

* * * * *

(c) *Application of section 902(a) to dividends received by domestic corporation from first-tier corporation.* * * *

(2) *Separate determinations under section 902(a) in case of first-tier corporation having income excluded under section 959(b).* If in the case of a first-tier corporation to which subparagraph (1) of this paragraph is applied—

(i) The earnings and profits of such first-tier corporation for its taxable year consist of (*a*) earnings and profits attributable to dividends received from a second-tier corporation to which, in accordance with paragraph (b) of this section, section 902(b) does not apply and (*b*) other earnings and profits, and

(ii) The effective rate of foreign income taxes paid or accrued by such first-tier corporation in respect to the dividents to which its earnings and profits described in subdivision (i)(*a*) of this subparagraph are attributable is higher or lower than the effective rate of foreign income taxes paid or accrued by such first-tier corporation in respect to the income to which its earnings and profits described in subdivision (i)(*b*) of this subparagraph are attributable.

then, for purposes of applying subparagraph (1) of this paragraph to dividends received by the domestic corporation from the first-tier corporation, section 902(a) shall be applied separately to the portion of the dividends which is attributable to the earnings and profits described in subdivision (i)(*a*) of this subparagraph and separately to the portion of the dividends which is attributable to the earnings and profits described in subdivision (i)(*b*) of this subparagraph. For this purpose, in making each such separate determination, only the foreign income taxes paid, accrued, or, in the case of earnings and profits described in subdivision (i)(*b*) of this subparagraph, deemed to be paid, by such first-tier corporation in respect to the income to which the earnings and profits are attributable in respect of which the separate determination is being made shall be taken into account. For purposes of applying this subparagraph, no part of the foreign income taxes paid, accrued, or deemed to be paid, by such first-tier corporation for such taxable year in respect to the income to which its earnings and profits described in subdivision (i)(*b*) of this subparagraph are attributable shall be attributed to its earnings and profits described in subdivision (i)(*a*) of this subparagraph; and no part of the foreign income taxes paid or accrued by such first-tier corporation for such taxable year in respect to the dividends to which its earnings and profits described in subdivision (i)(*a*) of this subparagraph are attributable shall be attributed to its earnings and profits described in subdivision (i)(*b*) of this subparagraph.

* * * * *

(e) *Illustrations.* The application of this section may be illustrated by the following examples, in all of which, other than examples (7) and (8), it is assumed that the effective rate of foreign income taxes paid or accrued by the first-tier corporation in respect to dividends received from the second-tier corporation is the same as the effective rate of foreign income taxes paid or accrued by the first-tier corporation in respect to its other income:

* * * * *

Example (7). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, not a less developed country corporation, which owns all the one class of stock of controlled foreign corporation B. All such corporations use the calendar year as the taxable year. For 1965, N Corporation is required under section 951 to include in gross income $100 attributable to the earnings and profits of B Corporation for such year. For 1965, B Corporation distributes $150, consisting of $100 from its earnings and profits attributable to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation and $50 from its other earnings and profits. The country under the laws of which A Corporation is incorporated imposes

an income tax of 10 percent on all income but exempts from tax dividends received from a subsidiary corporation. For 1965, A Corporation distributes $175, consisting of $100 from its earnings and profits attributable to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation, and $75 from its other earnings and profits. The foreign income taxes deemed paid by N Corporation for 1965 under section 960(a)(1)(C) and section 902(a)(1) are determined as follows on the basis of the facts assumed:

B Corporation (second-tier corporation):		
Pretax earnings and profits		$200.00
Foreign income taxes (20%)		40.00
Earnings and profits		160.00
Amount required to be included in N Corporation's gross income for 1965 under sec. 951 with respect to B Corporation		100.00
Dividends paid by B Corporation:		
Dividends to which sec. 902(b) does not apply (from B Corporation's earnings and profits in respect of which an amount is required under sec. 951 to be included in N Corporation's gross income with respect to B Corporation)	$100.00	
Dividends to which sec. 902(b)(1) applies (from B Corporation's other earnings and profits)	50.00	
Total dividends paid to A Corporation		150.00
Foreign income taxes of B Corporation deemed paid by A Corporation for 1965 under sec. 902(b)(1) ($50/$160×$40)		12.50
A Corporation (first-tier corporation):		
Pretax earnings and profits:		
Dividends received from B Corporation	150.00	
Other income	100.00	
Total pretax earnings and profits		250.00
Foreign income taxes:		
On dividends received from B Corporation	none	
On other income ($100×0.10)	10.00	
Total foreign income taxes		10.00
Earnings and profits:		
Attributable to dividends received from B Corporation to which sec. 902(b) does not apply	100.00	
Attributable to other income:		
Attributable to dividends received from B Corporation to which sec. 902(b)(1) applies	$50.00	
Attributable to other income ($100−$10)	90.00	140.00
Total earnings and profits		240.00
Earnings and profits after exclusion of amounts attributable to dividends to which sec. 902(b) does not apply ($240−$100)		140.00
Amount required to be included in N Corporation's gross income for 1965 under sec. 951 with respect to A Corporation		none
Dividends paid by A Corporation:		
Dividends to which sec. 902(a) does not apply (from A Corporation's earnings and profits in respect of which an amount is required under sec. 951 to be included in N Corporation's gross income with respect to A Corporation)	none	
Dividends to which sec. 902(a)(1) applies (from A Corporation's other earnings and profits)	175.00	
Total dividends paid to N Corporation		175.00
N Corporation (domestic corporation):		
Foreign income taxes deemed paid by N Corporation under sec. 960(a)(1)(C) with respect to B Corporation ($100/$160×$40)		25.00
Foreign income taxes deemed paid by N Corporation under sec. 902(a)(1) with respect to A Corporation (allocation of earnings and profits being made under pars. (c)(2) and (d) of this section):		
Tax paid by A Corporation in respect to dividends received from B Corporation to which sec. 902(b) does not apply ($100/$100×$0)	none	
Tax paid by A Corporation in respect to its other income ($75/$140×$10)	5.36	
Tax of B Corporation deemed paid by A Corporation in respect to such other income ($75/$140×$12.50)	6.70	
Total taxes deemed paid under sec. 902(a)(1)		12.06
Total foreign income taxes deemed paid by N Corporation under sec. 901		37.06

Example (8). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, not a less developed country corporation, which owns all the one class of stock of controlled foreign corporation B. All such corporations use the calendar year as the taxable year. For 1965, N Corporation is required under section 951 to include in gross income $150 attributable to the earnings and profits of B Corporation for such year and $47.50 attributable to the earnings and profits of A Corporation for such year. For 1965, B Corporation distributes $200, consisting of $150 from its earnings and profits attributable to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation and $50 from its other earnings and profits. The country under the laws of which A Corporation is incorporated imposes an income tax of 5 percent on dividends received from a subsidiary corporation and 20 percent on other income. For 1965, A Corporation distributes $100 from its earnings and profits to N Corporation, such amount being attributable under paragraph (e) of § 1.959-3 to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation. The foreign income taxes deemed paid by N Corporation for 1965 under section 960(a)(1)(C) and section 902(a)(1) are determined as follows on the basis of the facts assumed:

B Corporation (second-tier corporation):		
Pretax earnings and profits		$250.00
Foreign income taxes (20 percent)		50.00
Earnings and profits		200.00
Amount required to be included in N Corporation's gross income for 1965 under sec. 951 with respect to B Corporation		150.00
Dividends paid by B Corporation:		
Dividends to which sec. 902(b) does not apply (from B Corporation's earnings and profits in respect of which an amount is required under sec. 951 to be included in N Corporation's gross income with respect to B Corporation)	$150.00	
Dividends to which sec. 902(b)(1) applies (from B Corporation's other earnings and profits)	50.00	
Total dividends paid to A Corporation		200.00
Foreign income taxes of B Corporation deemed paid by A Corporation for 1965 under sec. 902(b)(1) ($50/$200×$50)		12.50

A Corporation (first-tier corporation):			
Pretax earnings and profits:			
Dividends received from B Corporation		200.00	
Other income		100.00	
Total pretax earnings and profits			300.00
Foreign income taxes:			
On dividends received from B Corporation to which sec. 902(b) does not apply ($150×0.05)		7.50	
On other income:			
Dividends received from B Corporation to which sec. 902(b)(1) applies ($50×0.05)	$2.50		
Other income of A Corporation ($100×0.20)	20.00	22.50	
Total foreign income taxes			30.00
Earnings and profits:			
Attributable to dividends received from B Corporation to which sec. 902(b) does not apply ($150−$7.50)		142.50	
Attributable to other income:			
Attributable to dividends received from B Corporation to which sec. 902(b)(1) applies ($50−$2.50)	47.50		
Attributable to other income ($100−$20)	80.00	127.50	
Total earnings and profits			270.00
Earnings and profits after exclusion of amounts attributable to dividends to which sec. 902(b) does not apply ($270 less $142.50)			127.50
Amount required to be included in N Corporation's gross income for 1965 under sec. 951 with respect to A Corporation			47.50
Dividends paid by A Corporation:			
Dividends to which sec. 902(a) does not apply (from A Corporation's earnings and profits in respect of which an amount is required under sec. 951 to be included in N Corporation's gross income with respect to A Corporation)		none	
Dividends to which sec. 902(a)(1) applies (from A Corporation's other earnings and profits)		100.00	
Total dividends paid to N Corporation			100.00
N Corporation (domestic corporation):			
Foreign income taxes deemed paid by N Corporation under sec. 960(a)(1)(C) with respect to—			
B Corporation ($150/$200×$50)			37.50
A Corporation (allocation of earnings and profits being made under § 1.960-1(c)(3) and par. (d) of this sec.):			
Tax paid by A Corporation ($47.50/$127.50×$22.50)		8.38	
Tax of B Corporation deemed paid by A Corporation under sec. 902(b)(1) ($47.50/$127.50×$12.50)		4.66	13.04
Total taxes deemed paid under sec. 960(a)(1)(C)			50.54
Foreign income taxes deemed paid by N Corporation under sec. 902(a)(1) with respect to A Corporation (allocations of earnings and profits being made under pars. (c)(2) and (d) of this sec.) ($100/$142.50×$7.50)			5.26
Total foreign income taxes deemed paid by N Corporation under sec. 901			55.80

[FR Doc.71-18670 Filed 12-22-71;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CHANNEL ISLANDS NATIONAL MONUMENT, CALIF.

Submerged Features, Wrecks and Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM1 (27 F.R. 6395 as amended), and National Park Service Order No. 66 (36 F.R. 21218), it is proposed to add § 7.84 to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this proposal is to prohibit damage to submerged features, to preserve wrecked vessels, and to protect various species of fish and shellfish and to improve fishing for recreational enjoyment of visitors.

Proposed regulations were published initially on July 9. Through an extension of the 30-day period interested persons were given until September 22 within which to submit written comments, suggestions, or objections with respect to the proposed regulations. The comments received were carefully considered and the proposed regulations were revised as set forth below.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Superintendent, Channel Islands National Monument, Post Office Box 1388, Oxnard, Calif. 93030, within 30 days of the publication of this notice in the FEDERAL REGISTER.

A new § 7.84 is added to read as follows:

§ 7.84 Channel Islands National Monument.

(a) *Submerged features.* No person shall cut, carve, injure, mutilate, remove, displace, or break off any underwater growth or formation. Nor shall any person dig in the bottom, or in any other way injure or impair the natural beauty of the underwater scene.

(b) *Wrecks.* No person shall destroy, molest, remove, deface, displace, or tamper with wrecked and abandoned water or airborne craft or any cargo pertaining thereto.

(c) *Fishing.* The taking of any fish, crustaceans, mollusk, or other marine life shall be in compliance with State regulations except that:

(1) No invertebrates may be taken in water less than five (5) feet in depth.

(2) The taking of abalone and lobsters for commercial purposes is prohibited in the following areas:

(i) *Anacapa Island.* Northside to exterior boundary of the monument between east end of Arch Rock, 119°21′–34°01′ and west end of island, 119°27′–34°01′.

(ii) *Santa Barbara Island.* Eastside to exterior boundary of monument 119°02′–33°28′ and 119°02′–33°29′30″.

(3) Use of round haul, trammel, or gill nets is prohibited in less than 20 fathoms of water.

(4) The Superintendent shall require all persons fishing commercially within Channel Islands National Monument, on waters open for this purpose, to obtain an annual permit from him. Such permits shall be issued on request except that:

(i) Lobster permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for lobsters caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(ii) Abalone permits for Anacapa and Santa Barbara Islands will be issued only to applicants who filed with the California State Department of Fish and Game fish receipts for abalone caught at Anacapa and Santa Barbara Islands during the period July 1, 1968, to July 1, 1971.

(5) No person shall molest, kill, wound, capture, frighten, or attempt to molest, kill, wound, capture, frighten any seal or sea lion within the exterior boundaries of Channel Islands National Monument.

JOSEPH C. RUMBERG, Jr.,
Director, Western Region.

[FR Doc.71-18803 Filed 12-22-71;8:53 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

STANDARDS FOR GRADES OF POTATOES [1]

Proposed Size Requirements

Notice is hereby given that the U.S. Department of Agriculture is considering the amendment of U.S. Standards for Potatoes (7 CFR 51.1540–51.1566). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than January 15, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendment of the grade standards. The revised U.S. Standards for Grades of Potatoes, effective September 1, 1971, provide, in Table I § 51.1545, optional size designations. The largest of these, "Bakers," has a minimum size requirement of three inches in diameter or ten ounces in weight. No maximum size is specified. No comments concerning this size designation were received following publication of the proposed standards in October 1969. However, since issuance of the revised standards potato shippers have registered their disapproval of the use of the term "Bakers" with such a large minimum size. It has been pointed out that many shippers customarily pack potatoes smaller than ten ounces in weight, using the term "Bakers" in some manner in labeling.

The Idaho Grower Shippers Association has formally requested that the size designation "Bakers" be deleted from Table I. This request appears justified. The proposed amendment, making the requested change, would eliminate the present conflict with industry usage of the term "Bakers" on containers. There would be no adverse effect on growers, shippers, receivers or consumers. Sizes larger than the "Large" designation could be specified in terms of minimum, or minimum and maximum, diameters or weights.

As proposed to be amended, Table I in § 51.1545 is set forth below.

§ 51.1545 Size.

* * * * *

TABLE I

Size designation	Minimum		Maximum	
	Diameter [4]	Weight	Diameter [4]	Weight
	Inches	*Ounces*	*Inches*	*Ounces*
Size A [3]	1⅞	(5)	(5)	(5)
Size B	1⅝	(5)	2¼	(5)
Small	1¾	(5)	2½	6
Medium	2¼	5	3¼	10
Large	3	10	4¼	16

[4] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.

[3] In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2¼ inches in diameter or larger or 6 ounces in weight or larger.

[5] No requirement.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: December 20, 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.71-18791 Filed 12-22-71;8:52 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Increased Assessment Rate for 1971–72 Fiscal Year

Consideration is being given to the following proposal submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 36 F.R. 20355), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary find that provisions pertaining to the rate of assessment in paragraph (b) of § 932.208 *Expenses, rate of assessment, and carryover of unexpended funds* (36 F.R. 22223) be amended to read as follows:

§ 932.208 Expenses, rate of assessment, and carryover of unexpended funds.

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, is fixed at $13 per ton of olives.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 17, 1971.

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

[FR Doc.71-18760 Filed 12-22-71;8:49 am]

[7 CFR Parts 1001, 1002]

[Dockets Nos. AO-14-A51, AO-71-A64]

MILK IN THE BOSTON REGIONAL AND NEW YORK-NEW JERSEY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, NY, beginning at 10 a.m., local time, on January 6, 1972, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to proposal No. 1.

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

Proposed by New York-New England Dairy Cooperative Coordinating Committee:

Proposal No. 1. Amend §§ 1001.65(c) and 1002.71(c) of the Boston Regional and New York-New Jersey orders, respectively, by increasing the deductions by 10 cents for each specified month. The specific deductions as proposed herein for both orders by months would be: 20 cents for March; 30 cents for April; and 40 cents for May and June.

Proposed by Eastern Milk Producers Cooperative Association:

Proposal No. 2. Amend § 1001.65(c) of the Boston Regional order by increasing

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

the deductions by 10 cents for each specified month.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, 230 Congress Street, Boston, MA 02110; 205 East 42d Street, New York, NY 10017; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on December 17, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-18761 Filed 12-22-71;8:49 am]

Rural Electrification Administration

[7 CFR Part 1701]

ENGINEERING REQUIREMENTS FOR RURAL TELEPHONE LOANS

Checklist for Review of Loan Proposal

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 360–1, Checklist for Review of an Area Coverage Design. The revision is being made to reflect in the subject checklist changes in REA preloan engineering requirements and procedures. On issuance of revised REA Bulletin 360–1, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the provisions of revised REA Bulletin 360–1 and the accompanying Checklist for the Review of Engineering Proposals, may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A summary of the proposed revision of REA Bulletin 360–1 and changes in the accompanying checklist is as follows:

REVISED REA BULLETIN 360–1

CHECKLIST FOR REVIEW OF A SUPPLEMENTAL LOAN PROPOSAL OR AN AREA COVERAGE DESIGN

General. 1. The purpose of REA Bulletin 360–1 is to present and explain the use by REA, borrowers and consulting engineers of REA Form 567, Checklist for Review of a Supplemental Loan Proposal or Area Coverage Design. REA is currently proposing changes in this "checklist" to conform to changes in its loan procedure and requirements relating to engineering.

2. REA is revising REA Bulletin 360–1 to provide for changes in existing REA Form 567, "Checklist for Review of an Area Coverage Design."

Proposed changes. The substantive changes in REA Form 567 covered by the revised Bulletin are as follows:

1. Conforms checklist to cover both REA Bulletin 320–14, "Loans for Telephone System Improvements and Extensions," dated May 24, 1971, and REA TE & CM 205, "Assembly and Arrangement of an Area Coverage Design," dated May 1971. These are alternative engineering submissions required of loan applicants.

2. Serves to emphasize that the new Supplemental Loan Proposal (SLP), while less detailed than an Area Coverage Design (ACD), is not intended to be merely a cost estimate but rather a well thought out plan for developing the service area.

3. Serves to insure that the minimum essential information required in an SLP or Area Coverage Design will be provided in the original submission to REA.

4. Major changes in engineering questions to cover current designs are as follows:

a. Stress on upgrading to one-party service.

b. Emphasis on new types of subscriber services.

c. Emphasis on retaining good existing plant.

d. Question on the effects of the design on the environment.

e. Stress on alternative ways of meeting central office equipment requirements (adding to old, replacing with direct, or common control switching equipment or station carrier).

f. Emphasis on providing customer toll dialing.

g. Emphasis on elimination of conversation timing.

h. Stress on standby engine generators for reliability during power failure.

i. Stress on test equipment for insuring adequate transmission.

j. Avoidance of small dial offices which are not able to economically provide the most modern telephone service.

k. Increased emphasis on traffic measurements to insure adequate conversation paths.

l. Emphasis on use of fine gauge cables and station carrier to keep costs down.

m. Emphasis on D66 loading to insure adequate bandwidth likely to be required by subscriber-owned equipment in the future.

n. Emphasis on use of electronic devices (which are still declining in cost) for initial requirements and future expansion.

o. Emphasis placed on avoiding the paralleling of electric system lines because of noise.

p. Emphasis on the use of buried cable which is generally the most reliable and most economical plant.

q. Introduction of conduit systems and underground cable in town plant of rural systems.

r. Deemphasis of the importance of aerial cables, aerial distribution wire, aerial open wire, and joint use.

s. Emphasis added on adequate planning of lot size and buildings for future requirements.

t. Emphasis on mobile radio and the use of microwave equipment.

u. Questions have been added concerning the cost of providing service in towns with populations of more than 1,500.

v. Since two or three step upgrading to all one-party service is significantly more costly, alternative studies are required when all one-party service is not planned.

Dated: December 17, 1971.

E. F. RENSHAW,
Assistant Administrator—Telephone.

[FR Doc.71-18762 Filed 12-22-71;8:50 am]

[7 CFR Part 1701]

LOANS TO REA POWER SUPPLY BORROWERS

Forms of Loan Security Instruments

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 20–14 to provide for modifications in the security instruments for loans to REA Power Supply Borrowers. On issuance of this supplement, Appendix A, included in Part 1701, will be modified accordingly.

Persons interested in this supplement relating to the modification of the security instruments for such loans may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours.

Copies of the proposed forms of loan security instruments may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the loan security instruments to be included in a Supplement to REA Bulletin 20–14 is as follows:

SUMMARY OF CHANGES IN LOAN SECURITY INSTRUMENTS FOR LOANS TO REA POWER SUPPLY BORROWERS

REA is issuing a new supplement to REA Bulletin 20–14, Supplemental Financing Considered Under section 4 of the Rural Electrification Act, for the purpose of announcing and explaining changes in the loan security instruments to be used in connection with financing for REA power supply borrowers. The specific instruments and changes in provisions are as follows:

Form of REA–CFC supplemental mortgage for power supply borrowers. The new forms of REA–CFC supplemental mortgage are to be used in connection with: (1) Concurrent financing by REA and the National Rural Utilities Cooperative Finance Corporation (CFC) for power supply borrowers; and (2) total financing by CFC for such borrowers. They name as mortgagees both the Government and CFC and mortgage all the borrower's property, now owned or subsequently acquired, as security for the outstanding notes held by REA, the notes issued to REA and CFC in connection with initial concurrent REA and CFC financing, as well as additional future notes which might be issued under the Supplemental Mortgage. These forms of mortgage, appropriately adapted, will also be available for use in connection with financing for power supply borrowers by lending institutions other than CFC. Additional instruments may be required in connection with particular financing arrangements.

Article I of the forms of the Supplemental Mortgage covers the issuance of additional notes, establishes the maximum

amount of notes which can be secured by the mortgage, provides for the meeting of certain economic tests before additional REA notes may be secured by the Supplemental Mortgage, and further provides for REA written approval before additional CFC notes may be secured by the Supplemental Mortgage.

Article II lists the particular covenants of the borrower. Most of these obligations are basically the same as those assumed by the borrower in the present mortgage to REA. Some noteworthy new features considered necessary to accommodate the mortgage to the requirements of supplemental financing by a non-REA lender, and to encourage potential investors to provide funds from the private money market to such lender, include:

(a) A provision in section 3 which requires that before the borrower mortgages any of its property to anyone other than REA and CFC, the consent of both of the mortgagees must be obtained, except that the borrower may, without CFC consent, secure equally and ratably with the REA and CFC loans any loan from a third lender where such loan is approved and found to be feasible by REA, meets the financial and operating standards imposed by CFC for comparable loans, and has not been granted by CFC within a specified time after application previously made therefore by the borrower.

(b) A provision in section 4 that voluntary prepayments by the borrower be apportioned between concurrently issued CFC and REA notes in the ratio of total unpaid principal of these two classes of notes. Cushion of credit payments on presently outstanding REA notes are not subject to this requirement.

(c) A provision in section 5 that specified requirements be met before the borrower may merge or consolidate with another corporation, or sell, lease, or transfer capital assets.

(d) A provision in section 6(b) that if the borrower does not spend, during each 5-year period, an amount for maintenance, renewals, and replacements at least equal to either 10 percent of its 5-year gross revenues less power costs, or 15 percent of its depreciation plus maintenance expenses, the borrower may have a professional engineer inspect its property and deposit the amount determined to be needed for maintenance, renewal, and replacement by such engineer in a controlled fund or apply it to prepayments on notes.

(e) Restrictions in section 7 against entering into certain long-term leases, and in section 10 against constructing or acquiring certain facilities and executing certain contracts, including wholesale power and operation or maintenance contracts, without the approval of one or both mortgagees as specified for the particular type of transaction.

(f) A requirement in section 15 that the borrower design its rates with a view, among other things, to maintaining a "Times Interest Earned Ratio" of not less than 1.0 and a "Debt Service Coverage" of not less than 1.0.

(g) Restrictions in section 16 against retirements of capital credits until certain equity levels are achieved. There is no mortgage limitation on the amount of capital that may be retired if, after the proposed retirement, a borrower's equity equals or exceeds 40 percent of its total assets. If the borrower's equity equals or exceeds 20 percent but is less than 40 percent after the proposed retirement, capital retirements may be made up to an amount equal to 25 percent of the prior year's margin. Before any capital can be retired, the borrower must be current in the repayment of principal and interest on all outstanding notes, and its current and accrued assets must at least equal its current and accrued liabilities.

(h) A provision in section 22 limiting new investments or deposits of general funds to securities and deposits issued or guaranteed by the Government or Government agencies, CFC securities, and capital credits in generating and transmission cooperatives, except that other forms of new investments and deposits may be made to the extent that they will not exceed 3 percent of the borrower's total utility plant.

Article III of the forms of Supplemental Mortgage lists the remedies of the mortgagees and note holders. These include, in general, the remedies available under the present mortgage to REA, and a provision that if REA fails to exercise a right or remedy on behalf of all the noteholders within 30 days after the happening of an event of default, CFC may exercise such right or remedy.

Article IV is the "Possession until default-defeasance clause." As in the present mortgage to REA, it permits the borrower to retain actual possession of the mortgage property and to manage and operate it, subject to the restrictions of the Supplemental Mortgage, until an act of default occurs.

Article V contains a number of miscellaneous provisions, including a provision in section 2 that CFC's rights under the CFC notes and the Supplemental Mortgage may be assigned to others only with prior REA approval, except for an assignment of such rights to secure borrowings by CFC on the money market, and in the latter event, such rights shall continue in CFC unless and until a default by CFC occurs on its obligations.

Revisions in the form of standard REA mortgage for power supply borrowers. The present form of standard REA mortgage, with the changes specified below, will continue to be used by REA for new loans to power supply borrowers which involve 100 percent REA financing. The changes in the standard form of mortgage are designed to increase the financial strength and soundness of borrowers similar to provisions of the new form of supplemental mortgage to be used in connection with concurrent REA and CFC loans. A summary of the significant changes in the form of standard mortgage, all of which appear in Article II, is as follows:

1. A provision in section 6(b) that if the borrower does not spend, during each 5-year period, an amount for maintenance, renewals, and replacements at least equal to either 10 percent of its 5-year gross revenues, less power costs, or 15 percent of depreciation plus maintenance expenses, the borrower may have an inspection of its plant by a professional engineer and deposit the amount determined to be necessary by the engineer in a controlled fund or apply it to prepayments on notes.

2. Restrictions in section 7 against entering into certain long-term leases, without REA approval.

3. A requirement in section 15 that the borrower design its rates with a view, among other things, to maintaining a "Times Interest Earned Ratio" of not less than 1.0 and a "Debt Service Coverage" of not less than 1.0.

4. Restrictions in section 16 against retirements of capital credits until certain equity levels are achieved. There is no mortgage limitation on the amount of capital that may be retired if, after the proposed retirement, a borrower's equity equals or exceeds 40 percent of its total assets. If the borrower's equity equals or exceeds 20 percent but is less than 40 percent after the proposed retirement, capital retirements may be made up to an amount equal to 25 percent of the prior year's margin. Before any capital can be retired, the borrower must be current in the repayment of principal and interest on all outstanding notes, and its current and accrued assets must at least equal its current and accrued liabilities.

5. A new section 20 which limits new investments or deposits of general funds to securities or deposits issued or guaranteed by the Government or Government agencies, CFC securities, and capital credits in generating and transmission cooperatives, except that other forms of new investments and deposits may be made to the extent that they will not exceed 3 percent of the borrower's total utility plant.

Dated: December 17, 1971.

DAVID A. HAMIL,
Administrator.

[FR Doc.71-18763 Filed 12-22-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 100]

NUTRITIONAL QUALITY GUIDELINES FOR FOODS

Notice of Proposed Rule Making

In view of the increasing proliferation of fabricated foods, snack foods, meal replacements, and other such foods, the increasing importance which such foods are assuming in the American diet, and the recommendations of the White House Conference on Food, Nutrition, and Health, the Commissioner of Food and Drugs contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of such foods and nutrient composition for them which would be in the best interest of the public health.

Subsequently, for this purpose, the Academy formed the Committee on Food Standards and Fortification Policy. The Committee's first recommendation ("Nutritional Guideline Recommendations—Frozen Convenience Dinners" available from the Food and Drug Administration, Office of Education and Consumer Affairs, Room 12-56, 5600 Fishers Lane, Rockville, Md. 20852) has been submitted to the Commissioner. Based on his evaluation of the Committee's recommendations and other available information, the Commissioner of Food and Drugs concludes that it would be of benefit to the food industry and the consumer alike to establish nutritional quality guidelines for certain classes of foods. The first of these classes would be for frozen convenience dinners as set forth below.

In its report, the Committee concluded that frozen convenience dinners in which the primary source of protein is derived from meat, poultry, or fish are not considered important sources of calcium but that, because of technological difficulties, fortification of this type of product with calcium does not appear feasible at this time. Furthermore, the

Committee concluded that, since calcium is low in this class of foods and phosphorous is relatively high, it would be undesirable to establish a minimum level for phosphorous since this could result in an exaggeration of an already low ratio of calcium to phosphorous. The Committee did comment that a ratio of calcium to phosphorous in the total daily diet lower than 1:1 was considered nutritionally undesirable. The Commissioner has concluded that, in view of the natural variation of food nutrient content, it is not feasible either to require such a 1:1 ratio or to establish any other particular ratio as a minimum requirement, but it is intended that the industry will strive for the most desirable ratio possible.

The Committee also gave consideration to other nutrients for which minimum levels are not being proposed or to which other reference is not made in this proposal but, for reasons given in its report, concluded that minimum levels for these nutrients need not be established. For the nutrients listed in footnote 1 to the table proposed in § 100.20(d), it is anticipated that minimum levels will be established at some point in the future. For the nutrients not so listed but considered by the NAS, it is not anticipated at this time that minimum levels will be established for frozen convenience dinners.

The Committee did not recommend a minimum caloric value for frozen convenience dinners. However, since the caloric value of these dinners is too low to classify them as complete meals and since recommended minimum levels of nutrients per frozen convenience dinner inherently require a minimum caloric level, a minimum of 340 calories is being proposed.

The Commissioner further concludes that it would be in the public interest for the labeling of food complying with such nutritional quality guidelines to contain useful nutrition information. The Commissioner intends to propose that foods with nutrients added to meet these guidelines not be regarded as special dietary foods by reason of such addition. As an interim measure, until such time as a new part covering nutrition labeling for foods can be promulgated in 21 CFR (at which time ample opportunity for the orderly change over and disposal of existing stocks will be furnished), it is proposed that the nutrition labeling contained in §§ 125.3 and 125.4 (21 CFR 125.3 and 125.4) will apply to foods for which nutritional quality guidelines are established.

The Commissioner also calls particular attention to the two alternative labeling procedures included in § 100.1(b)(4) of the following proposal and invites specific comment on these alternatives or the submission of other alternatives by any interested persons.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat. 1047–48 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I by adding a new Part 100, consisting at this time of two sections as follows:

PART 100—NUTRITIONAL QUALITY GUIDELINES FOR FOODS

Subpart A—General

§ 100.1 General principles.

General principles governing the establishment and application of the nutritional quality guidelines for foods presented in Subpart B of this part are as follows:

(a) Each such guideline prescribes the minimum nutrient composition (nutritional quality) appropriate for a given class of food based upon the best available scientific data on human nutrition needs and dietary habits.

(b) Labeling of products for which nutritional quality guidelines have been established shall be as follows:

(1) It shall conform to the requirements of §§ 125.3 and 125.4 of this chapter as well as to all other applicable regulations.

(2) Any nutrient added in order to meet the minimum level prescribed by a nutritional quality guideline or in order to achieve the nutritionally desirable calcium-to-phosphorous ratio of 1:1 must be declared in the ingredient statement, but the label, in conforming to the requirements of §§ 125.3 and 125.4 of this chapter may not otherwise feature the added nutrient in such a manner as to suggest that the product is superior to one in which such addition is not required.

(3) If a nutritional quality guideline prescribes a minimum caloric value for a food, the principal display panel of the label (as defined in § 1.7 of this chapter) of such food must bear a prominent and conspicuous declaration of the number of available calories supplied in an average serving of the food. For the purposes of this section an "average serving" shall be as defined for the class of food in the section assigned to it in this part. In the absence of such a definition, an average serving shall be expressed in terms of a convenient unit of measure that can be readily understood and utilized by purchasers of such food.

(4) The labeling of any food which complies in all respects with a nutritional quality guideline established for such food may include the statement, "The nutrient content of this product meets the Federal Nutritional Quality Guidelines for _____," the blank being filled in with the class of product. Labeling of noncomplying products may not include any such statement or otherwise be represented as or purport to be in compliance with the guidelines. (Alternatively, it is proposed that a complying product would bear no reference to the nutritional quality guidelines, but the labeling of a noncomplying product would be required to include the statement, "The nutrient content of this product varies from the Federal Nutritional Quality Guidelines for _____ in that it _____," the first blank being filled in with the class of product and the second with a description of the manner in which the food does not comply.)

(c) Nutritional quality guidelines may be proposed or amended by the Commissioner of Food and Drugs either on his own initiative, with or without the advice of the National Academy of Sciences and/or other experts, or on behalf of other interested persons who have submitted a petition. Any such petition must include a proposed nutritional quality guideline for a class of food together with an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds for the proposed guideline.

Subpart B—Nutritional Quality Guidelines

§ 100.20 Precooked frozen convenience "heat and serve" dinners.

(a) The product contains at least:

(1) A source of protein derived primarily from meat, poultry, fish, or cheese.

(2) A vegetable other than potatoes, rice, or other cereal based product.

(3) Potatoes, rice, or other cereal based product.

(b) The three components named in paragraph (a) of this section shall contribute:

(1) Not less than 340 calories and

(2) Not less than the minimum levels of nutrients prescribed in paragraph (d) of this section per 100 calories (Kcal) or per frozen convenience "heat and serve" dinner, whichever is greater.

(c) If, in order to meet the minimum nutrient levels prescribed, if is necessary to add vitamin A, thiamin, riboflavin, niacin, or iron, the addition of such nutrient shall not exceed twice the minimum level prescribed by paragraph (d) of this section nor shall more than two such nutrients be added.

(d) Minimum levels of nutrients for frozen convenience "heat and serve" dinners are as follows:

Nutrient	Minimum levels for frozen convenience "heat and serve" dinners per 100 Kcal (calories)	Minimum levels [1] per frozen convenience "heat and serve" dinner
Protein, grams	4.60	15.00
Vitamin A, I.U.	150.00	510.00
Thiamin, mg.	0.05	0.17
Riboflavin, mg.	0.06	0.21
Niacin, mg.[2]	0.99	3.30
Iron, mg.	0.62	2.10
Iodine, mcg.	([3])	([3])

[1] Frozen convenience "heat and serve" dinners prepared from conventional food ingredients listed in paragraph (a) of this section will be expected to contain vitamin B-6, vitamin B-12, folacin, magnesium, pantothenic acid, and zinc. Minimum levels for these nutrients cannot be established at the present time but will be added as additional data are obtained.

[2] Niacin equivalent, i.e., 60 milligrams of dietary tryptophan, are equivalent to 1 milligram of niacin.

[3] Iodine should be present at a level equivalent to that which would be present if iodized salt were used in the manufacture of the frozen convenience "heat and serve" dinners.

(e) For the purposes of § 100.1(b)(3), an "average serving" shall be one entire frozen convenience "heat and serve" dinner.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 20, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-18766 Filed 12-22-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Adminstration

[14 CFR Part 121]

[Docket No. 8351; Reference Notice 67-38]

FLIGHT FOLLOWING REQUIREMENTS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 67-38, published in the FEDERAL REGISTER August 25, 1967 (32 F.R. 12405), in which the FAA proposed to amend the provisions of Part 121 of the Federal Aviation Regulations relating to the flight following requirements.

The comments received in response to Notice 67-38 indicated that there was a substantial difference of opinion among the interested parties as to whether the existing flight following requirements needed revision.

The Air Line Dispatchers Association (ALDA) voiced strong opposition to the proposed changes and urged that the FAA strengthen the existing regulation to provide for inflight monitoring of all commercial and supplemental flights and for their release and operational control by certificated aircraft dispatchers. The ALDA also urged that a public hearing be held on the question of "reliability and availability of communications." The National Air Carrier Association, Inc., opposed the proposed changes on the grounds that they are unwarranted and would in important respects be unworkable. The Air Line Pilots Association opposed the proposed changes primarily because it believed that "a requirement exists for better communications with a full dispatching service rather than the reverse." On the other hand, the Air Transport Association of America supported the proposed changes (while questioning the need for any change at this time) provided certain clarifying changes were included in a final rule.

In view of the marked differences of opinion expressed in comments on Notice 67-38, the FAA issued a notice of public hearing (33 F.R. 3165, Feb. 20, 1968) to give all interested parties an opportunity to comment further on the need for changes in the existing flight following requirements. At the public hearing the same parties who had previously submitted written comments on the proposed rule presented their views regarding the Notice.

After reviewing the written comments and the statements presented at the public hearing, the FAA has determined that the subject should receive further study and that Notice 67-38 should be withdrawn at this time.

The withdrawal of this notice does not, however, preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER, August 25, 1967 (32 F.R. 12405), and circulated as Notice 67-38 entitled "Flight Following Requirements", is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 16, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-18718 Filed 12-22-71;8:49 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-23; Notice 1]

NEW PNEUMATIC TIRES

Proposed Labeling Requirements

This notice proposes to amend Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires for Passenger Cars," to require safety labeling information to be placed on the tire between the maximum section width and the bead, in order that this information can be retained on the casing if the tire is retreaded.

Labeling on retreaded tires should utilize original casing labeling as much as possible, as this will reduce the possibility of incorrect labeling which is more likely to occur if a tire must be relabeled. In addition, the expense to retreaders of complying with labeling requirements can be reduced if required safety labeling can be retained from the original casing. Accordingly, this notice would amend Motor Vehicle Safety Standard No. 109 to provide that safety information be labeled on the tire in an area where it can be retained if the tire is retreaded after its initial use. In addition, some modifications to the labeling requirements have been included to reflect changes in construction made by industry since the adoption of the original standard.

In light of the above, it is proposed that paragraph S4.3 of § 571.109 of Title 49, Code of Federal Regulations, be amended to read as follows:

S4.3 *Labeling requirements.* Except as provided in S4.3.1 and S4.3.2, each tire shall have permanently molded into or onto both sidewalls, in letters and numerals not less than three-thirty seconds of an inch high, in an area between the maximum section width and bead so as not to be obstructed by the flange of any rim designated for use with that tire in §§ 571.109 and 571.110 of this chapter, each of the following:

(a) One size designation, except that equivalent inch and metric size designations may be used;

(b) Maximum permissible inflation pressure;

(c) Maximum load rating;

(d) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different;

(f) The words "tubeless" or "tube type" as applicable; and

(g) The word "radial" if the tire is a radial ply tire.

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on March 31, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: January 1, 1973.

This notice of proposed rule making is issued pursuant to the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. §§ 1392, 1401, 1402, 1403, 1407, 1421) and the delegation of

authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on December 21, 1971.

ELWOOD T. DRIVER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-18843 Filed 12-22-71;8:54 am]

[49 CFR Part 571]

[Docket No. 1-8; Notice 6]

RETREADED PNEUMATIC TIRES

Proposed Labeling Requirements

The purpose of this notice is to propose requirements for the labeling of retreaded tires with information related to the purchase and safe use of these tires. Federal Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," was issued on April 17, 1971 (36 F.R. 7315), and amended, in response to petitions for reconsideration, on October 30, 1971 (36 F.R. 20877). The standard is further amended in this issue of the FEDERAL REGISTER (36 F.R. 24814), in response to certain issues raised by the industry.

The standard as amended October 30 required certain safety information which appears on casings to be retained on the completed retreaded tire. In the amendment to the standard issued today the requirement that labeled information be retained is revoked, as a result of information recently obtained by the NHTSA indicating that the requirement would reduce the number of retreadable casings to an unacceptable level.

As indicated in the amendment issued today, the NHTSA recognizes that the problem of retaining labeling results to a large extent from the fact that labeling on new tires often appears in an area of the tire where it is subject to removal during the retreading process. The NHTSA has proposed in a separate notice issued today to amend Motor Vehicle Safety Standard No. 109 to provide that this safety information be placed in an area of the new tire where it will not be subject to removal. Although methods have been developed for permanent labeling of retreaded tires, these methods are not immediately available to all retreaders.

Consequently, the NHTSA, while deleting the present requirements, hereby proposes an alternative labeling scheme for the interim period, allowing time for retreaders to adjust their processes without undue disruption. The proposed requirements provide that, effective April 1, 1972, each retreaded tire be labeled, in letters of specified size, with the tire's size, maximum permissible inflation pressure, maximum load rating, the generic name of the cord material, and the actual number of plies and belts, as obtained from the casing. If the casing fails to contain the maximum load or permissible inflation pressure, this information can be obtained from a table incorporated into the standard. Affixed labels would be allowed to be used until January 1, 1973, at which time permanent labeling, retained or otherwise, would be required.

In light of the above, it is proposed that § 571.117 of Title 49, Code of Federal Regulations, be amended by adding S6.3, to read as follows:

S6.3 *Labeling.*

S6.3.1 Each retreaded pneumatic tire produced on or after April 1, 1972, shall be labeled, in at least one location on the tire sidewall in letters and numerals not less than three-thirty seconds of an inch high with the following information as obtained from the casing and Figure 1.

(a) The tire's size designation;

(b) The tire's maximum permissible inflation pressure;

(c) The tire's maximum load rating;

(d) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(e) The actual number of plies in the sidewall and the actual number of plies in the tread area, if different.

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled onto the tire, either permanently or by the addition of a label that is not easily removable, during the retreading process.

S6.3.2 Each retreaded pneumatic tire produced on or after January 1, 1973, shall be permanently labeled in at least one location on the completed retreaded tire, in letters and numerals not less than three-thirty seconds of an inch high that are molded into or onto the tire sidewall, with the following information as obtained from the casing and Figure 1.

(a) The tire's size designation;

(b) The tire's maximum permissible inflation pressure;

(c) The tire's maximum load rating;

(d) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire;

(e) The actual number of plies in the tire, and the number of plies in the tread area, if different;

(f) The words "tubeless" or "tube type" as applicable; and

(g) The word "radial" if the tire is a radial tire.

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on January 31, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective dates. As noted in the test of the proposal, the requirements for temporary labeling would be effective April 1, 1972. The requirement for permanent labeling would be effective January 1, 1973.

This notice of proposed rule making is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. § 1392, 1401, 1402, 1403, 1407, 1421) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on December 21, 1971.

ELWOOD T. DRIVER,
Acting Associate Administrator,
Motor Vehicle Programs.

Pilot

Tire size	2 Ply-4 Ply (4 Ply Rating)		4 Ply (6 Ply Rating)		4 Ply (8 Ply Rating)	
	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure
6.00-13	1010	32	1080	36	1140	40
6.50-13	1150	32	1230	36	1300	40
7.00-13	1270	32	1360	36	1440	40
6.45-14	1120	32	1200	36	1270	40
6.95-14	1230	32	1310	36	1390	40
7.35-14	1360	32	1450	36	1540	40
7.75-14	1500	32	1600	36	1690	40
8.25-14	1630	32	1730	36	1830	40
8.55-14	1770	32	1890	36	2000	40
8.85-14	1860	32	1990	36	2100	40
5.60-15	970	32	1040	36	1105	40
5.90-15	1050	32	1130	36	1200	40
6.85-15	1230	32	1320	36	1390	40
7.35-15	1390	32	1480	36	1570	40
7.75-15	1490	32	1590	36	1690	40
8.15-15	1610	32	1720	36	1820	40
8.25-15	1620	32	1730	36	1830	40
8.45-15	1740	32	1860	36	1970	40
8.55-15	1770	32	1890	36	2000	40
8.85-15	1860	32	1980	36	2100	40
9.00-15	1900	32	2030	36	2150	40
9.15-15	1970	32	2100	36	2230	40
8.90-15	2210	32	2360	36	2500	40
A70-13	1060	32	1130	36	1200	40
D70-13	1320	32	1410	36	1490	40
D70-14	1320	32	1410	36	1490	40
E70-14	1400	32	1490	36	1580	40
F70-14	1500	32	1610	36	1700	40
G70-14	1620	32	1730	36	1830	40
H70-14	1770	32	1890	36	2010	40
J70-14	1860	32	1980	36	2100	40
L70-14	1970	32	2100	36	2230	40
C70-15	1230	32	1320	36	1390	40
D70-15	1320	32	1410	36	1490	40
E70-15	1400	32	1490	36	1580	40
F70-15	1500	32	1610	36	1700	40
G70-15	1620	32	1730	36	1830	40
H70-15	1770	32	1890	36	2010	40
J70-15	1860	32	1980	36	2100	40
K70-15	1900	32	2030	36	2150	40
L70-15	1970	32	2100	36	2230	40

FIGURE 1

[FR Doc.71-18844 Filed 12-22-71;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Assurances from Applicant

A notice was published on September 15, 1971, that the Administrator, Environmental Protection Agency, proposed to amend § 601.27, Title 18, Code of Federal Regulations (Assurances from Applicant), to establish regulations to permit approval of "Turn-Key" projects for waste treatment plant construction. Interested persons were given the opportunity to participate in the rule making through submission of comments, not later than 30 days after publication date (September 15, 1971) of the proposed regulation. The time for submission of comments was extended an additional 45 days, to November 29, 1971, by a notice published in the FEDERAL REGISTER on October 21, 1971.

On November 25, 1971, EPA regulations were recodified and republished in the FEDERAL REGISTER as Title 40, Code of Federal Regulations. Part 601 of Title 18, however, was retained as an uncodified regulation, pending publication of new grant regulations in Subchapter B of Title 40. The previously proposed amendment to 18 CFR 601.27 will, when and if adopted, be included in Part 35, Title 40.

Notice is hereby given that the time for submission of comments on the previously proposed amendment is further extended to January 20, 1972. During this extension, interested parties will be afforded the opportunity to make oral presentations on the proposed regulation. Oral presentation may be made at the following cities on the indicated dates. Contact should be made with the EPA Regional Office concerned for the exact location.

New York, N.Y.
Date: January 10, 1972.
Region II, 26 Federal Plaza, Room 847, New York, N.Y. 10007, Telephone 212/264-2525.

Atlanta, Ga.
Date: January 11, 1972.
Region IV, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309, Telephone 404 526-5727.

Chicago, Ill.
Date: January 12, 1972.
Region V, 1 North Wacker Drive, Chicago, IL 60606, Telephone 312 353-5250.

Dallas, Tex.
Date: January 13, 1972.
Region VI, 1600 Patterson, Suite 1100, Dallas, TX 75201, Telephone 214 749-1962.

Denver, Colo.
Date: January 14, 1972.
Region VIII, 1860 Lincoln Street, Denver, CO 80203, Telephone 303 837-3895.

San Francisco, Calif.
Date: January 17, 1972.
Region IX, 100 California Street, San Francisco, CA 94111, Telephone 415 556-2320.

Since the purpose is to provide the public with the widest possible opportunity to present views on the proposed regulation, there will be no concurrent discussion by EPA personnel on the merits of the comments or proposed regulation during the receipt of the oral presentations. All comments received will be given careful consideration in the review process which will follow receipt of views from all sources.

Copies of the comments will be available for examination by interested persons at the Grants Administration Division, 1750 K Street NW., Washington, DC, Room 1101.

Dated: December 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-18841 Filed 12-22-71;8:54 am]

[40 CFR Part 180]

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

Thiram; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Stations of Michigan and New York submitted a petition (PP 1E1123), proposing establishment of a tolerance for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on the raw agricultural commodity onions (dry bulb) at 0.5 part per million.

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

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

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36

F.R. 9038), it is proposed that § 180.132 be amended by adding to the end thereof a new paragraph, as follows:

§ 180.132 Thiram; tolerances for residues.

* * * * *

0.5 part per million in or on onions (dry bulb).

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

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Room 3175, South Agriculture Building, Environmental Protection Agency, 12th and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 14, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-18717 Filed 12-22-71;8:52 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 546]

[Docket No. 71-74]

QUARTERLY REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

Enlargement of Time To File Answers

Upon request of counsel for various participants in this proceeding, and good cause appearing, time within which answers to Hearing Counsel's reply may be filed is enlarged to and including January 3, 1972.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-18789 Filed 12-22-71;8:52 am]

Notices

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

NARCOTICS AND COCAINE

Proposed Aggregate Production Quotas

On April 24, 1971, § 303.42 of the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) was published in the FEDERAL REGISTER (36 F.R. 7789). This section required that all persons requesting a 1972 procurement quota, according to § 303.12 of the regulations, or a 1972 individual manufacturing quota, according to § 303.22 of the regulations, for basic classes of controlled substances listed in §§ 308.11 (schedule I) and 308.12 (schedule II) of the regulations, file an appropriate application with the Bureau by September 1, 1971.

On August 12, 1971, the Distribution Audit Branch of the Bureau mailed to all manufacturers of schedule I and II controlled substances, a letter of explanation of the quota procedure. Also enclosed were the appropriate Bureau forms (BND–250 or BND–189) and a comprehensive list of all the controlled substances included within schedules I and II. The date for submission to the Bureau of the quota applications was extended until September 10, 1971.

In determining the narcotic and cocaine aggregate production quotas for 1972, which are adequate to provide for the

(1) Estimated medical, scientific, research and industrial needs of the United States;

(2) Lawful export requirements; and

(3) Establishment and maintenance of reserve stocks, the Bureau has considered the following as required by section 306 of the CSA (21 U.S.C. 826) and § 303.11 of Title 21 of the Code of Federal Regulations:

(1) Total net disposal by all manufacturers during the current and preceding 2 years and trends in the national rate of net disposal;

(2) Total actual (or estimated) inventory of narcotics and cocaine and of all substances manufactured from them and trends in inventory accumulation;

(3) Projected demand as indicated by procurement quotas requested pursuant to § 303.12 of Title 21 of the Code of Federal Regulations; and

(4) Other relevant factors affecting the medical, scientific, research, and industrial needs in the United States and lawful export requirements, including:

(a) Changes in currently accepted medical use in treatment with narcotics and cocaine or substances which are manufactured from them;

(b) Economic and physical availability of raw materials for use in manufacturing and for inventory purposes;

(c) Yield and stability problems;

(d) Potential disruptions to production; and

(e) Unforeseen emergencies.

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by § 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, proposes that the aggregate production quotas for 1972 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous bases, be established as follows:

Substance	*Granted*
1. Alphaprodine	52,000
2. Anileridine	315,000
3. Apomorphine	2,250
4. Codeine (for conversion)	230,000
5. Codeine (for sale)	28,660,000
6. Diphenoxylate	614,270
7. Dihydrocodeine	121,430
8. Ecgonine	381,610
9. Ethylmorphine	30,000
10. Fentanyl	2,000
11. Hydrocodone	512,000
12. Hydromorphone	58,000
13. Levorphanol	8,000
14. Methadone	2,602,569
15. Methadone Intermediate (4-cyano-2-dimethylamino-4, 4-diphenyl butane)	725,000
16. Morphine (for conversion)	25,891,000
17. Morphine (for sale)	500,000
18. Norpethidine	530,000
19. Opium* (tinctures, extracts, etc.) (expressed in terms of opium)	1,943,000
20. Oxycodone (for conversion)	18,000
21. Oxycodone (for sale)	1,198,000
22. Oxymorphone	8,500
23. Pethidine	14,250,000
24. Phenazocine	500
25. Thebaine (for conversion)	448,500
26. Thebaine (for sale)	2,724,500
1. Cocaine	1,374,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received by January 15, 1972.

Dated: December 15, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-18722 Filed 12-22-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of Omitted Island described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., February 1, 1972.

SEWARD MERIDIAN, ALASKA

T. 18 N., R. 1 E.
Sec. 33, lot 11.

Containing 0.30 acre.

2. This island is located in Finger Lake. The timber is cottonwood, birch, and spruce. The soil is sandy loam over gravel and the elevation is approximately 6 feet above water level.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provision of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, Public Land Order 5081 dated June 17, 1971, and Public Land Order 5146 dated December 7, 1971, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.71-18748 Filed 12-22-71;8:47 am]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

DECEMBER 15, 1971.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nev., effective 10 a.m., on January 24, 1972:

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 14 N., R. 56 E. (Group 461).
b. T. 15 N., R. 56 E. (Group 461).
c. T. 46 N., R. 63 E. (Group 457).

2. a. The surveyed area in T. 14 N., R. 56 E., aggregates 15,542.96 acres; the resurveyed area aggregates 7,679.13 acres. The plat was accepted October 28, 1971. The land within T. 14 N., R. 56 E., ranges from about 5,800 to 6,800 feet above sea level, and is nearly level to rolling and mountainous. The soil is sandy clay, gravel, and rocky. The vegetation consists of sagebrush, greasewood, and

whitesage. There is scattered juniper on the higher elevations.

The Bull Creek Ranch is located in section 25 and the Big Bull Spring is in section 14. The township is drained by Bull Creek, which winds southerly through the eastern portion of the township and other minor drainages. No mineral formations of consequence were noted during the survey. Principal users of the area are cattlemen. Access into the township is provided by the Nevada State Highway No. 20, which is a graded gravel road that runs through the southwest portion of section 31, plus other desert and trail roads throughout the township.

b. The surveyed area in T. 15 N., R. 56 E., aggregates 23,719.31 acres. The plat was accepted October 28, 1971. The land within T. 15 N., R. 56 E., ranges from about 6,000 to 7,600 feet above sea level, and is nearly level to rolling and mountainous. The soil is sandy clay, gravel, and rocky. The vegetation consists of sagebrush, greasewood, whitesage, and native grass, in the lower elevations and juniper and pinon on the higher elevations. The township is drained by Bull Creek, which winds south through the eastern portion of the township. No mineral formations of consequence were noted during the survey. Principal users of the area are cattlemen. Access into the township is provided by desert trail roads throughout the township.

c. The resurveyed area in T. 46 N., R. 63 E., aggregates 19,345.50 acres. The land within T. 46 N., R. 63 E., is rolling mountainous to gently rolling. The western portion is gently rolling. The elevation ranges from 5,500 feet to 7,000 feet above sea level. Grassy Mountain is in section 1. The soil varies from sandy loam and light gravel on the lower elevations to sandy gravel and rocky in the mountains. Vegetation consists of sagebrush and native grasses. The western portion of the township is drained by Cottonwood Creek and its tributaries. The eastern portion is drained by various washes draining into Salmon Falls Creek. No mineral formations of consequence were noted during the survey. Principal users of the area are cattlemen and access into the township is provided by a graded road and several trail roads.

3. Subject to any existing valid rights and the requirements of applicable laws, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the office mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., January 24, 1972, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

DOROTHY F. GIBBENS,
Acting Chief, Branch of Records and Data Management.

[FR Doc.71-18770 Filed 12-22-71;8:50 am]

[OR 8762]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 14, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 8762, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as an extension of the Heart-Lofton-Big Swamp Lakes Reservoir-Recreation Area Complex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

FREMONT NATIONAL FOREST—WILLAMETTE MERIDIAN

FISHHOLE RECREATION AREA

T. 38 S., R. 16 E.,
Sec. 21, SW¼SW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, SW¼SW¼NW¼, SE¼SE¼NW¼, N½N½SW¼, SW¼NE¼SW¼, S½SW¼SW¼, NW¼SE¼SW¼, NW¼NW¼SE¼;
Sec. 22, SE¼ of lot 2, E½ of lot 3, E½ of lot 4, SW¼SE¼NW¼, W½NE¼SW¼;
Sec. 27, NE¼NW¼NW¼.

The area described contains 274.36 acres in Lake County, Oreg.

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.71-18773 Filed 12-22-71;8:51 am]

Bureau of Reclamation

[Public Notice 24]

YUMA MESA DIVISION, SOUTH GILA VALLEY UNIT, GILA PROJECT, ARIZ.

Public Notice of Water Service Following Designation of Irrigation Block and Start of Development Period

DECEMBER 10, 1971.

1. *Water service.* Irrigation water, when available, will be furnished by the United States to the irrigable lands in the above-designated Unit for which District taxes for said water service have been paid pursuant to the contract of July 23, 1962 (No. 14-06-300-1270), as amended, between the United States and the Yuma Irrigation District. Such water service will begin January 1, 1972, and will continue thereafter until further notice.

2. *Terms of delivery.* (a) Each landowner who is eligible for water service will be entitled to receive a basic quantity equal to 5 acre-feet of water per acre during the calendar year and to purchase additional water for delivery to the same lands prior to January 1 of the succeeding calendar year at a rate per acre-foot and in the manner established therefor by the District.

(b) Orders for water should be made to the Project Manager, Bureau of Reclamation, Yuma, in accordance with the Bureau's operating rules and regulations, copies of which are available in the Project Manager's office.

3. Since an irrigation block has been designated by the Secretary of the Interior in the South Gila Valley Unit, Public Notice No. 23, dated December 10, 1970, and all applications for water service thereunder are no longer operative after December 31, 1971. Refunds for additional water in excess of the basic quantities paid for but not taken during calendar year 1971 will be made by the United States.

4. *Acreage limitation.* Except as otherwise provided in the Reclamation Law (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented), and the contract of July 23, 1962, as amended, no water will be delivered hereunder to any lands which constitute "excess lands" within the meaning of said laws and the aforesaid contract of July 23, 1962, as amended.

E. A. LUNDBERG,
Regional Director, Region 3,
Bureau of Reclamation.

[FR Doc.71-18724 Filed 12-22-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

IMPORT QUOTAS

Failure To Import Quota Share

In accordance with §§ 6.26(c) and 6.29 of Import Regulation 1, Rev. 5, as amended (7 CFR 6.26(c), 6.29), the quota share of a licensee may be reduced if he has imported less than 85 percent of his authorized quota share during the preceding 2 quota years, may be suspended if he has failed to import any of a quota share in any quota year, and may be revoked if he has failed to import any of a quota share during 2 consecutive quota years, unless the licensee establishes that he was unable to import such article due to reasons acceptable to the licensing authority.

It is hereby determined that dock strikes in the United States, pesticide residues found in articles, drought in countries of production, and other factors resulting in a lack of supply of articles in the countries of production are acceptable reasons for the failure, during the quota year 1971, of licensees to import their quota shares of articles (except articles for which licenses were issued in which Canada is named as the country of origin). Accordingly, for the purposes of §§ 6.26(c) and 6.29 of said Import Regulation 1, it will not be necessary for individual licensees to submit information to establish reasons for the failure to import quota shares during the quota year 1971 (other than where Canada is named as the country of origin in the license), unless the licensing authority, having reason to believe that such failure to import was due to other causes, notifies the licensee that he must submit such information.

Issued at Washington, D.C., this 20th day of December, 1971.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[FR Doc.71-18725 Filed 12-22-71;8:49 am]

DEPARTMENT OF COMMERCE

Office of Foreign Direct Investments

MEMORANDUM TO DIRECT INVESTORS

Explanation of Changes in 1971 Foreign Direct Investment Program

The purpose of this memorandum is to explain in greater detail the changes in the 1971 Foreign Direct Investment Program (the "Program") that were announced on December 9, 1971. These changes provide more flexibility for complying with the 1971 Program by permitting direct investors to extend for up to 60 days the normal calendar year period during which borrowing and certain other transactions must occur in order to achieve compliance. Until the Foreign Direct Investment Regulations are amended to reflect these changes, direct investors may rely on the explanation that follows:

Allocation of available proceeds. A direct investor may deduct from positive direct investment made during 1971 an amount equal to any available proceeds of long-term foreign borrowing (or proceeds borrowing from the direct investor's overseas finance subsidiary) made on or before February 29, 1972, that are allocated to such positive direct investment, provided (1) the direct investor makes the appropriate bookkeeping entries for allocation, (2) the allocation and deduction are reported on the direct investor's Form FDI-102F for 1971, and (3) the proceeds, as of February 29, 1972, are not held, directly or indirectly, in any form of foreign property.

Thus, a direct investor may reduce positive direct investment made during 1971 by allocating available proceeds of any long-term foreign borrowing that is outstanding on February 29, 1972. Such borrowing may be made during the first 60 days of 1972 or may have been made by the direct investor during 1971 or a prior year. In either event, the available proceeds need not be repatriated to the United States until February 29, 1972. The 12-month maturity test for long-term foreign borrowing will, of course, apply to any borrowing of which available proceeds are allocated, i.e., the borrowing, as refinanced, must be continuously outstanding for at least 12 months.

It should be noted by direct investors that they may still allocate to positive direct investment made during 1971 any available proceeds that have been repatriated on or before December 31, 1971, notwithstanding the repayment of the underlying long-term foreign borrowing during the first 60 days of 1972. Such repayment will involve a transfer of capital during 1972.

Repayments by affiliated foreign nationals to direct investors. In calculating direct investment made during 1971, a direct investor may treat as repaid during 1971 any debt obligation or other credit of an affiliated foreign national that was outstanding on December 31, 1971, and is in fact repaid by the affiliated foreign national to the direct investor during the first 60 days of 1972. The aggregate amount of repayments receiving this prior year treatment may not exceed the worldwide negative net transfer of capital to all affiliated foreign nationals that is made by the direct investor during such 60-day period. If the direct investor makes a positive net transfer of capital to all affiliated foreign nationals during such period, prior year treatment of repayments is not available.

Alternatively, a direct investor may treat as repaid during 1971 any debt obligation or other credit of an affiliated foreign national that was outstanding on December 31, 1971, and is in fact repaid by the affiliated foreign national on or before January 31, 1972. If the direct investor elects this 1-month period, the aggregate amount of repayments receiving prior year treatment may not exceed the worldwide negative net transfer of capital to all affiliated foreign nationals that is made by the direct investor during January 1972. Prior year treatment is not available under this alternative if the direct investor makes a positive net transfer of capital to all affiliated foreign nationals during January.

In calculating the net transfer of capital to determine whether prior year treatment of repayments is available, the aggregate of all transfers of capital made during the relevant 1- or 2-month period by all incorporated affiliated foreign nationals to the direct investor is subtracted from the aggregate of all transfers of capital made during such period by the direct investor to its incorporated affiliated foreign nationals, and the result is added to the net transfer of capital made by the direct investor to all of its unincorporated affiliated foreign nationals during such period. This calculation is made on a worldwide basis by all direct investors, without regard to the election of worldwide or scheduler allowables for 1971. No deduction shall be made for the expenditure of available proceeds in making transfers of capital during the 1- or 2-month period in 1972; however, transfers of capital resulting from the repayment of long-term foreign borrowing during such period must be included. A direct investor shall exclude from this calculation any transfers of capital that are deemed to occur as the result of conditions imposed by specific authorization or compliance settlement.

If a direct investor makes a negative net transfer of capital, calculated as described above, repayments of qualifying debt obligations or other credits by affiliated foreign nationals to the direct investor during the 1- or 2-month period in 1972 that is elected for such purpose may be treated as having occurred during 1971. The aggregate amount of repayments selected by the direct investor to receive such prior year treatment may not exceed the negative net transfer of capital. However, such repayments are not required to be made from a particular scheduled area in which there is a negative net transfer of capital.

The effect of prior year treatment of repayments is to reduce direct investment made by the direct investor during 1971 for all purposes, including compliance and the calculation of amounts specifically authorized. It should be noted that repayments during 1972 that are treated as having occurred during 1971 will be excluded from the calculation of direct investment made during 1972, which will increase correspondingly.

Revocation of prohibition against positive net transfer of capital. The prohibition against making a positive net transfer of capital resulting in positive direct investment in any scheduled area during a year if a direct investor electing schedular allowables holds, at the end of such year, available proceeds of long-term foreign borrowing exceeding $100,000 in any form of foreign property has been revoked for 1971.

Effect on specific authorizations. It is not anticipated that the changes in the 1971 Program described above will significantly affect utilization of specific authorizations issued to direct investors in 1971. It should be noted, however, that direct investors may reduce the amount of certain specific authorizations by electing prior year treatment of repayments by affiliated foreign nationals. Direct investors with questions regarding the effect of the changes on specific authorizations should contact the Office of Foreign Direct Investments, Authorizations and Reports Division (202–343–7333).

Reporting. Direct investors required to file a fourth-quarter report on Form FDI–102 for 1971 should file such report in accordance with the current instructions for reporting and should not reflect in such report any repatriation of available proceeds or repayments by affiliated foreign nationals during the first 60 days of 1972. Such repatriation and repayments will be reported on Form FDI–102F for 1971, specific instructions for which will be mailed to direct investors at a later date.

The 1971 Program remains unchanged except as noted above.

Dated: December 20, 1971.

WILLIAM V. HOYT,
Director,
Office of Foreign Direct Investments.

[FR Doc.71–18796 Filed 12–22–71;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–394]

CALIFORNIA STATE POLYTECHNIC COLLEGE

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 25, 1971 (36 F.R. 22618), the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR–114 to the California State Polytechnic College, San Luis Obispo, Calif. The permit authorizes the receipt, possession, transportation and subsequent construction of an AGN–201 nuclear research reactor on its campus in San Luis Obispo, Calif. The permit also authorizes the receipt, possession, transportation and storage of 735 grams of contained uranium-235 and the small quantity of byproduct material contained in the reactor components that are being transferred from the U.S. Naval Postgraduate School in Monterey, Calif.

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the construction permit, and has concluded that the issuance of the construction permit will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the construction permit is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of December, 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71–18738 Filed 12–22–71;8:49 am]

[Docket No. 50–208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Extension of Completion Date

The Trustees of Columbia University in the city of New York having filed a request dated November 12, 1971, for extension of the latest completion date specified in Construction Permit No. CPRR–78, in order to permit the completion of pending proceedings concerning the issuance of an operating license; and

Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR–78 is extended from December 31, 1971, to June 30, 1972.

Date of issuance: December 8, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–18739 Filed 12–22–71;8:49 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Extending Completion Date

Vermont Yankee Nuclear Power Corp. has filed a request dated December 3, 1971, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR–36, as amended, for construction of a boiling water nuclear reactor, designated as the Vermont Yankee Nuclear Power Station at the applicant's site in the town of Vernon in Windham County, Vt. Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from December 31, 1971 to December 31, 1972.

Date of issuance: December 16, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71–18740 Filed 12–22–71;8:50 am]

[Dockets Nos. 50–266, 50–301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Supplement To Applicants' Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to Applicants' Environmental Report," for the Point Beach Nuclear Plant, Units 1 and 2, submitted by the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220. The report is also being made available at the State Planning Bureau, Department of Administration, 1 West

Wilson Street, State Office Building, Madison, WI 53701, and at the Southeastern Wisconsin Regional Planning Commission, 916 North East Avenue, Waukesha, WI 53186.

This report discusses environmental considerations related to the operation of the Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wis.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a supplemental draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 15th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Lisensing.

[FR Doc.71-18741 Filed 12-22-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23976]

AERLINTE EIREANN TEORANTA

New York Deletion; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 7, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 29, 1971, and the other parties on or before January 5, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., December 17, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-18782 Filed 12-22-71;8:51 am]

[Docket No. 23780; Order 71-12-84]

STUDENT, YOUTH, AND SENIOR-CITIZEN FARES IN FOREIGN AIR TRANSPORTATION

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1971.

Pursuant to orders of the Government of Thailand, a tariff[1] was filed on November 5, 1971, to be effective on December 5, 1971, offering reduced fares for youths and for Thai students and student groups on AIR-SIAM Air Co., Ltd., China Airlines, Ltd., Japan Air Lines Co., Ltd., and Northwest Airlines, Inc., between Los Angeles, Calif., and Bangkok, Thailand. By a tariff[2] filed November 18, 1971, to be effective December 18, 1971, Trans World Airlines met the aforementioned fares and also proposed to offer the fares between San Francisco, Calif., and Bangkok, Thailand. The youth fares are available to persons between the ages of 12 and 26, while the student and student group fares are available only to Thai citizens who have U.S. student visas. The fares effect significant discounts from existing normal fares. The youth and student fares are $376 one-way and $752 round trip, while the student group fare is $349 one-way and $698 round trip. These fares represent discounts of 30 and 35 percent, respectively, from the normal economy transpacific fares.

No complaints have been filed.

By Order 71-9-3, dated September 1, 1971, the Board instituted an investigation of youth and student fares now available in numerous international markets.[3] In doing so, we stated that the limitation of special fares to persons within specified age groups or to those who are students is an obvious discrimination against persons not coming within those categories, and that the question presented is whether such discrimination is justified. The reduced fares ordered by the Government of Thailand are substantially similar to the youth and student fares under investigation in Docket 23780, and present the identical issue of unjust discrimination.

The Board therefore finds that the aforementioned youth, student, and student group fares may be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Because of the substantial identity of the issues and other factors, the Board finds that consolidation of this investigation into Docket 23780 will be conducive to the proper dispatch of the Board's business, and to the ends of justice, and will not unduly delay the proceedings.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 1002(f) thereof;

It is ordered, That:

1. An investigation is instituted to determine whether Rule 130 on First Revised Page 40-U, Rule 131 on First Revised Page 40-V, Rule 132 on First Revised Page 40-V and Original Page 40-W, and all fares in Tables 15-A, 15-B, and 15-C on Second Revised Page 198-L and Third Revised Page 198-L of Tariff CAB No. 28 issued by Air Tariff Corp., agent, and Rules 50 and 51 on Fourth Revised Page 24-J, Rule 52 on Original Page 24-K and Original Page 24-L, and all fares in Tables 1-B, 1-C, and 1-D, on Sixth Revised Page 28-A of Tariff CAB No. 208 issued by Trans World Airlines, Inc., including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such fares and provisions, are or will be unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares and provisions, and classifications, rules, regulations, and practices should be altered to correct such discrimination, preference, or prejudice, and what order should be made to the carriers to remove such discrimination, preference, or prejudice.

2. The investigation ordered herein is consolidated into the investigation in Docket 23780.

3. A copy of this order will be served upon all parties to Docket 23780, and upon AIR-SIAM Air Co., Ltd., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-18781 Filed 12-22-71;8:51 am]

[1] Airline Tariffs Corp., Agent, Tariff CAB No. 28.

[2] Trans World Airlines, Tariff CAB No. 208.

[3] By Order 71-10-71, dated Oct. 18, 1971, an investigation was ordered into the lawfulness of senior-citizen fares in foreign air transportation in Docket 23919. Order 71-11-30, dated Nov. 5, 1971, comsolidated Docket 23919 into this proceeding.

ENVIRONMENTAL PROTECTION AGENCY

NACA INDUSTRY TASK FORCE

Notice of Amended Filing of Petition Regarding Pesticide Chemical

Notice was given in the FEDERAL REGISTER of January 17, 1968 (33 F.R. 599), that a petition (PP 8F0675) had been filed by the National Agricultural Chemicals Association's Industry Task Force on Phenoxy Herbicide Tolerances, 1155 15th Street NW., Washington, DC 20005, proposing establishment of tolerances for negligible residues of the herbicide silvex (2-(2,4,5-trichlorophenoxy) propionic acid) in or on the raw agricultural commodities, apples, pears, prunes,

rice, and sugarcane at 0.2 part per million from application of the herbicide in the acid form or in the form of one or more of the following salts or esters:

1. The inorganic salts: sodium and potassium;

2. The amine salts: ethanolamine, diethanolamine isopropanolamine, diisopropanolamine, triethanolamine, and triisopropanolamine.

3. The esters: butoxyethyl, butoxypropyl, dipropylene glycol isobutyl ether, 2-ethylhexyl (isooctyl), propylene glycol butyl ether, propylene glycol isobutyl ether, and tripropylene glycol isobutyl ether.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that said petition has been amended by:

a. Withdrawing the request for pears and prunes at 0.2 part per million.

b. Adding grass at 300 parts per million; rice straw at 0.5 part per million; plums, meat, and meat byproducts of cattle, goats, and sheep at 0.1 part per million (negligible residue); and milk at 0.05 part per million (negligible residue).

c. Reducing the proposed 0.2 part per million tolerance on apples, rice, and sugarcane to 0.1 part per million (negligible residue).

Notice is also given that the same association has filed a related food additive petition (FAP 2H5001) proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million for residues of the herbicide in sugarcane bagasse resulting from application of the herbicide to sugarcane fields.

Dated: December 16, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-18672 Filed 12-22-71;8:52 am]

FEDERAL MARITIME COMMISSION

[No. 71-92]

C. E. TOLONEN CO., INC.

Rescheduling of Filing Dates

DECEMBER 20, 1971.

Upon request of counsel for respondent to which Hearing Counsel does not object the filing dates in this proceeding are rescheduled as follows:

(1) Affidavits of fact and memoranda of law shall be filed by respondent on or before February 1, 1972.

(2) Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel on or before February 18, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-18790 Filed 12-22-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. R-425]

AREA RATES FOR THE ROCKY MOUNTAIN AREA

Order Denying Motion for Cross-Examination

DECEMBER 16, 1971.

On July 15, 1971, we issued a notice of proposed rule making and order prescribing procedure in this proceeding (36 F.R. 13621)[1] proposing to issue rules fixing the just and reasonable rates and otherwise regulating jurisdictional sales of natural gas made under contracts dated before October 1, 1968, in the Rocky Mountain area, and to determine whether the initial rates established by our Order No. 435 for said area should apply to contracts dated on or after October 1, 1968, for such sales. Motions for reconsideration of this notice were granted in part and otherwise denied by our orders of September 7, 1971, and October 20, 1971.

Amerada Hess et al. (Amerada), filed a motion for cross-examination on December 2, 1971,[2] which basically raises the same legal issues which we rejected in our order of September 7, 1971. For the reasons contained in that order and for the reasons stated herein we deny Amerada's motion.

Amerada requests cross-examination of nine general areas[3] "by virtue of apparent disputes of material fact and recommendations of appropriate regulatory methods." (Motion 2). Additionally, Amerada requests cross-examination of "all persons who contributed to or participated in the preparation of those sections [nine areas] of their respective comments and the data pertaining thereto." (Motion 4). Such an all-encompassing request, lacking in specificity, and without a showing of prejudice by Amerada, must be rejected. For us to grant such a motion would require the return to the lengthy, adjudicatory hearings in determining producer area rates, which we stated we desired to avoid.[4]

In a rule making proceeding, such as the instant one, our primary objective is the acquisition of information which will enable us, inter alia, to determine just and reasonable producer rates for jurisdictional sales in the Rocky Mountain area for contracts dated prior to October 1, 1968.[5] The purpose is not to allow interested parties to define the issues or narrow the scope of the proceedings.[6] On the contrary, in soliciting comments from interested parties, and in relying upon the experience gained through previous area rate proceedings, we are building a record from which we can make a determination of said producer rates. We need not, as Amerada would require us to do, lose ourselves in an excursion into detail which would obscure, rather than clarify, the issues before us.[7]

While we would prefer to avoid repetition of the rationale for denial of America's request for a full adjudicatory hearing,[8] Amerada misconstrues our decision in that regard. Although section 5(a) of the Natural Gas Act[9] requires a hearing, there is no requirement that such hearing be made "on the record." Accordingly, section 4 of the Administrative Procedure Act (APA) requires notice and the opportunity for interested persons to submit written comments.[10] Such a hearing, namely one conforming to section 4(b) of the APA, is all that is required by the APA and the Natural Gas Act and sections 7 and 8 of the APA are inapplicable.[11]

Amerada ignores the clear language of section 4(b) of the APA and seeks instead to come within section 7(c) of that Act, 5 U.S.C. section 556 (1967), which states:

> In rule making * * * an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

However, section 7(c) is only applicable where rules are required to be made "on the record," which is not the case with section 5(a) of the Natural Gas Act. Even assuming arguendo that section 7(c) is controlling in the instant pro-

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[1] Appeal pending "sub nom. Phillips Petroleum Co. v. F.P.C.," CA10, No. 71-1659.

[2] Aztec Oil & Gas Co. filed its joinder in support of Amerada's motion on Dec. 9, 1971.

[3] These general subjects include (1) rate recommendations, (2) cost estimates, (3) gathering allowance, (4) price escalations, (5) tax allowances, (6) potential gas estimates, (7) cut-off dates for old and new gas, (8) reinvestment of flowing gas rate increases, and (9) regulatory methods. In each instance, Amerada refers to these subjects as discussed in submittals by Staff and other parties. (Motion 3).

[4] E.g. Order on Reconsideration, Sept. 7, 1971, at 2.

[5] "Cf. City of Chicago, et al. v. F.P.C.," CADC, No. 23,740, December 2, 1971, Slip Op. at 22-3. See also "Flying Tiger Line, Inc. v. Boyd," 244 F. Supp. 889, 892 (D.C.D.C., 1965).

[6] "Pacific Coast European Conference v. U.S.," 350 F.2d 197, 205 (CA9), certiorari denied, 382 U.S. 958 (1965).

[7] "WBEN, Inc. v. U.S.," 396 F.2d 601, 618 (CA2), certiorari denied, 393 U.S. 914 (1968). "Cf. American Airlines, Inc. v. C.A.B.," 359 F.2d 624, 629-30 (CADC), certiorari denied, 385 U.S. 843 (1966).

[8] Amerada's request of Aug. 13, 1971, was rejected in our order of Sept. 7, 1971.

[9] 15 U.S.C. section 717d (1963).

[10] Section 4(b) of the APA states that (5 U.S.C. section 553 (1967): When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

[11] "Pacific Coast European Conference v. U.S.," supra at 205; Siegel v. A.E.C., 400 F.2d 778, 785 (CADC, 1968).

ceeding, we cannot determine how Amerada has been, or will be, prejudiced by the adoption of the procedures in Docket No. R-425.[12] Amerada has not pointed to specifics on which it needs to cross-examine or present live rebuttal testimony. Instead, Amerada refers to general subjects to which it, and other interested parties, have filed written submissions, and states as reasons for its requests, "apparent disputes." (Motion 2.) Nor do "apparent disputes," without any more, prejudice the rights of Amerada and others to present their views.[13] If Amerada disagreed with such submissions, it had the opportunity to submit its responses thereto by December 10, 1971.[14] The existence of disagreements among the several submissions does not preclude the Commission from making a reasonable determination in light of the record before it and based on its own experience.

The Commission finds:

The motion for cross-examination filed herein by Amerada Hess et al. on December 2, 1971, joined in by Aztec Oil & Gas Co., presents no further facts or principles of law which were not fully considered by the Commission in its Notice of July 15, 1971, its order of September 7, 1971, or which having now been considered warrant any change or modification of that notice and order.

The Commission orders:

The above motions for cross examination should be denied.

By the Commission.

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

[FR Doc.71-18727 Filed 12-22-71;8:46 am]

[Docket No. CP72-133]

ARKANSAS-MISSOURI POWER CO.

Notice of Amendment To Application

DECEMBER 14, 1971.

Take notice that on December 8, 1971, Arkansas-Missouri Power Co. (applicant), 405 West Park Street, Blytheville, AR 72315, filed in Docket No. CP72-133 an amendment to its pending application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and operation of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the over-the-road transportation of 800,000 gallons of liquefied natural gas from Memphis, Tenn., to applicant's proposed facilities near Blytheville, Ark. The LNG would be purchased from the city of Memphis at 15 cents per gallon. Applicant states that this is necessary since under optimum conditions the liquefaction equipment in the proposed LNG facilities proposed in its pending application could not be installed and put into operation before mid-1972 but that the proposed storage and vaporization equipment can be made operational in the 1971-72 heating season.

Applicant states that the purpose of the amendment is to enable it to meet the requirements of its residential, commercial, and human needs customers during the 1971-72 heating season.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to application should on or before December 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this amendment to application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-18768 Filed 12-22-71;8:50 am]

[Dockets Nos. E-7631, E-7633]

CITY OF CLEVELAND, OHIO, ET AL.

Order Suspending Proposed Termination and Cancellation of Service, Consolidating Proceedings, Providing for a Hearing Denying Request for Emergency Interconnection

DECEMBER 16, 1971.

This order suspends the operation of a proposed termination and cancellation of service, consolidates the proposed cancellation of service proceeding with a complaint proceeding for hearing and determination purposes, provides for a hearing and determination purposes, provides for a hearing, denies a request that an immediate emergency interconnection order be issued by the Commission.

The City of Cleveland, Ohio (city) on May 13, 1971, filed with this Commission a complaint against the Cleveland Electric Illuminating Co. of Cleveland, Ohio (company) requesting:

(1) Adjudication of a dispute between the city and the company concerning the amount of money due the company from the city for services rendered;

(2) That the Commission direct a permanent interconnection between the facilities of the city and the company in order to sell energy to or exchange energy with each other;

(3) That the Commission prescribe the terms and conditions of the arrangement to be made between the city and the company including the apportionment of costs and the compensation reasonably due as specified in section 202(b) of the Federal Power Act concerning such requested permanent interconnection;

(4) That the Commission issue an immediate emergency order directing the company not to disconnect from the city pending further order of this Commission pursuant to section 202(c) of the Federal Power Act; and

(5) That an order of the Commission specifying the amount due if any to the company from the city for services rendered, be issued.

On May 21, 1971, the Cleveland Electric Illuminating Co., a public utility subject to the jurisdiction of this Commission, tendered a notice of termination and cancellation of certain electrical services which it now supplies to the city of Cleveland, Department of Public Utilities, pursuant to rate filings designated in the files of the Commission as Rate Schedule FPC No. 7; Supplement No. 1 to Rate Schedule FPC No. 7; Supplement No. 2 to Rate Schedule FPC No. 7; and Supplement No. 3 to Rate Schedule FPC No. 7. The notice of termination and cancellation has been designated as Supplement No. 4 to Rate Schedule FPC No. 7. The company proposes to cancel this rate schedule, as supplemented, and therefore terminate service to the city of Cleveland, Department of Public Utilities. However, the company offers to leave its facilities in place with switches

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[12] "Long Island R.R. Co. v. U.S.," 318 F. Supp. 490, 498-9 (E.D.N.Y., 1970). Nor is this a case where Amerada, unlike Seaboard and FEC, has shown with any degree of specificity, why it has been prejudiced. "Florida East Coast Ry. Co. v. U.S.," 322 F. Supp. 725, 728-9 (M.D.Fla., 1971).

[13] "Automotive Parts & Accessories Ass'n. v. Boyd, 407 F.2d 330, 343 (CADC, 1968).

[14] Our original notice of July 15, 1971, provided for responses to submittals to be filed by Nov. 26, 1971. This was extended until Dec. 10, 1971, by a Nov. 15 letter of the Secretary of the Commission. Amerada, while relying on section 7(c) of the APA, has not shown cross-examination is required for a "full and true disclosure of the facts" in the procedures adopted by the Commission.

open and to render emergency service if necessary.

In January of 1970, the city and the company entered into a letter agreement, as supplemented, wherein the company would establish a number of delivery points from 11 kv distribution underground cable circuits to serve approximately 26,000 kv.-a. of load previously served by the city's Department of Public Utilities. This transfer permitted the city to remove several of its generating units from service for modifications. The city is not interconnected with any other utility. The city's system serves approximately 20% of the total load within the municipal boundaries of the city of Cleveland by this isolated electrical system which normally has usable generating capacity of approximately 150 MW. Under the agreement, service to five city substations having a maximum contract demand of 25,375 kv.-a. was established at various times beginning in January 1970. Over the period of the agreement, certain delivery points have been disconnected while others have been added. The following rate schedule was included in the agreement of January 20, 1970:

Contract Demand Charge—
For each kv.-a. of Contract Demand per month per kv.-a..... $0.30
Energy Charge—
For the first 400 kw.-hr. per kv.-a. of Contract Demand per kw.-hr.. $0.0085
For all additional kw.-hr..... $0.005

The city and the company shall jointly determine the kv.-a. capacity to be made available at each point of connection and the contract demand shall be the sum of such jointly determined loads to be supplied.

While the above schedule constitutes the rate on file with the Commission, there remains a dispute between the parties that this is not the rate agreed upon and authorized by the city of Cleveland in its Ordinance No. 161-70 dated January 21, 1970.

The company, in its notice of termination and cancellation states that the effective date of such notice should be June 20, 1971, or such earlier date as may be ordered by the Commission. Through a series of extensions of this effective date filed by the company, the present effective date as requested by the company is now December 17, 1971. During this period in which the company extended the effective date, the parties have entered into certain negotiations concerning the sums owed to the company by the city for electric energy delivered pursuant to the January 1970 agreement, as supplemented. According to information supplied by the parties to the Commission, the city had paid the company before July of 1971, approximately $527,545.25 for this electrical service. In July 1971, the city paid the company $400,000, in September 1971 it paid another $400,000, on on November 4, 1971, paid $692,367.06, representing a total payment by the city of $2,019,812.31 for services rendered through August 31, 1971. Thus, during the period of negotiations, the city paid the company a total of $1,492,367.06. However, there remains a disputed figure of approximately $350,000 which the company claims it is owed resulting from the dispute over the rate, and the payment of an Ohio gross receipts tax representing approximately $85,000.

During these negotiations, the company refused to discuss the question of a permanent interconnection between the city's isolated system and its own system until it was reimbursed for the sums which it believes is owed, notwithstanding the disputed figure of $350,000. The company continues to maintain this position.

The city of Cleveland states in a letter to the Commission dated November 23, 1971, that modification of boilers in its generating station required to meet pollution control measures has been delayed for causes beyond its control and will not be completed until June 1, 1972, according to current estimates. This denies the city the use of the full output of the generators supplied by those boilers and confronts it with inadequate generating reserve capacity without a continuing supply of energy from the company through the existing five interconnections at about the same level of supply as before. These existing interconnections are the direct result of the agreement entered into in January of 1970 by the parties. The city, on September 7, 1971, and again on November 13, 1971, suffered blackouts on its isolated system due to outages of some of its generating units.

Thus the city's generating system may not be sufficiently operational to provide system reliability without the continued temporary service provided by the company under the agreement of January 1970, as supplemented.

We are informed by the company that the facilities of the company will not be burdened by the continued delivery of temporary service until its expected summer load of 1972.

On December 6, 1971, the city filed a motion to consolidate, set for hearing, and investigate. The motion reiterates briefly the city's position as set out in its original complaint filed on May 13, 1971. In addition, the motion requests the Commission to conduct a thorough staff investigation of the company's conduct in relation to the city of Cleveland.

Because; (1) There remains a sum of several hundred thousand dollars which is in dispute due to the varying interpretations of the agreement of January 1970, as supplemented, and the city in its complaint has asked the Commission to determine the specific amount due, if any; (2) the engineering data available to us at this time indicates that the city may need to continue to receive the temporary service for some time; (3) in addition, because of the past reliability problems incurred by the city, the interconnection issue should be determined as soon as possible; (4) it appears that any further meaningful negotiations have terminated; and further; we conclude that it is in the public interest to suspend the notice of termination and cancellation for 5 months, to consolidate Docket Nos. E-7631 and E-7633, and set the matter for a public hearing before this Commission for determination. However, we make it clear that we are not acting at this time upon the motion with respect to the request for investigation regarding the company's conduct with relation to the city of Cleveland.

In addition, the city is expected to bring current its monthly payments for services rendered previous to the date of this order, and further, to pay on a current monthly basis for the services rendered by the company during the suspension period provided for herein. It is recognized that among the issues to be heard is the matter of the proper rate schedule of the company.

We do not believe at this time that an emergency order precluding any disconnection, as requested by the city in its complaint, is necessary since our suspension of the notice of termination and cancellation by operation of law provides that the company will continue to serve the city for 5 additional months under the provisions of the agreement of January 1970, as supplemented, now on file with the Commission.

Should the issues raised in this proceeding not be determined prior to the expiration of the 5 month suspension of company's notice of termination and cancellation, the Commission may at that time upon proper showing consider city's request for interconnection pursuant to Commission authority under section 202 of the Federal Power Act. See Village of Elbow Lake, Minnesota v. Otter Tail Power Co., 40 FPC 1262, affirmed 429 F2d 232.

The Commission further finds:

(1) The notice of termination and cancellation of Rate Schedule FPC No. 7 and Supplements Nos. 1, 2, and 3 thereto, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause exists for the consolidation of Docket Nos. E-7631 and E-7633 for the purposes of hearing and determination.

(3) It is necessary and appropriate for purposes of the Federal Power Act, particularly sections 202, 205, 206, 301, 306, 307, 308, and 309 thereof that the Commission enter into a hearing concerning the lawfulness of the notice of termination and cancellation of Rate Schedule FPC No. 7 and Supplement Nos. 1, 2, and 3 thereof; that the use of the notice of termination and cancellation which is suspended herein, be deferred; and further, that the hearing encompass the complaint filed in Docket No. E-7631; and that a public hearing be initiated in accordance with the procedures as set forth below, all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing

shall be convened at the office of the Federal Power Commission in Washington, D.C., concerning the lawfulness of the notice of termination and cancellation of Cleveland Electric Illuminating Co.'s Rate Schedule FPC No. 7 and Supplements Nos. 1, 2, and 3 thereto, and also concerning the Complaint filed against the Cleveland Electric Illuminating Co. by the city of Cleveland, Ohio.

(B) Pending such hearing and decision thereon the notice of termination and cancellation of Rate Schedule FPC No. 7 and Supplements Nos. 1, 2, and 3 thereof, is hereby suspended and the use thereof deferred until May 17, 1972. On that day, the Notice of termination and cancellation shall take effect in the manner prescribed by the Federal Power Act, subject to further orders of the Commission, unless this proceeding has been disposed of at a date previous thereto. During the period of suspension, Cleveland Electric Illuminating Co.'s Rate Schedule FPC No. 7 and Supplements Nos. 1, 2, and 3 as now on file with this Commission shall be used for billing purposes by Cleveland Electric Illuminating Co., subject to further order of the Commission in respect to any amount to which the city of Cleveland may be entitled.

(C) Unless otherwise ordered by the Commission, Cleveland Electric Illuminating Co. shall not change the terms or provisions of FPC Rate Schedule No. 7, and Supplements Nos. 1, 2, and 3 thereto, until the period of suspension of the notice of termination and cancellation has expired.

(D) The proceedings in Dockets Nos. E-7631 and E-7633 are consolidated for purposes of hearing and determination. However, the Commission is not at this time acting on the December 6, 1971, motion requesting an investigation of Cleveland Electric Illuminating conduct with regard to the city of Cleveland.

(E) The city's request for an immediate emergency order directing the Cleveland Electric Illuminating Co. not to disconnect certain electrical facilities from the city of Cleveland pending further order of this Commission pursuant to section 202(c) of the Federal Power Act, is hereby denied without prejudice.

(F) The city of Cleveland and the Cleveland Electric Illuminating Co. shall file their respective cases-in-chief which shall encompass their direct testimony and exhibits on or before January 26, 1972. On or before March 6, 1972, the Commission Staff and any Intervenors in this proceeding shall serve their respective prepared testimony and exhibits on the parties. Any rebuttal testimony and exhibits by both the city of Cleveland and the Cleveland Electric Illuminating Co. shall be served on the parties on or before March 27, 1972. A prehearing conference before the duly assigned Presiding Examiner shall be held on April 3, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. Thereafter, cross-examination of all of the evidence shall commence on April 11, 1972, commencing at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(G) A Presiding Examiner to be designated by the Chief Examiner shall preside at the hearing provided for by this order. The Presiding Examiner shall conduct the hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, the Commission's regulations under the Federal Power Act, and the Federal Power Act, and shall, to the extent not provided herein, prescribe procedures for an orderly and expeditious hearing. The Presiding Examiner may extend any procedural dates established by this order where necessary or appropriate upon a showing of good cause.

(H) Protests and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 5, 1972.

By the Commission.

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

[FR Doc.71-18729 Filed 12-22-71;8:46 am]

[Docket No. RP72-49; RP71-122]

CITY OF RUSTON, LA., AND ARKANSAS LOUISIANA GAS CO.

Order Terminating Proceeding and Vacating Order Instituting Investigation

DECEMBER 17, 1971.

On September 24, 1971, the city of Ruston, La. (Ruston), filed an untimely petition to intervene together with a document entitled "Reply Brief of City of Ruston, Louisiana" in Docket No. RP71-122, which involves FPC Gas Tariff changes proposed by Arkansas Louisiana Gas Co. (Arkla) pursuant to the Commission's Order No. 431 to effectuate a gas curtailment policy. In these filings Ruston asserted that Arkla's proposed curtailment plan is arbitrary and unsupported by the record in that docket and, if approved, will impose an undue burden on it and have anticompetitive consequences on the market that it serves.

On October 19, 1971, the Commission granted Ruston intervention in Docket No. RP71-122 but ordered that its participation therein be limited to the rights and interests specifically set forth in its petition to intervene, that Ruston must take the record as it found it, that consideration of the arguments raised in its "Reply Brief" be limited to the comments raised in the parties' initial briefs insofar as supported by the record, and that this consideration not include Ruston's antitrust allegations. Contemporaneously, the Commission, noting that Ruston's antitrust charges were in the nature of a complaint, ordered that a hearing thereon be held in Docket No. RP72-49 on January 5, 1972.

On November 18, 1971, Ruston filed an application for rehearing of these orders. Therein Ruston asserts that the Commission erroneously construed its filing as a complaint. Instead Ruston claims that no hearing is necessary since all the facts upon which it bases its assertion of anticompetitive consequences are a matter of public record. Ruston further requests a modification of the order in Docket No. RP71-122 to permit it to argue these matters.

On the basis of Ruston's representation that no hearing on these issues is necessary, we have concluded that the continuation of Docket No. RP72-49 will serve no further purpose. We do not think that modification of our earlier order in Docket No. RP71-122 is necessary, however, since Ruston was therein provided an opportunity to participate fully in the subsequent stages thereof.

The Commission finds:

No need exists for hearing of the anticompetitive issues raised by Ruston in its "Reply Brief."

The Commission orders:

The order instituting investigation of certain anticompetitive allegations and establishing Docket No. RP72-49 is hereby vacated and all proceedings therein are terminated with prejudice. To this extent the application for rehearing filed by Ruston is granted. In all other respects it is denied.

By the Commission.

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

[FR Doc.71-18728 Filed 12-22-71;8:46 am]

[Order 437A-8]

COLORADO INTERSTATE GAS CO. ET AL.

Eighth Supplementary Order to Amended Statement of Policy and Order

DECEMBER 17, 1971.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders Nos. 11615 and 11627, Docket No. R-427; Colorado Interstate Gas Co., et al., RP70-8 et al.

On November 16, 1971, the Commission issued Order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and 6 CFR 300.016. In paragraph (c) of § 2.90a, the Commission announced "that its actions with respect to increases in rates or charges in orders heretofore issued containing a provision that they are subject to the policy announced in Order No. 437 will be reviewed for consistency with the purposes of the Economic Stabilization Act of 1970, as amended. After such review, increases in rates or charges approved as being consistent with such purposes will be

reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971.

During the past 3 years the Commission has, as a matter of policy, permitted pipelines to track rate increases of their suppliers. In permitting such tracking, the Commission has eliminated the necessity for a pipeline to make a complete filing under § 154.63 of the regulations under the Natural Gas Act each time one or more of its suppliers makes a price change which increases its purchased gas costs, thus greatly reducing the number of rate filings which would otherwise be required. Tracking provisions have been accepted in a number of Commission orders approving settlements. They are designed to permit the pipeline to recover no more than the cost of purchased gas which it actually incurs, while providing that rates must be lowered in the event of decreases in the suppliers' rates. Since complete rate filings are not required for each tracking made, much greater stability is achieved.

In our orders in certain producer area rate proceedings, we have included provisions to permit pipelines to file rate increase applications to track producer rate increases. In Order No. 437A–4, issued November 29, 1971, we found that such provisions in our orders in Dockets Nos. AR61–2 et al., AR69–1, AR64–2 et al., and AR67–1 et al., are consistent with the purposes of the Economic Stabilization Act of 1970, as amended, and permitted such filed applications which were to become effective during the period August 15, 1971, to November 13, 1971, to become effective as of 12:01 a.m., November 14, 1971.

The Commission has reviewed the list of orders heretofore issued which is attached as Appendix A to this eighth supplemental order. All of these orders involve applications by pipeline companies seeking rate increases to track price adjustments made by their suppliers. Although such rate increases were not proposed to become effective until after November 13, 1971, they were all approved by the Commission during the period from August 15 to November 13, 1971, and were made subject to our Order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. The filings reflect only variations in specific cost components which are necessarily incurred by the applicants. Customers are protected in that these applicants are required to flow through any refunds from their suppliers. Accordingly they must be allowed to adjust their rates to track these increased costs.

The Commission finds: To permit the rate increases applied for in the dockets listed in Appendix A to become effective is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The rate increases applied for in the dockets listed in Appendix A may become effective as of 12:01 a.m., November 14, 1971.

(B) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

(C) Nothing in this order is intended to relieve the applicant of any obligation under the Natural Gas Act or the Commission's regulations thereunder, including the obligation to make refunds with interest of any portion of the increase when required.

By the Commission.

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

APPENDIX A

Docket No.	Applicant	Date application filed	Proposed effective date
RP70–8, et al.	Colorado Interstate Gas Co.	9–30–71	11–14–71
RP72–51	Tennessee Gas Pipeline Co.	10–14–71	11–14–71
RP72–52	Midwestern Gas Transmission Co.	10–14–71	11–14–71
RP72–53	East Tennessee Natural Gas Co.	10–14–71	11–14–71
RP72–56	Alabama-Tennessee Natural Gas Co.	10–14–71	11–14–71
RP72–57	Consolidated Gas Supply Corp.	10–20–71	11–14–71

[FR Doc.71–18769 Filed 12–22–71;8:50 am]

[Docket No. E–7687]

DETROIT EDISON CO.

Notice of Application for Increase in Resale Rates

DECEMBER 16, 1971.

Take notice that on November 24, 1971, Detroit Edison Co. filed in Docket No. E–7687 an application for an increase in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1971. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 71–18732 Filed 12–22–71;8:46 am]

[1] Filed as part of original document.

[Docket No. RP72–85]

FLORIDA GAS TRANSMISSION CO.

Notice of Application for Increase in Resale Rates

DECEMBER 17, 1971.

Take notice that on December 2, 1971, Florida Gas Transmission Co. filed in Docket No. RP72–85 an application for an increase in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1971. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–18731 Filed 12–22–71;8:46 am]

[Docket No. E–7679]

FLORIDA POWER CORP.

Notice of Extension of Time

DECEMBER 16, 1971.

On December 8, 1971, Counsel for a group of municipal customers filed a motion requesting an extension of time to and including January 3, 1972, within which to file protests or petitions to intervene in the above-designated matter. The motion states that counsel for Florida Power Corp. has agreed to the extension of time if it does not affect the proposed effective date.

Upon consideration, notice is hereby given that the time is extended to and including December 28, 1971, within which protests or petitions to intervene may be filed in the above-designated matter.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71–18733 Filed 12–22–71;8:46 am]

[Docket No. CI71–613]

GREGG OIL CO., INC., ET AL.

Order Setting Matter for Hearing, Prescribing Procedure, and Granting Intervention

DECEMBER 17, 1971.

On March 1, 1971, Gregg Oil Co., Inc. (Gregg) filed an application for permission to abandon sales of natural gas to

[1] Filed as part of original document.

Southern Natural Gas Co. (Southern) from the Monroe Gas Field, Ouachita and Union Parishes, La.

In support of the proposed abandonment, Gregg states that production from the wells has declined to an average of less than 15 Mcf per day per well (54 wells) and that continued operation of the wells and the related gathering and compression facilities necessary to deliver the gas to Southern has become economically unfeasible.

On April 22, 1971, Southern filed for leave to intervene in the proceeding in opposition to granting abandonment authorization and requested a formal hearing on the matter. In support of its petition Southern states that Gregg has not shown that (1) continuation of the service is uneconomical, (2) the available supply of gas is depleted to the extent that continuation of service is unwarranted, and depleted to the extent that no further production can be obtained, (3) the proposed abandonment is consistent with the contract terms, (4) relief available under section 4 of the Natural Gas Act has been sought, (5) it is not in violation of the Natural Gas Act by terminating deliveries, and (6) present or future public convenience and necessity permit such abandonment. Inherent in Southern's stated opposition and an issue to be delved into during the course of this proceeding is what rate increase is necessary, if any, to make the sale and delivery of the gas economically feasible.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing on the matters presented in the section 7(b) application for abandonment of Gregg Oil Co., Inc.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Participation of the above-named petitioner may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing January 13, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. After the hearing has commenced and testimony has been submitted, the Presiding Examiner shall recess the proceedings in favor of a prehearing conference among the parties in order to facilitate the resolution of any issues and related matters. If the parties are unable to reach an agreement then cross-examination shall proceed immediately.

(B) On or before January 6, 1972, Gregg shall prepare and file with the Commission and serve on the Presiding Examiner, the Commission's staff, and Southern its direct testimony and exhibits in support of the section 7(b) application for abandonment of service.

(C) On or before January 6, 1972, Southern shall file and serve on the Presiding Examiner, the Commission's staff, and Gregg prepared written testimony in support of its position.

(D) The above-named party, which has filed a petition to intervene herein, is hereby permitted to become an intervenor in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing in this proceeding pursuant to the Commission rules of practice and procedure.

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

By the Commission.

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

[FR Doc.71-18734 Filed 12-22-71;8:46 am]

[Docket No. RP72-84]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Application for Increase in Resale Rates

DECEMBER 17, 1971.

Take notice that on December 2, 1971, Lawrenceburg Gas Transmission Corp. in Docket No. RP72-84 filed an application for increases in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1971. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-18735 Filed 12-22-71;8:46 am]

[1] Filed as part of original document.

[Docket No. RP72-71]

SOUTHWEST GAS CORP.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

DECEMBER 17, 1971.

Southwest Gas Corp. (Southwest Gas) on November 18, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on December 18, 1971.[2] The proposed rate changes would increase jurisdictional revenues by $217,721 annually, based on volumes for the 12-month period ended September 30, 1971, as adjusted. Southwest states that the proposed changes in rates are designed to compensate it only for an increase in its cost of gas purchased from El Paso Natural Gas Co. (El Paso) resulting from El Paso's rate filing in Docket No. RP71-137.

Southwest states that its filing should be treated as though it were made pursuant to § 154.63(a)(3) of the Commission's regulations under the Natural Gas Act, which applies to minor rate increases and that it seeks immediate rate relief under that section on the grounds that: (1) only two rate schedules are involved, and the purpose of the filing is to eliminate inequities by passing along to Southwest's two jurisdictional customers their allocated portion of the increase in the cost of its purchased gas, and not for the purpose of achieving a fair return on overall jurisdictional business; (2) the relief sought is on an interim basis pending completion of an application for a major rate increase which was not prepared previously because although El Paso's filing in Docket No. RP71-137 was made on July 1, 1971, the President's Executive Order No. 11615 was issued on August 15, 1971, and it was unclear how proposed utility increases would be disposed of thereunder; and (3) Southwest states that it intends to file for a major rate increase not later than January 31, 1972.

Southwest requests waiver of the limitations applicable to minor rate increases specified in § 154.63(a)(3) of the regulations in order to permit it to file to offset the purchased gas cost increases incurred as a result of El Paso's filing. Southwest says that if it is unable to collect increased revenues to offset the increase in its cost of gas, its jurisdictional earnings will fall below a fair and reasonable level. Southwest requests a 1-day suspension of the filing, pointing out that its customers would be protected as all revenues would be collected subject to refund with interest, but claims that suspension for the maximum statutory period of 5 months would effectively foreclose the company from ever recouping significant increases in its cost of purchased gas.

Sierra Pacific Power Co., one of Southwest's jurisdictional customers, on December 6, 1971, filed a petition to intervene in this proceeding, in which it also

[2] The tariff sheets are Fourth Revised Sheet No. 4 and Fourth Revised Sheet No. 10-A.

objects to Southwest's request for a 1-day suspension of its filing. Sierra Pacific states that in order for it to increase its rates to pass along the cost increase of Southwest, it will be necessary to file an application with the Public Service Commission of Nevada and that its increase could not become effective in less than 30 days and possibly not before 180 days. We find that Sierra Pacific's reason to support its objection to a 1-day suspension is not adequate when weighed against the fact that Southwest has already absorbed the increase in purchased gas costs from El Paso for over a period of 30 days, and to prohibit Southwest from recovering these increased costs for a suspension period beyond 1 day would impose a substantial financial hardship on Southwest. Under the circumstances we believe that a 1-day suspension of Southwest's filing is reasonable and appropriate. However, as the filing was made on November 18, 1971, the proposed effective date could not be earlier than December 19, 1971, allowing for the full 30 days notice under our regulations, and not December 18, 1971, as proposed by Southwest. We will therefore suspend the filing until December 20, 1971, as hereinafter ordered.

The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

In view of the fact that we are ordering a 1-day suspension herein we will waive the provisions of § 154.67(a) of our regulations under the Natural Gas Act insofar as they provide that a rate under suspension shall become effective as of a date not earlier than the date of receipt by the Commission of the company's motion under section 4(e) of the Natural Gas Act or the expiration of the suspension period, whichever is later. Upon the filing of Southwest's motion the increased rates shall become effective as of December 20, 1971. We shall provide for the filing of the required undertaking, as set forth in § 154.67(d), within 15 days from the date of this order.

The Commission finds:

(A) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed tariff sheets listed in footnote 1 above be suspended and the use thereof be deferred as herein provided.

(B) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) The applicable provisions of § 154.63 of the Commission's regulations under the Natural Gas Act are hereby waived in order to permit the filing of the tariff sheets tendered by Southwest Gas Corp. on November 18, 1971.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held at a date to be fixed by notice of the Secretary of the Commission concerning the lawfulness of the rates, charges, classifications, and services contained in Southwest Gas Corp.'s FPC Gas Tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, Southwest's revised tariff sheets listed in footnote 1 above are hereby suspended, and the use thereof is deferred until December 20, 1971.

(D) The provisions of § 154.67(a) of the regulations under the Natural Gas Act are waived as hereinabove indicated in order to allow Southwest's proposed increased rates to become effective on December 20, 1971, upon the filing by Southwest of the appropriate motion under section 4(e) of the Natural Gas Act.

(E) Southwest shall file the agreement and undertaking required by § 154.67(d) of the regulations under the Natural Gas Act within 15 days from the date of issuance of this order.

By the Commission.

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

[FR Doc.71-18736 Filed 12-22-71;8:47 am]

[Docket No. CP61-79]

UNITED GAS PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

DECEMBER 10, 1971.

Take notice that on November 11, 1971, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, TX 77002, and Texas Gas Transmission Corp. (Texas Gas), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP61-79 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on December 19, 1960 (24 FPC 1099), as amended, by authorizing the construction and operation of additional points of delivery between petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of December 19, 1960, authorized, inter alia, the construction and operation of facilities and the exchange of natural gas between the parties. Petitioners propose herein the construction and operation of additional points of exchange. One of these points will be an interconnection between the facilities of Sea Robin Pipeline Co. (Sea Robin) and Texas Gas to be constructed at the Texaco Inc. Henry Gasoline Plant, located near Erath, Vermilion Parish, La. The estimated cost of this interconnection is $51,250. The natural gas to be delivered by Sea Robin to Texas Gas at this point will be for the account of United. The other delivery point is to be located at an existing interconnection between the systems of petitioners near Monroe, Ouachita Parish, La.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-18737 Filed 12-22-71;8:47 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on September 21, 1971.[1]

The information reviewed at this meeting suggests that the Government's new economic program has reduced inflationary expectations and has improved prospects for higher rates of growth in real economic activity and employment. In the current quarter, however, real output of goods and services is expanding modestly and unemployment remains substantial. Prior to the imposition of the 90-day freeze, prices and wages were rising rapidly on average. In August inflows of consumer-type time and savings funds to nonbank thrift institutions moderated and inflows to banks remained at a reduced rate. Growth in the narrowly defined money stock, which had been rapid through July, slowed sharply in August; and growth in broadly defined money continued to slacken. However, the rate of expansion in the bank credit proxy stepped up, mainly reflecting a marked rise in U.S. Government deposits. Market interest rates, which declined sharply following the announcement of the new program, have since fluctuated irregularly. The U.S. balance of payments continues to be in a position of substantial basic deficit. Speculative capital outflows

[1] The Record of Policy Actions of the Committee for the meeting of Sept. 21, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

have diminished recently. Most major foreign currencies are trading in the exchange markets at rates against the dollar a few percent higher than on August 13. Negotiations have begun on additional measures to reduce payments imbalances and on other improvements in the international monetary system. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to achieve moderate growth in monetary and credit aggregates, taking account of developments in capital markets. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with that objective.

By order of the Federal Open Market Committee, December 10, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-18774 Filed 12-22-71;8:51 am]

AMERICAN BANCORP

Formation of One-Bank Holding Company; Correction

In the notice regarding formation of one-bank holding company published in the FEDERAL REGISTER on December 11, 1971 (36 F.R. 23650), the date in the third paragraph should be changed from January 13, 1971, to January 13, 1972.

Board of Governors of the Federal Reserve System, December 17, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18775 Filed 12-22-71;8:51 am]

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Ohio Savings & Trust Co., New Philadelphia, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1972.

Board of Governors of the Federal Reserve System, December 16, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18742 Filed 12-22-71;8:47 am]

BTNB CORP.

Order Denying Determination

BTNB Corp., Birmingham, Ala., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Cobbs, Allen & Hall Mortgage Co., Inc. (Company), Birmingham, Ala. Notice of the application affording opportunity for interested persons to submit comments and views, was duly published (36 F.R. 21382). The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

The operation by a bank holding company of a mortgage company is an activity that the Board has determined to be closely related to the business of banking (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant owns the Birmingham Trust National Bank (Bank), the third largest banking organization in Alabama. Bank's total deposits of $346.1 million represent 6.9 percent of all commercial bank deposits in the State, and 25.6 percent of those within the Birmingham banking market. Within this banking market, Bank is engaged in extending credit secured by real property through (1) permanent mortgage loans on one- to four-family residential properties, (2) permanent mortgage loans on income producing properties, and (3) construction loans. In 1970, Bank originated $11.5 million in construction loans, which represented its primary activity connected with credit secured by real property. However, in the same year, Bank also originated $0.3 million of permanent one- to four-family residential mortgages, and $0.6 million of permanent mortgages on income producing property. Bank also services its own mortgages and, as of December 1970, these represented a $16.5 million mortgage portfolio in the Birmingham market.

Company originated over 90 percent of the permanent mortgage loans on income producing properties placed by mortgage banks in the Birmingham area in 1970. The existing competition between applicant and company seems to be minimal, since each specializes in a different type of activity within the mortgage banking market. Applicant's emphasis in mortgage banking is directed toward construction loans; that of company is directed more toward the origination of loans on income producing properties.

Company, the 20th largest mortgage banking firm in the United States, services a mortgage portfolio of approximately $632.6 million,[1] of which approximately $234 million are in the Birmingham market alone. In addition to offices in Birmingham, Huntsville, Mobile, and Montgomery, Ala., company operates offices in Metairie, La., and Pensacola, Fla.

Both applicant and company seem to have the resources and expertise to expand their mortgage originating activities into those types of activities in which the other now specializes. (They already operate in the same geographical market.) Thus, the proposed acquisition is regarded as one that would eliminate potential competition. The Board is concerned also about the concentration of economic resources in the Birmingham area that would result from the proposed acquisition.

The Board concludes that the public benefits to be derived from the proposed acquisition do not outweigh the probable adverse effects indicated above. Applicant claims that it will provide additional funds to company in an effort to increase the latter's activity in the construction loan market, and that the acquisition would increase competition in the commercial and industrial mortgage market. While the acquisition of a mortgage company by a bank holding company could have the effect of strengthening the company in certain markets, it appears certain that such increased ability and service, if it came from a bank holding company not now competing or not likely to compete in the market, would have a substantially more desirable impact on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has concluded that the public factors the Board is required to consider under section 4(c)(8) are not favorable to the requested determination and do not outweigh possible adverse effects; and that the request should be denied. Accordingly, the application is hereby denied.

By order of the Board of Governors,[2] December 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18743 Filed 12-22-71;8:47 am]

[1] Based on servicing portfolio as of December 31, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane.

CENTRAL NATIONAL CHICAGO CORP.

Order Approving Acquisition of Union Realty Mortgage Co., Inc.

Central National Chicago Corp., Chicago, Ill., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Union Realty Mortgage Co., Inc. (Company), Chicago, Ill. Notice of the application affording opportunity for interested persons to submit comments and views was duly published (36 F.R. 18438). The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

The operation by a bank holding company of a mortgage company is an activity that the Board has previously determined to be closely related to the business of banking (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant, parent holding company of Central National Bank in Chicago (Bank), has consolidated assets of $591 million, including Bank's total assets of $578 million. Bank is the sixth largest bank in Chicago, with 1.9 percent of the commercial bank deposits in Cook County. Within the six-county Chicago SMSA which Bank designates as its service area for originating and servicing mortgages, Bank has $54.1 million of real estate loans outstanding. This represents but 0.4 percent of an approximate $14.3 billion of mortgage loans outstanding at commercial banks, savings and loan associations and those currently serviced by mortgage companies within the Chicago SMSA.

Company is engaged in the business of originating and servicing mortgage loans, primarily for the construction and purchase of single family dwelling units and small residential apartment buildings, in Cook and Du Page Counties. Based on the dollar amount of loans serviced, it ranks tenth among the mortgage companies with offices in Chicago. The $86.8 million of loans so serviced, as of December 31, 1970, represent 0.6 percent of the total mortgage loans outstanding within the Chicago SMSA. Thus, the combined share of applicant's and company's mortgage loans outstanding in this market approximates 1 percent.

All of Bank's outstanding mortgages remain in its own portfolio, whereas those of company are sold to its institutional investors. The minimal competition that presently exists between applicant and company is not likely to increase, inasmuch as applicant has been unable to find a secondary market for its present mortgage loan portfolio and thus make its funds available on a continuous basis. Based upon the foregoing, and the record before it, the Board concludes that the proposed acquisition would have only slightly adverse effects on existing competition.

It is anticipated that, following consummation of the proposal, both applicant and company will be able to increase significantly the amount of their real estate loan originations, particularly in the field of middle and lower cost housing units. As a result, each should be in a position to better serve its customers and to provide more effective competition in its market area. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] December 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18744 Filed 12-22-71;8:47 am]

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Babylon, Babylon, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1972.

Board of Governors of the Federal Reserve System, December 17, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18776 Filed 12-22-71;8:51 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governor Daane.

FIRST FLORIDA BANCORPORATION

Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Titusville, Titusville, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 14, 1972.

Board of Governors of the Federal Reserve System, December 14, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18745 Filed 12-22-71;8:47 am]

FIRST NATIONAL CITY CORP.

Acquisition of Bank

First National City Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Citibank (Western) N.A., Silver Creek, N.Y., the successor by merger to The Silver Creek National Bank, Silver Creek, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1972.

Board of Governors of the Federal Reserve System, December 17, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18777 Filed 12-22-71;8:51 am]

KEWANEE INVESTING CO.

Formation of Bank Holding Company

Kewanee Investing Co., Kewanee, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 60.04 percent of the voting shares of Kewanee National Bank, Kewanee, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or

at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1972.

Board of Governors of the Federal Reserve System, December 17, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18778 Filed 12-22-71;8:51 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

DECEMBER 17, 1971.

United Banks of Colorado, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The St. Vrain Valley Bank, Longmont, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1972.

Board of Governors of the Federal Reserve System, December 17, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18779 Filed 12-22-71;8:51 am]

UNITED MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Mo., a bank holding company within the meaning of the Bank Holding Company Act has applied for the Board's approval under section 3(a)(3) of the Act 12 (U.S.C. 1842(a)(3)) to acquire 80 percent (plus directors' qualifying shares) or more of the voting shares of The Brookfield Banking Co., Brookfield, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 8 banks with total deposits of $489.1 million, amounting to 4.3 percent of total deposits in commercial banks in the State. Acquisition of Bank would increase applicant's control of commercial bank deposits in the State by 0.1 percent and applicant's rank as the fourth largest multibank holding company in the State would remain unchanged. Bank ($14.4 million in deposits) is the largest of nine banks in the Brookfield banking market (approximated by Linn County and the northernmost part of Chariton County), controlling 31.1 percent of market deposits. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through October 31, 1971.)

No meaningful competition exists between Bank and any of applicant's subsidiaries. The nearest subsidiary of applicant is Kemper State Bank, Boonville, Mo., which is located approximately 100 miles from Bank. In view of Missouri's restrictive branching law and the area's low population to bank ratio which makes de novo entry unattractive, it appears unlikely that consummation of this proposal would foreclose any significant potential competition between this and any other of applicant's subsidiaries and Bank. It is unlikely that applicant would enter the market through acquisition of one of the smaller banks in the market due to the fact that its chief executive officer has been a major stockholder of Bank since 1959. Consummation of the proposal would have no adverse effects on existing or potential competition nor would it have adverse effects on any competing bank.

Bank is in generally satisfactory financial condition. However, because of recent deposit growth it is in need of additional capital which affiliation with applicant will supply. Accordingly, considerations related to the financial and managerial resources and future prospects of Bank lend some weight toward approval. Affiliation with applicant would enable Bank to meet the growing credit needs of the market's largest farming and industrial organizations. Applicant also intends to assist Bank in applying for trust powers, to provide Bank with industrial development assistance through its lead bank, and to assist Bank in expanding its present facilities. Considerations related to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] December 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18747 Filed 12-22-71;8:47 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Daane.

ZIONS UTAH BANCORPORATION

Order Approving Acquisition of Industrial Bank

Zions Utah Bancorporation (Zions), Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to retain all of the voting shares of Arvada 1st Industrial Bank (Arvada 1st), Arvada, Colo. Notice of the application, affording opportunity for interested persons to submit comments and views, has been duly published. The time for filing comments and views has expired and all received have been considered.

The operation by a bank holding company of an industrial bank is an activity that the Board has determined is closely related to banking if conducted in the manner authorized by State law, so long as the institution does not both accept demand deposits and make commercial loans and the activities of the institution are not conducted in a manner that is inconsistent with limitations the Board has established pursuant to section 4(c)(8) of the Act (§ 225.4(c) of Regulation Y).

It appears that Arvada 1st does not accept demand deposits and engages solely in the activities described in § 225.4(a)(2) of Regulation Y. Accordingly, the activities of Arvada are closely related to banking.

Arvada 1st, has total assets of about $400,000; it serves a portion of the suburban area surrounding Denver, Colo. Zions controls five industrial banks in Colorado. One of these, the Littleton 1st Industrial Bank (total assets $1.7 million) is located in a suburb on the opposite side of Denver from the location of Arvada 1st, about 15 miles from Arvada 1st. Within the Denver market area, numerous financial institutions compete with Arvada 1st for loans and deposits. There is no substantial existing competition which would be foreclosed by the proposed transaction between Littleton 1st and Arvada 1st.

Zions acquired Arvada 1st in 1969 at a time when Arvada 1st had experienced serious loan losses. Zions reoriented Arvada's 1st's loan portfolio and after the write-off of substantial losses during the 1970 period, Arvada has shown no loss in 1971. Retention of Arvada 1st's shares by Zions would continue Arvada's access to Zions' capital and management strength, thus making likely its continued improvement and placing it in a position better to serve its customers and provide more effective competition in its market area.

There is no significant existing competition between any of Zions' subsidiaries and Arvada 1st and disaffiliation with Zions would not substantially increase competition in the Denver area.

There is no evidence in the record indicating that retention by Zions of Arvada 1st would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the proposed activity is a proper incident to banking or managing or controlling banks within the meaning of that section and the application is approved.

By order of the Board of Governors,[1] December 15, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18746 Filed 12-22-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5124]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Notes to Banks

DECEMBER 15, 1971.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 120 East 41st Street, New York, NY 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia, pursuant to a letter agreement with seven banks, proposes to issue and sell $100 million of its unsecured promissory notes, of which $50 million will mature on May 25, 1972, and $50 million on January 25, 1973.

The banks and their respective commitments are as follows:

Morgan Guaranty Trust Company of New York	$20,000,000
Chemical Bank	15,000,000
Irving Trust Co	10,000,000
First National City Bank	20,000,000
Manufacturers Hanover Trust Co	15,000,000
Bankers Trust Co	10,000,000
Mellon National Bank and Trust Co	10,000,000
	100,000,000

Interest on the notes will be at the minimum commercial lending rate (MCLR) in effect from time to time at Morgan Guaranty Trust Company of New York (Morgan Guaranty) (currently 5¼ percent and will be payable semiannually on each June 30th and December 31st following issuance of the notes and at maturity or earlier payment of the loan. Any change in the MCLR at Morgan Guaranty will be effective as to loans outstanding on the first business day following such change. Columbia has reserved the right to prepay in whole or in part, upon 3 days' notice without penalty, any or all of such loans.

Columbia will apply the proceeds of these bank borrowings to repay previously authorized bank borrowings of $100 million which become due February 25, 1972 (Holding Company Act Release No. 16295). Columbia contemplates that the funds required to retire its proposed notes and to finance its 1972 construction program, estimated at $253,482,000, will be obtained from the sale of securities during 1972. The type of securities to be issued and sold will be dependent on market conditions and other factors.

The fees and expenses incident to the proposed transactions are estimated at $300. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 30, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-18754 Filed 12-22-71;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel and Brimmer. Absent and not voting: Chairman Burns and Governor Daane.

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 16, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 17, 1971 through December 26, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-18753 Filed 12-22-71;8:48 am]

[812-3008]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Authorizing Proposed Transactions

DECEMBER 15, 1971.

Notice is hereby given that E. I. du Pont de Nemours and Co., Wilmington, Del. 19898 (Applicant), a Delaware corporation, has filed an application pursuant to sections 6(c), 17(b), and 17(d), including Rule 17d-1 thereunder, of the Investment Company Act of 1940 (Act) for an order granting exemption with respect to a transaction whereby certain subsidiaries and affiliates of Applicant propose to become participants in (1) a transaction involving mining ventures, principally in Mexico, and (2) future joint mining ventures. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.4 percent of the outstanding common stock of Applicant, and Applicant, in turn, owns approximately 74.9 percent of the outstanding common stock of Du Pont of Canada (DOC), a Canadian corporation, DOC and Lacanex Mining Co. Ltd. (Lacanex), an Ontario mining corporation, of which Dr. William H. Gross is president and owner of 11.6 percent of outstanding common stock, entered into an agreement providing for the establishment of a corporation, Ducanex Resources Ltd. (Ducanex), of which each beneficially owned 50 percent of the outstanding common stock. Under section 2(a)(9) of the Act, Applicant, DOC, and Ducanex

are all presumed to be controlled by Christiana; under section 2(a)(3) of the Act, Applicant, DOC, and Ducanex are also affiliated persons of Christiana, and Lacanex is an affiliated person of Ducanex.

Dr. Gross, the president of Lacanex and Ducanex, is an officer, director and stockholder of Pure Silver Mines Ltd. (Pure) and Tormex Mining Developers Ltd. (Tormex), Ontario corporations engaged principally in the mining industry in Mexico. Applicant states that a potential conflict of interest problem exists for Dr. Gross in that he might have to determine into which of the companies he should place any encouraging mining project coming to his attention. The managements of Lacanex, Ducanex, Pure, and Tormex concluded that they could continue to avail themselves of Dr. Gross' expertise in mining and relieve Dr. Gross of his potential conflict of interest problem by a reorganization which would link the corporations through ownership of significant amounts of voting stock.

After the transactions effecting the reorganization, Ducanex and Pure will each own about 30 percent of Tormex's outstanding voting stock, DOC will own about 35 percent of Lacanex's outstanding voting stock, Ducanex will own about 30 percent of Pure's outstanding voting stock and Lacanex will continue its joint ownership of Ducanex with DOC. Certain Pure and Tormex stockholders are expected to agree to furnish Ducanex with proxies covering their Pure and Tormex stock, providing Ducanex with effective voting control of Pure and Tormex. Applicant states that successful operations of Tormex projects should secure an appropriate portion of such projects' benefits for Lacanex, Ducanex, and Pure and their stockholders. Applicant further states that the principal area of conflict in these corporations' mining activities will be resolved through Tormex's acquisition of all of Lacanex's Mexican operations; Lacanex will agree not to conduct further mining projects in Mexico while Tormex will agree not to conduct mining projects in Canada.

Applicant states that a principal impetus leading to the proposed transaction is the need of Pure and Tormex for additional funds for further development of their Mexican mining interests. The proposed transaction will provide additional funds to support these ventures, to be supplied primarily by DOC through (1) purchase of Lacanex stock for $1,125,000 (Lacanex to use these funds to partially finance its $2,009,000 share of Ducanex's portion of the transaction), (2) financing its $2,609,000 share of Ducanex's portion of the transaction, and (3) a loan or loan guarantee to Pure of up to $4 million. In return, DOC and Ducanex will receive stock of several of the corporations involved in the transaction, thereby acquiring a significant indirect interest in the success of these Mexican mining ventures.

On May 1, 1970, DOC and Lacanex entered into an agreement whereby DOC has five irrevocable separate rights to purchase Lacanex stock at certain specified dates and prices up to a maximum of approximately 2,500,000 shares of Lacanex capital stock by December 15, 1977. DOC's immediate purchase of Lacanex stock will be effected by acceleration of its right to purchase 750,000 shares of Lacanex stock and will result in DOC ownership of approximately 35 percent of the outstanding voting securities of Lacanex.

On May 20, 1970, DOC and Lacanex entered into a shareholders agreement (exhibit M to the application) to provide all necessary funds to Ducanex to permit it to carry out its obligations and to jointly guarantee these obligations. Financing for the first $750,000 of each Ducanex project is to be provided 70 percent by DOC and 30 percent by Lacanex; expenditures above $750,000 per project are to be provided on a 50 percent–50 percent basis. DOC and Lacanex will each have a 50 percent equity interest in Ducanex. This agreement will terminate on December 31, 1974, unless DOC postpones the termination date until December 31, 1978. Applicant represents that DOC will not postpone the termination date of the agreement absent any order of the Commission specifically authorizing the renewal of such agreement. This agreement further provides that both DOC and Lacanex will provide a minimum of $500,000 to Ducanex, during each fiscal year, for the purpose of providing Ducanex with funds for its administration expenses and financing.

During the period from the closing of the transaction through December 31, 1978, DOC will loan or cause to be loaned to Pure up to $4 million to enable Pure to carry out exploration and development of mining properties, including investments in or loans to Tormex or other mining companies for such purposes. The loan will not be callable until after December 31, 1975, and, then, on at least 1 year's notice. If from DOC or an affiliate of DOC, the loan will bear interest at the prime bank rate plus 1 percent. If the loan is from any other lender, it will bear interest not in excess of the prime bank rate with DOC being entitled to a 1 percent fee if it extends its guarantee to any such lender. DOC's obligation is only as a lender of last resort or guarantor in such capacity if such loan is not otherwise available to Pure from other sources on equal terms.

The terms of the proposed transactions are embodied in an agreement (filed as exhibit F to the application) made as of August 28, 1970, between DOC, Ducantex, Lacanex, five other Ontario corporations, and two individual persons who are officers, directors, and stockholders of several of the corporate parties to the transaction. Applicant states that transactions as proposed will accomplish four principal objectives:

a. Provide DOC with an opportunity to enter the mining field through acquisition of an interest in several promising mining ventures;

b. Provide funds for the continued development of certain mining properties in Mexico;

c. Restructure the control and ownership of some of the corporations involved in a more orderly fashion to provide for suitable management of their mining ventures and suitable participation in the results of those ventures; and

d. Substantially eliminate the overlapping activities of certain of the corporate parties in the mining field, together with any potential conflicts of interest created by those activities.

Applicant represents that the terms of the proposed transaction were negotiated among the parties on an arm's-length basis, and applicant believes that these terms are fair to all parties. In addition, the transaction has been expressly approved by the stockholders of certain of the corporate parties to this transaction. Applicant further states that no officer, director or employee of Christiana would participate in any of the contemplated transactions other than as a stockholder of Christiana, applicant or one of the other publicly held corporations involved in the proposed transaction.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from entering into purchase or sale transactions with such company or any company controlled by such registered investment company, subject to certain exceptions not here applicable. Section 17(b) of the Act provides that the Commission shall issue an order exempting a proposed transaction from one or more provisions of section 17(a) if the Commission finds, upon application that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company or any affiliated person of such a person to effect any transaction in which a company controlled by such registered company is a joint or a joint and several participant with such affiliated person in contravention of such rules and regulations as the Commission may prescribe. Rule 17d-1 provides that any transaction to which section 17(d) applies may be consummated only if an application regarding such transaction has been filed with the Commission and an appropriate order has been granted by the Commission.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction or any class of transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended

by the policy and provisions of the Act. Applicant requests an order pursuant to section 17(b) exempting the specific transactions described in the application from the provisions of section 17(a) and pursuant to section 17(d) and Rule 17d–1 granting its application with respect to those transactions. In addition, applicant requests an order pursuant to section 6(c) exempting from the provisions of sections 17(a) and 17(d) and Rule 17d–1 participations in future joint mining ventures and additional participations in the joint mining ventures described in the application involving affiliated participants who are parties to the presently proposed transactions.

Applicant represents that a potential partner in a joint mining venture has a limited period of time in which to decide whether to participate. Frequently, it is necessary to act within a few days, or lose the opportunity to participate in an attractive venture. The necessity to file an application for an exemptive order covering such a transaction before confirming their participation would, applicant believes, severely limit the parties to this transaction with respect to future development and growth in the mining field.

Applicant has agreed that any order of the Commission pursuant to section 6(c) granting the requested exemptions from the provisions of sections 17(a) and 17(d) and Rule 17d–1 thereunder with respect to future joint mining ventures and additional participations in existing joint mining ventures not otherwise covered by an order of the Commission may be made subject to the following conditions:

1. That the Commission be furnished with a detailed description of each such transaction within 30 days after execution of the agreement(s) covering such transaction, such filing to include the Commission's file number pertaining to the application herein and the release number and date of the order;

2. That, in any such joint mining venture entered into or continued in reliance on such exemptive order, except for participations pursuant to the May 20, 1970 agreement between DOC and Lacanex (filed as exhibit M to the application) and not involving any other "affiliated participant", the respective participations, that is, the investment, considerations, or contributions furnished, by DOC and any other "affiliated participants" would be the same except that they may differ in amount, and their benefits, obligations, and expenses would also be the same except that they may vary in amount proportionate to the amount of the participations (for the purposes of this condition, the term "affiliated participant" is defined as Christiana, any person controlled by or otherwise affiliated therewith, and any affiliated person of such controlled or affiliated person);

3. That DOC, acting in reliance on such exemptive order, not invest, directly or through controlled companies, more than $500,000 in any such joint mining venture;

4. That such exemptive order may be revoked by the Commission at any time without further proceedings upon 30 days' notice to applicant, provided, however, that such revocation shall not be applicable to any action taken prior to the effective date of revocation;

5. That notice pursuant to condition 4 above shall be given to applicant at its office at 1007 Market Street, Wilmington, DE 19898; and

6. The exemptive order shall terminate on the fifth anniversary of its effective date, provided, however, that such termination shall not be applicable to any action taken prior to the date of termination.

Notice is further given that any interested person may, not later than December 28, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication shall be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons at whose request a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71–18755 Filed 12–22–71;8:48 am]

[811–1711, 811–1712]

ISI INSTITUTIONAL FUND A, INC., AND ISI INSTITUTIONAL FUND B, INC.

Notice of Filing of Application for Order Declaring That Companies Have Ceased To Be Investment Companies

DECEMBER 15, 1971.

Notice is thereby given that ISI Institutional Fund A, Inc. (Fund A) and ISI Institutional Fund B, Inc. (Fund B), 100 California Street, San Francisco, CA 94111, herein referred to as "Applicants", registered under the Investment Company Act of 1940 (Act), have filed an application for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicants have ceased to be investment companies as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

In August 1968 each of the Applicants filed a notification of registration pursuant to section 8(a) of the Act and in September 1968 each Applicant filed registration statements pursuant to section 8(b) of the Act and section 5 of the Securities Act of 1933. Both of the Applicants were designed for investment by qualified pension, profit-sharing and other employee trusts, charitable, educational, and religious organizations exempt from Federal income taxation and shares of both of the Applicants could only be purchased by such entities. The Applicants' registration statements under the Securities Act became effective on October 13, 1969, and shares of each of the Applicants were publicly offered at that time. However, no shares of either Applicant were overpurchased except by the persons who had provided the initial capital. In the case of Fund A, there were four charitable foundations or organizations and one employee profit-sharing trust which provided the initial capital; in the case of Fund B there were four such organizations. In September 1971, all of the investors in the Applicants redeemed their shares and Applicants thereby distributed all of their assets. At a meeting held on October 22, 1971, the Boards of Directors of each of the Applicants determined that each Applicant should be dissolved and each Applicant is now in the process of dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than January 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be

filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-18756 Filed 12-22-71;8:48 am]

[811-1841]

MACI GROWTH FUND, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 16, 1971.

Notice is hereby given that MACI Growth Fund, Inc. (Applicant), Box 1386, Minneapolis, MI 55440, registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated on September 19, 1968, under the laws of the State of Minnesota, and registered under the Act on April 2, 1969.

Applicant represents, among other things, that it ceased making any further public offering of its shares on April 30, 1971; that at a special meeting of shareholders held on October 28, 1971, shareholders adopted resolutions providing for a plan of voluntary corporate dissolution and the appointment of a trustee under that plan. Applicant also represents that all assets were subsequently reduced to cash; that all shareholders have redeemed their shares; and that applicant has no shareholders, no assets, and no unpaid claims. In addition, Applicant represents that it is exclusively engaged in effecting its complete dissolution and does not hold itself out as being engaged primarily in the business of investing, reinvesting or trading in securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 7, 1972 submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the infotmation stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.71-18757 Filed 12-22-71;8:48 am]

[812-3065]

NEW ENGLAND LIFE VARIABLE ANNUITY FUND 1 ET AL.

Notice of Application To Permit Offer of Exchange and for Exemption

DECEMBER 15, 1971.

Notice is hereby given that New England Life Variable Annuity Fund 1, New England Life Variable Annuity Fund 11 (the Variable Annuity Funds), and NEL Equity Services Corp. (Nelesco) (hereinafter collectively called applicants) 501 Boylston Street, Boston, MA 02117, have filed an application pursuant to section 11 and section 6(c) of the Investment Company Act of 1940 (Act) for an order permitting the offer of exchange described below and exempting Applicants from section 22(d) of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Variable Annuity Funds are separate accounts of New England Mutual Life Insurance Co. (Insurance Company) established under Massachusetts law by Insurance Company on April 16, 1969, as facilities through which assets attributable to individual variable annuity contracts (the Variable Annuity Contracts) are set aside and invested, and are registered under the Act as open-end, diversified management investment companies. Nelesco, a Massachusetts corporation wholly owned by Insurance Company, is registered as a broker-dealer under the Securities Exchange Act of 1934 and serves as principal underwriter for the Variable Annuity Funds as well as for NEL Equity Fund, Inc., NEL Growth Fund, Inc. and New England Life Side Fund, Inc. (the NEL Funds).

Applicants state that in connection with the sale of Variable Annuity Contracts of the single purchase payment type, deductions from the single purchase payment are made (after deduction of any applicable State premium tax) as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and 0.25 percent of any balance, for administrative expenses. Applicants also state that shares of the NEL Funds are sold at net asset value plus a sales charge ranging in steps from 8 percent (on single purchases of less than $10,000) to 1 percent (on single purchases of $1 million or more).

Applicants assert that sales representatives of Nelesco market both the Variable Annuity Contracts and the shares of the NEL Funds and that it is anticipated that shareholders of the NEL Funds will sometimes desire to apply investment accumulations held in the form of NEL Fund shares to purchase single purchase payment Variable Annuity Contracts for retirement purposes. Applicants propose to allow NEL Fund shareholders to transfer their accumulated amounts from any of the NEL Funds to either of the Variable Annuity Funds by way of exchanging shares for Variable Annuity Contracts at a reduced sales load. Under the proposal, the shareholders would pay any applicable State premium tax and the usual administrative expense load, but the sales expense deduction would be scaled down to 1.5 percent of the first $100,000, with no sales expense deduction on any balance.

Applicants assert that State premium taxes and the administrative expense charges (designed to cover such items as legal, actuarial and accounting services, services of executive and other personnel, postage, telephone, and office space and equipment) are made directly to individual contract holders through deductions from the purchase payment and that it would be unfair to allow exchanging NEL Fund shareholders to avoid those charges since in that case they would have to be paid either by the variable annuity separate accounts or Insurance Company's general account, in either case to the detriment of innocent persons. Applicants also assert that it would be unfair to the exchanging NEL

Fund shareholders who will already have paid a sales load to have to pay an additional full sales charge. However, Applicants also state that a reduced sales charge would be equitable since the task of the Nelesco registered representatives in explaining to the NEL Fund shareholders the complexities of the Variable Annuity Contract and the significance of life annuity options in retirement planning, will be substantial enough to justify the payment of some compensation to them, the cost of which should be borne by the exchanging NEL Fund shareholders.

Section 11(a) of the Act provides in substance that a registered open-end investment company or its principal underwriter may make an offer to a shareholder of such company or of any other open-end investment company to exchange his security for a security in the same or another such company only on the basis of the relative net asset value of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Applicants request approval under section 11 because the offer of exchange will be made at net asset value plus State premium taxes (where applicable), administrative charges, and sales charges (at the reduced rate).

Section 22(d) of the Act in substance prohibits the sale of any redeemable security issued by a registered investment company to any person, except a dealer, a principal underwriter or the issuer, at a price other than the current public offering price described in the prospectus. Applicants request an exemption from section 22(d) of the Act because NEL Fund shareholders will be able to purchase Variable Annuity Contracts of the single purchase payment type at the reduced sales load i.e. at a price different from that described in the prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 6, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-18758 Filed 12-22-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/14-5086]

LA RAZA INVESTMENT CORP.

Notice of Issuance of License to Operate as a Minority Enterprise Small Business Investment Company

On September 9, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 18123) stating that La Raza Investment Corp., 132 South Central Avenue, Phoenix, AR 85004, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business September 24, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 09/14-5086 to La Raza Investment Corp., pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended.

Dated: December 14, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-18723 Filed 12-22-71;8:46 am]

UTAH CAPITAL CORP.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On November 4, 1971, a notice of application for transfer of control was published in the FEDERAL REGISTER (36 F.R. 21237) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1971)) for transfer of control of Utah Capital Corp. (Utah), 2510 South State Street, Salt Lake City, UT 84115, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. secs. 661 et seq.) (Act), License No. 08/11-0010.

Investment Properties, Inc., Idaho Falls, Idaho will own 98.36 percent of the stock of Utah, will move the principal office to 3600 Market Street, Granger, UT 84119, and will establish a branch office at 589 North Water Avenue, Idaho Falls, ID 83401.

Interested persons were given 15 days to submit written comments to SBA. No unfavorable comments were received.

SBA having considered the application and all other pertinent information with regard thereto, approved the application for transfer of control effective December 6, 1971.

Dated: December 9, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-18752 Filed 12-22-71;8:48 am]

TARIFF COMMISSION

[TEA-W-123]

GENERAL INSTRUMENT CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Termination of Investigation

The U.S. Tariff Commission hereby gives notice of the termination of its investigation with respect to a petition filed on behalf of the workers of the Newark, N.J., plant of General Instrument Corp. under section 301(a)(2) of the Trade Expansion Act of 1962. The investigation was instituted to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the diodes produced at said plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant. Notice of the investigation was published in the FEDERAL REGISTER of December 2, 1971 (36 F.R. 23018).

The Commission, in taking its action, noted that the basis on which this investigation was instituted was incorrect in terms of the identification of the product produced by the plant in question, and that the termination is made without prejudice to the petitioner.

Issued: December 20, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-18785 Filed 12-22-71;8:52 am]

WATER RESOURCES COUNCIL

PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Notice of Public Review and Hearing

Correction

In F.R. Doc. 71-18628 appearing at page 24144 in the issue of Tuesday, December 21, 1971, the following headings should be inserted preceding the heading reading "I. Summary of Proposal" in the third column of page 24191:

DRAFT ENVIRONMENTAL STATEMENT PREPARED PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND LAND RESOURCES

DEPARTMENT OF LABOR

Office of the Secretary

[TEA-W-65]

JOHNSON, STEPHENS, AND SHINKLE SHOE CO.

Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), the President's decision under section 330 (d)(1) of the Tariff Act of 1930, as amended, in respect thereto, and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 F.R. 18342, 36 F.R. 7625, a certification under section 302(c) of the Trade Expansion Act was made on May 28, 1971, certifying that "all workers (hourly, salaried, and piecework) of the Johnson, Stephens, and Shinkle Shoe Co. plant located at Vandalia, Ill., who became unemployed or underemployed after October 8, 1969, are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962." (36 F.R. 11064.)

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the certification issued by the Department on May 28, 1971 is hereby revised to change the date shown therein, and accordingly, to include within the coverage of the certification additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All workers (hourly, salaried, and piecework) of the Johnson, Stephens, and Shinkle Shoe Co. plant, located at Vandalia, Ill., who became unemployed or underemployed after August 9, 1969 are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 8th day of December 1971.

DONALD M. IRWIN,
Deputy Under Secretary, International Affairs.

[FR Doc.71-18750 Filed 12-22-71;8:48 am]

UTICA CUTLERY CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of Utica Cutlery Co., Utica, N.Y. (TEA-W-120). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before December 28, 1971.

Signed at Washington, D.C., this 20th day of December 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-18783 Filed 12-22-71;8:51 am]

[Secretary of Labor's Order No. 35-71]

REGIONAL ADMINISTRATIVE OFFICERS

Redelegation of Contracting Officer Authority and Assignment of Procurement Responsibilities

DECEMBER 8, 1971.

1. *Purpose.* This order redelegates contracting officer authority to the Regional Administrative Officers, Office of the Assistant Secretary for Administration, and assigns responsibility for procurement of audit services in the Department of Labor.

2. *Authority and directives affected.* This order is issued pursuant to Secretary's Order No. 13-68 (33 F.R. 12600).

3. *Background.* Secretary's Order No. 21-70 redelegated authority and assigned responsibility to the Regional Administrative Officers to act for the Assistant Secretary for Administration in providing administrative support services to administrations and offices regional managers including contracting officer authority limited to small purchases. There is now a need, based on the policy of the Department to decentralize decisionmaking to Regional levels, to redelegate contracting officer authority for the procurement of audit services for contracts and grants issued under Manpower Administration programs.

4. *Delegation of Contracting Officer authority.* a. Consistent with their assigned procurement responsibilities, as hereinafter identified, the Regional Administrative Officers, or Officers acting in that capacity, are hereby designated Contracting Officers with full authority to obligate the Government by their procurement through contracts, subject to such regulations, policies and procedures as may be prescribed by the Assistant Secretary for Administration.

b. The delegation set forth in 4.a. above may not be redelegated.

5. *Assignment of procurement responsibilities.* a. The Regional Administrative Officers or Officers acting in that capacity are assigned the procurement responsibilities for audit services for contracts and grants issued pursuant to Manpower Administration programs.

b. The exercise of procurement responsibilities shall be consistent with policies, procedures, guidelines, and limitations prescribed by the Assistant Secretary for Administration, Secretary's Order 13-68 (August 5, 1968), and applicable statutes and regulations.

6. *Effective date.* This order is effective immediately and expires midnight, June 30, 1972.

Signed at Washington, D.C., this 8th day of December 1971.

FRANK G. ZARB,
Assistant Secretary for Administration.

[FR Doc.71-18751 Filed 12-22-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 20, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but

interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133327 Sub 2, Melburn Truck Lines Co., Ltd., assigned January 31, 1972, will be held in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC 31389 Sub 134, McLean Trucking Co., assigned January 17, 1972, at Memphis, Tenn., is postponed to February 2, 1972, in 204 Federal Office Building, 167 North Main Street, Memphis, TN.

MC 110585 Sub 15, Republic Van & Storage Co., Inc., heard December 15, through December 16, 1972, at Washington, is continued to March 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26241 Sub 8, Penn Central Transportation Co. Reorganization, now being assigned January 31, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 208, Daily Express, now being assigned hearing February 24, 1972, at Chicago, Ill., in a hearing room to be designated later.

FD 26887 Chicago, Milwaukee, St. Paul and Pacific Railroad Co. and Kentucky and Indiana Railroad Co.—Joint Use of Terminal—Louisville, Ky., now being assigned hearing January 24, 1972, in Louisville, Ky., in a hearing room to be later designated.

RELEASED RATES APPLICATION

No. MC 1228, National Motor Freight Traffic Association, Inc., heard November 30, 1971, at Washington, D.C., and continued to January 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133250 Sub 2, United Agricultural Transportation Association of America Marketing Co-op Common Carrier Application, assigned for hearing February 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 340 Sub 18, Querner Truck Lines, Inc., assigned February 14, 1972, at Dallas, Tex., is postponed indefinitely.

MC-C 7598, Brown Transport Corp. v. Terminal Transport Co., Inc., assigned January 17, 1972, at Atlanta, Ga., is advanced to January 10, 1972, in Room 809, 50 Seventh Street NE., Peachtree Seventh Building, Atlanta, GA.

I & S No. 8692, Vegetables and Melons, between West and Southwest, Midwest and South, assigned for hearing February 1, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-18786 Filed 12-22-71;8:52 am]

[Notice 799]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 20, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-73884. By application filed December 16, 1971, MICHAEL C. NARO, 310 Jones Street, Dunmore, PA 18512, seeks temporary authority to lease the operating rights of MILDRED REINING, FLOYD T. OLVER, AND GERALD M. REINING, doing business as W. J. REINING AND SONS, Beechlake, Pa. 18405, under section 210a(b). The transfer to MICHAEL C. NARO, of the operating rights of MILDRED REINING, FLOYD T. OLVER, AND GERALD M. REINING, doing business as W. J. REINING AND SONS, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-18787 Filed 12-22-71;8:52 am]

[Notice 101]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 17, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 3468 (Sub-No. 162), filed December 2, 1971. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway (Post Office Box 308), Flint, MI 48501. Applicant's representative: Gerald K. Gimmel, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor buses* in secondary movements, in truckaway service, (1) from New York, N.Y., and Baltimore, Md., to points in the United States and (2) between points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 489), filed November 17, 1971. Applicant: DEALERS TRANSIT, INC., 7701 Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic or electronical systems, machinery, equipment* and (2) *electronic or electronical systems, machinery and equipment parts*, between Orland Park, Ill., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 18738 (Sub-No. 41), filed November 15, 1971. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

West 138th Street, Chicago, IL. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Elk Grove Village, and Chicago Heights, Ill., to points in Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 21866 (Sub-No. 73), filed November 11, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the facilities of Knoll International, Inc., at or near East Greenville and Souderton, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be handled with its existing authority. If a hearing is deemed necessary, applicant requests it be handled at Philadelphia, Pa., or Washington, D.C.

No. MC 25798 (Sub-No. 228), filed December 2, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29079 (Sub-No. 61), filed November 12, 1971. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Post Office Box 395, Kokomo, IN 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), between the plantsite of Amax Aluminum Mill Products, Inc., located on U.S. Highway 6 approximately 5 miles west of Channahon, Grundy County, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 274), filed November 29, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, airport limousines, taxicabs, trucks, truck chassis, tractors, and trailers* in initial driveaway and truckaway services and *bodies and cabs*, from the plantsite of Checker Motors Corp., in Kalamazoo, Mich., to points in California, Idaho, Nevada, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 29910 (Sub-No. 109), filed November 22, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEMS, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from the plantsite and warehouse facilities of Hudson Pulp and Paper Corp. at Pine Bluff, Ark., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., and Washington, D.C.

No. MC 30383 (Sub-No. 9), filed November 22, 1971. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and plastic bags* from Harrison, N.J., to New York, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y.; Hartford County, Conn.; Philadelphia, Montgomery, and Delaware Counties, Pa., under continuing contract with Hudson Pulp & Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 381), filed November 22, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and facilities utilized by Hunter Packing Co., at St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 382), filed November 26, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Corswell and Edmore, Mich., to points in Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 35807 (Sub-No. 23), filed November 18, 1971. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Coral Gables, Fla., on the one hand, and, on the other, Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati and Cleveland, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Fort Knox, Ky.; Helena, Mont.; Houston, Tex.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; Washington, D.C.; and West Point, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 38170 (Sub-No. 27), filed November 18, 1971. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, MI 48146. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Sterling Heights, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Washington, D.C.

No. MC 41404 (Sub-No. 105), filed November 22, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of Dubuque Packing Co., Dubuque, Iowa to Carbondale, Ill., and Memphis, Tenn. Restrictions: Transportation restricted to shipments originating at the plantsite and/or warehouse facilities of Dubuque Packing Co. at Dubuque, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 41915 (Sub-No. 36), filed November 22, 1971. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, PA 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials and materials* used in the installation and application of such commodities (except iron and steel and commodities in bulk), between the plantsite of Certainteed Products Corp. at Avery, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 780), filed November 23, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: W. C. Evans, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Red Lion, Pa., as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at York or Harrisburg, Pa.

No. MC 51146 (Sub-No. 243), filed November 11, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture upholstered*, (1) from the plant and warehouse sites of La-Z-Boy Chair Co., in Florence, S.C.; Newton, Miss.; Neosho, Mo.; Monroe, Mich., and Redlands, Calif., to points in Wisconsin, Michigan, Indiana, Illinois, Minnesota, Missouri, Ohio, Iowa, and Nebraska; and (2) from the plant and warehouse sites of La-Z-Boy Chair Co., in Redlands, Calif., to points in Colorado, Utah, and and points in Wyoming and Montana. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 where feasible. It further states it has various duplicative items of authority under various subs, but does not seek duplication authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 52709 (Sub-No. 316), filed November 22, 1971. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Swift and Co. at Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to apply only on shipments originating at the above-named plantsite and destined to the above-named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52861 (Sub-No. 27), filed November 24, 1971. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, OH 44113. Applicant's representative: Boyd B. Ferris, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recarburizing coke*, from Ecorse and Detroit, Mich., and Toledo and Cleveland, Ohio, to points in Ohio and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 127864, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 54567 (Sub-No. 11), filed November 15, 1971. Applicant: RELIANCE TRUCK COMPANY, a corporation, 2500 North 24th Avenue, Phoenix, AZ 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Size and weight commodities together with nonsize and weight commodities* in the same shipment; (2) *self-propelled articles*, weighing 15,000 pounds or more; (3) *iron and steel articles*; (4) *construction materials, equipment and supplies*; (5) *material handling equipment*; and (6) *pipe*, other than iron and steel, between points in Utah, Idaho, Montana, Oregon, Washington, Nevada, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 55337 (Sub-No. 16), filed November 18, 1971. Applicant: ELKTON TRUCKING COMPANY, a corporation, Post Office Box 277, Elkton, MD 21921. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Adams

County, Pa., to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 55896 (Sub-No. 36), filed November 22, 1971. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, 535 Griswold Street, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building, wall and/or insulating and fiberboards*, from points in Alpena County, Mich., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, and St. Louis, Mo., and (2) *materials, equipment and supplies*, used in the manufacture of boards, building, wall and/or insulating and fiberboards from points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, and St. Louis, Mo., to points in Alpena County, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 56679 (Sub-No. 57), filed November 17, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn and staple fibre* from points in Georgia and South Carolina to points in Oklahoma and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 56679 (Sub-No. 58), filed November 23, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), (1) between Covington and Milledgeville, Ga., from Covington over Georgia Highway 36 to Stewart, thence over Georgia Highway 212 to Milledgeville, and return over the route, serving all intermediate points, and (2) between Milledgeville, and Macon, Ga., from Milledgeville over Georgia Highway 49 to Macon and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59150 (Sub-No. 63), filed November 12, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street,, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials and materials, equipment and supplies* used in the manufacture, distribution, installation and application of such commodities, between the plantsite and storage facilities of National Gypsum Co. at Port Tampa, Fla., on the one hand, and, on the other hand, points in Alabama, Arkansas, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tampa, Fla., or Washington, D.C.

No. MC 59680 (Sub-No. 195), filed November 12, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Borg & Beck Division of Borg-Warner Corp. at 18½ Mile Road, east of Mound Road, Sterling Heights, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 59856 (Sub-No. 45), filed November 15, 1971. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Post Office Box 1411, Casper, WY 82601. Applicant's representative: Joseph F. Sloan, 6540 North Washington Street, Denver, CO 80229. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Arch Mineral Corp. mine site located approximately 12 miles west of Hanna, Wyo.; Rosebud Coal Co. mine site located approximately 3 miles northeast of Hanna, Wyo.; and Energy Development Corp., located approximately 5½ miles northwest of Hanna, Wyo., as off-route points in connection with presently authorized regular route operations under MC 59856 and related subs. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 60014 (Sub-No. 30), filed November 22, 1971. Applicant: AERO TRUCKING, INC., Post Office Box 308, Monroeville, PA 15146. Applicant's representative: Edward Conto (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Hicksville, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin; and (2) *equipment, materials and supplies* used in the manufacture and processing of iron and steel articles (except commodities in bulk), from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin to Hicksville, Ohio. NOTE: Applicant states that the requested authority can be tacked with present authority under MC 60014, however, tacking operations are not planned at this time. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 60667 (Sub-No. 4), filed November 19, 1971. Applicant: WILLIAM P. HALEY, INC., 4 India Street, Portland, ME 04112. Applicant's representative: Richard J. Haley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between Portland, Maine, on the one hand, and on the other, points in Maine. NOTE: Applicant states it would tack at Portland, Maine, to perform a through service serving points in Maine. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 60987 (Sub-No. 17), filed November 22, 1971. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana Avenue, Chicago, IL 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, (except commodities in bulk in tank vehicles), between the plantsite of R. R. Donnelley & Sons Co. at Warsaw, Ind., on the one hand, and, on the other, points in Ohio (except Willard, Ohio), under contract with R. R. Donnelley & Sons Co., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 250), filed November 15, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal and pet food and canned and packaged foodstuffs*, from the plantsites and warehouses of Allen Canning Co. at Alma and Van Buren, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 61825 (Sub-No. 47), filed November 22, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, VA 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material, mineral wool and mineral wool products*, from Mountaintop, Luzerne County, Pa., and Williamstown Junction, N.J., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61955 (Sub-No. 14), filed November 22, 1971. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling Avenue, Sugar Creek, MO 64054. Applicant's representative: Lee K. Mathews, 418 Olive Street, Suite 1000, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Kansas City, Mo., La Cygne, Kans., and the plantsite of Kansas City Power and Light Co. near Clinton, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 66098 (Sub-No. 2), filed November 23, 1971. Applicant: PERKINS FREIGHT LINES, INC., 140 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies*, used in the installation, maintenance, and repair of such equipment, between Griffin, Ga., on the one hand, and, on the other, points in Lamar, Pike, Spaulding, Henry, Butts, Clayton, Fayette, Meriweather, and Cowetta Counties, Ga. NOTE: Applicant states that the requested authority would be tacked with its existing authority at Griffin, Ga., so as to provide through service between points in Georgia presently served and points in the counties sought to serve. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 69116 (Sub-No. 142), filed November 22, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulating and materials*, used in the installation thereof, except commodities in bulk, from the plantsite and warehouse facilities of the Philip Carey Co., Division of the Panacon Corp., Elizabethtown, Ky., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71652 (Sub-No. 3), filed November 15, 1971. Applicant: ATHEL HUPP DUDLEY, INC., 1790 Antelope Road, White City, OR 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, OR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles, transported on trailers, and related machinery, tools, parts and supplies*, moving in connection therewith; (3) *iron and steel articles*, as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte MC 45, 61 M.C.C. 209 and 766; (4) *pipe*, other than iron or steel, together with fittings, and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Montana, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 73688 (Sub-No. 52), filed November 15, 1971. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulation*, and *materials* used in the insulation thereof, from the plantsite of the Philip Carey Co., at Elizabethtown, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 78687 (Sub-No. 34), filed November 15, 1971. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, NY. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Broome, Cortland, Onondaga, Ontario, Steuben, and Tompkins Counties, N.Y., to points in Pennsylvania and Phillipsburg and Burlington, N.J. NOTE: Applicant states that the reguested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 2505, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 78687 (Sub-No. 35), filed December 1, 1971. Applicant: LOTT MOTOR LINES, 118 Monell Street, Penn Yan, NY. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Bradford and Tioga Counties, Pa., to points in New York. NOTE: Applicant states that the quested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 2505, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 79577 (Sub-No. 38), filed November 15, 1971. Applicant: OILFIELDS TRUCKING COMPANY, 1601 South Union Avenue, Post Office Box 751, Bakersfield, CA 93307. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Water*, in bulk, from points in San Bernardino, Riverside, Orange, San Diego, Ventura, and Los Angeles Counties, Calif., to the Mojave Steam Electric Plant of Southern California Edison Co., located in Clark County, Nev., near Bullhead City, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 82079 (Sub-No. 25), filed November 22, 1971. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900 1 Vandenberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Pet Inc., Frozen Foods Division, Frankfort, Mich., to points in Illinois (except Chicago and its commercial zone), Indiana, and Ohio. Also from storage facilities utilized by Pet Inc., Frozen Foods Division at Benton Harbor and Hart, Mich., to points in Illinois (except Chicago and its commercial zone), Indiana, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 83539 (Sub-No. 322), filed November 11, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shop equipment, office equipment, pallet racks, storage and wardrobe lockers*, from Santa Ana, Calif., to points in the United States (except California and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 83539 (Sub-No. 323), filed November 12, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, (2) *self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and (3) *related machinery, parts, materials and supplies* moving in mixed loads, respectively, with the commodities described in (1) and (2) above, between points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that it intends to tack with all its authority to the fullest extent, including certificates issued in MC 83539 Sub-Nos. 9, 12, 13, 14, 17, 20, 21, 82, 93, 96, 97, 102, 146, 185, 194, 216, 223, 226, 274, and 312; Certificate No. 109430 under 210a (b) lease to applicant as authorized in MC-F-11093; and Certificate MC-119918. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, then if hearing is continued, Washington, D.C.

No. MC 83539 (Sub-No. 324), filed December 1, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street (Post Office Box 5976), Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated pipe, bellows and expansion joints*, from the plantsite of Associated Piping & Engineering Co., at Compton, Calif., to points in the United States (except California and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 83835 (Sub-No. 87), filed November 19, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* when moving in connection therewith, (a) between points in Indiana and Pennsylvania, on the one hand, and, on the other, points in Illinois, Oklahoma, and Texas; and (b) between points in Ohio, on the one hand, and, on the other, points in Illinois, Kansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states joinder could take place at points in Texas, Kansas, and Oklahoma, to serve points in Arkansas, Louisiana, New Mexico, Utah, and Nebraska. It further states it presently holds authority in all the territory it seeks, to transport "contractors machinery and equipment" and this authority could be canceled or restricted against severance by sale, as the Commission deems appropriate. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., and Pittsburgh, Pa.

No. MC 85465 (Sub-No. 45), filed November 19, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: William A. Bottom (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr., to points in Maine, New Hampshire, New York, New Jersey, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 94350 (Sub-No. 297), filed November 15, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Wilmer Hill, Suite 705, McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in New York (excluding Genessee, Wayne, and Niagara Counties) to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 94350 (Sub-No. 298), filed November 15, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Wilmer Hill, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Texas to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Austin, Tex.

No. MC 95876 (Sub-No. 121), filed November 22, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue South, St. Cloud, MN 56301. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material and supplies* used in the manufacture and distribution of cast iron products, and finished products, thereof, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin to points in Pottawattamie County, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96165 (Sub-No. 12), filed November 22, 1971. Applicant: T. DEL FARNO TRUCKING CO., a corporation, 10 Ward Avenue, North Providence, RI 02904. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and road building machinery, materials, supplies, and equipment* (except in bulk in tank vehicles), between points in Rhode Island, on the one hand, and, on the other, points in Connecticut and Massachusetts. NOTE: Applicant states that tacking possibilities exist although not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 99213 (Sub-No. 15), filed November 17, 1971. Applicant: VIRGINIA FREIGHT LINES, a corporation, North Main Street, Kilmarnock, VA 22482. Applicant's representative: J. S. Venable, Post Office Box 728, Kilmarnock, VA 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, fish oil, and fish solubles*, from Reedville, Va., to points in Ohio and Connecticut. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 102616 (Sub-No. 867), filed November 12, 1971. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Braxton, Clay, Fayette, Greenbrier, Nicholas, Raleigh, Roane, and Summers Counties, W. Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 681), filed November 18, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Christian County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 682), filed November 23, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from East Feliciana Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 103993 (Sub-No. 683), filed November 23, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from points in Butler County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 104004 (Sub-No. 185), filed November 22, 1971. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. 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, commodities in bulk or requiring special equipment, household goods as defined by the Commission, and those contaminating to other lading) serving the plantsite of PPG Industries, Inc., at or near Mt. Holly Springs, Pa., without restriction, as an off-route point in connection with applicant's presently authorized routes between Ridgeway, Va., and Scranton, Pa., and New York, N.Y., under MC 104004. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 106644 (Sub-No. 130), filed November 15, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW. (Post Office Box 916), Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas, or liquid, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquid, and *parts, attachments, and accessories* for use in the installation of the above named commodities, between Jackson, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 104724 Sub 13, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106644 (Sub-No. 131), filed November 15, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Payton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor bleachers grandstands*, of steel and wood knocked down, and picnic tables, and *materials, supplies, and fixtures* used in the construction thereof, from Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

Applicant has contract carrier authority under MC 104724 Sub 13, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 107012 (Sub-No. 135), filed November 15, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., 4820 New Haven Avenue, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and commercial and institutional fixtures*, all uncrated, from Atlanta, Ga., to points in the United States (except Hawaii, Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107107 (Sub-No. 417), filed November 18, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Florida, Georgia, and Alabama, restricted to traffic originating at Mattoon, Ill., and destined to States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107227 (Sub-No. 124), filed November 22, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, CA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles* (except (1) trailers and farm tractors, and (2) commodities requiring special equipment), in secondary movements, in truckaway service, from Sacramento, Calif., to points in Nevada and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 579), filed November 15, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, from Knox County, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis or Evansville, Ind.

No. MC 107295 (Sub-No. 580), filed November 15, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than iron and steel), and *fittings and accessories* therefor, from Ouachita County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 107295 (Sub-No. 581), filed November 15, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigerated display units*, from Champaign, Ill., to points in the United States (except Alaska and Hawaii); and (2) *obsolete vending machines*, from points in the United States (except Alaska and Hawaii) to Champaign, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 582), filed December 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire, nails, mesh, staples, gates, rods, reinforcement bars, corrugated sheets, billets, and fencing*, from the plantsite of Continental Steel Corp. at Kokomo, Ind., to points in Texas, Louisiana, Mississippi, Oklahoma, Missouri, Illinois, Iowa, Wisconsin, Pennsylvania, and New York; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Illinois, Michigan, Pennsylvania, Kentucky, and Ohio, to the plantsite of Continental Steel Corp. at Kokomo, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 583), filed December 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, wall sections, panels and parts thereof*, from Indiana, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplication be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 584), filed December 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefabricated components of electrical substations and towers*, except electrical equipment, from Newark, Ohio to points in Georgia, North Carolina, South Carolina, and that part of Virginia on and south of U.S. Highway 460, and on and east of U.S. Highway 301. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplications be discovered later, they will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 108350 (Sub-No. 109), filed November 12, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 in 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from Waterloo, Iowa to points in Arizona, Utah, Idaho, Washington (except Tacoma, Auburn, Seattle, and Spokane), Oregon (except Portland), Nevada, and California (except San Diego, Los Angeles, San Jose, San Francisco, Stockton, and Sacramento), and (2) from Columbus Junction, Iowa to points in Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applican requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 108393 (Sub-No. 56), filed November 18, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North

York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical gas appliances*, and *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, between Elizabethtown, Ky., and Evansville, Ind., under continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations maye be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 264), filed November 12, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic or electrical systems, machinery, equipment;* and (2) *electronic or electrical systems, machinery, and equipment and parts*, between Orland Parks, Ill., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 109462 (Sub-No. 17), filed November 15, 1971. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181 South Station, Fort Smith, AR 72901. Applicant's representative: Robert G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Seminole County, Okla., to points in Alabama, Arizona, Illinois, Kentucky, Louisiana, Mississippi, Nebraska, Tennessee, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Oklahoma City, Okla.

No. MC 110525 (Sub-No. 1022), filed December 2, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except formaldehyde), in bulk, in tank vehicles, from Riverside (Northumberland County), Pa., to Elton (Rockingham County), Va. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 76), filed November 15, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, P.O. Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the above-named plantsite and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Scottsbluff, Nebr.

No. MC 110988 (Sub-No. 282), filed November 15, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper coating emulsion*, liquid, in bulk, in tank or hopper-type vehicles, from the plantsite of the National Cash Register Co. at Dayton, Ohio, to the plantsite of D. M. Bare Paper Mill, at or near Roaring Springs, Pa.; (2) *soya syrups or soybean solubles condensed*, in bulk, in tank or hopper-type vehicles, from Remington, Ind., to points in Indiana, Ohio, Illinois, Michigan, Missouri, Kentucky, Iowa, and Wisconsin; and (3) *foundry sand additives*, consisting of clay, or various mixtures of clay, ground coal, wood flour or other binding or treating ingredients, in bulk, in hopper-type vehicles, and *foundry sand*, such as chrome sand and zircon sand, in bulk, in hopper-type vehicles; (a) from Albion, Mich., to points in Illinois, and Wisconsin; (b) from Columbus, Ohio, to points in Illinois, Indiana, and Wisconsin; and (c) from Granite City, Ill., to points in Indiana, Kansas, Nebraska, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111170 (Sub-No. 174), filed November 12, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry in bulk, from Friars Point, Miss., to points in Arkansas, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111170 (Sub-No. 175), filed November 18, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* from West Helena, Ark., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111170 (Sub-No. 176), filed November 26, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Hot Spring County, Ark., to points in Louisiana, Mississippi, Missouri (except points in the St. Louis, Mo., commercial zone), Oklahoma, Tennessee, Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex.), and Wisconsin; restricted against the transportation (a) of spent catalyst to points in Louisiana and Texas, and (b) fertilizer and fertilizer ingredients to points in Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111170 (Sub-No. 177), filed November 26, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Chemicals*, from points in Pulaski County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111397 (Sub-No. 99), filed November 18, 1971. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: H. S. Melton, Jr., Box 1407, Paducah, KY 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials* in company-owned containers, on company-owned trailers of special design, between Peach Bottom Atomic Power Station, at or near Delta, Pa., Vermont Yankee Nuclear Power Station, at or near Vernon, Vt., Oconee Power Station, at or near Oconee, S.C., Calvert Cliffs Nuclear Power Station, at or near Lusby, Md., the facilities of Nuclear Fuel Services, Inc., at or near West Valley, N.Y., and the facilities of Nuclear Engineering Co. in Rowan County, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112123 (Sub-No. 7), filed November 10, 1971. Applicant: BEST-WAY TRANSPORTATION, a corporation, 2343 West Mohave Street, Phoenix, AR 85009. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over regular routes: *General commodities* (except commodities in bulk and used household goods as defined in 17 M.C.C. 467), (1) between Phoenix, Ariz. and Arizona-New Mexico State line near Teec Nos Pos, Ariz., from Phoenix over Interstate Highway 17 to Flagstaff, thence over U.S. Highway 89 to junction of U.S. Highway 89 and U.S. Highway 160, thence over U.S. Highway 160 to Teec Nos Pos thence over Arizona Highway 504 to Arizona-New Mexico State line, and return over the same route, serving all intermediate points; (2) between Teec Nos Pos, Ariz. and the Arizona-Colorado-Utah and New Mexico State line, from Teec Nos Pos over U.S. Highway 160 to Arizona-Colorado-Utah, and New Mexico State line (Four Corners), and return over the same route, serving all intermediate points; (3) between Phoenix and Fredonia, Ariz., from Phoenix over Interstate Highway 17 to Flagstaff, thence over U.S. Highway 89 to Kanab, Utah, thence over Alternate U.S. Highway 89 to Fredonia, and return over the same route, serving all intermediate points;

(4) Between Fredonia and Colorado City, Ariz., from Fredonia, Ariz., over Arizona Highway 389 to Colorado City, and return over same route, serving all intermediate points; (5) between Colorado City and Littlefield, Ariz., from Colorado City over Arizona Highway 389 to Arizona-Utah State line thence over Utah Highway 59 to junction Utah Highway 59 and Utah Highway 15, thence over Utah Highway 15 to junction Interstate Highway 15 and Utah Highway 15, thence over U.S. Highway 91 and/or Interstate Highway 15 to Littlefield, and return over same route, serving all intermediate points; (6) between Kayenta, Ariz., and Arizona-Utah State line, from Kayenta over U.S. Highway 163 to Arizona-Utah State line, and return over same route, serving all intermediate points; (7) between Flagstaff and Lupton, Ariz., from Flagstaff over Interstate Highway 40 to Lupton, and return over same route, serving all intermediate points; (8)) between Tuba City and Window Rock, Ariz., from Tuba City over Arizona 264 to junction Arizona Highway 264 and Indian Route 12, thence over Indian Route 12 to Window Rock, Ariz., and return over same route, serving all intermediate points; (9) between Window Rock and Saw Mill, Ariz., from Window Rock over Indian Route 12 and/or Indian Route 7, and return over same route, serving all intermediate points; (10) between Holbrook and Show Low, Ariz., from Holbrook over U.S. Highway 77 to Show Low, and return over same route, serving all intermediate points;

(11) Between Phoenix, Ariz. and Arizona-New Mexico State line through Springerville, Ariz., from Phoenix over U.S. Highway 60 to Arizona-New Mexico State line and return over same route, serving all intermediate points; (12) between Globe, Ariz., and Arizona-New Mexico State line through Duncan, from Globe over U.S. Highway 70 to Arizona-New Mexico State line, and return over same route, serving all intermediate points; (13) between junction U.S. Highway 666 and Arizona Highway 61 and the Arizona-New Mexico State line near Zuni, N. Mex., from junction U.S. Highway 666 and Arizona Highway 61 to Arizona-New Mexico line, thence over Arizona Highway 61, and return over the same route, serving all intermediate points; (14) between Sanders and Alpine, Ariz., from Sanders over U.S. Highway 666 to Alpine, and return over the same route, serving all intermediate points; (15) between Alpine, Ariz., and Arizona-New Mexico State line, from Alpine over U.S. Highway 180 to Arizona-New Mexico State line, and return over the same route, serving all intermediate points; (16) between Alpine, Ariz., and Arizona-New Mexico State line near Mule Creek, N. Mex., from Alpine over U.S. Highway 666 to the junction of Arizona Highways 78 and 75, thence over Arizona Highway 78 to Arizona-New Mexico State line, and return over the same route, serving all intermediate points; (17) between junction U.S. Highway 666 and Arizona Highways 78 and 75 and Duncan, Ariz., from junction U.S. Highway 666 and Arizona Highways 78 and 75 over Arizona Highway 75 to Duncan, Ariz., and return over the same route, serving all intermediate points; (18) between junction U.S. Highway 666 and Arizona Highways 75 and 78, and junction U.S. Highway 70 and U.S. Highway 666, from junction U.S. Highway 666 and Arizona Highways 75 and 78 over U.S. Highway 666 to junction U.S. Highways 70 and 666, and return over the same route, serving all intermediate points;

(19) Between Yuma, Ariz., and junction Interstate Highway 8 and Interstate Highway 10, from Yuma over Interstate Highway 8, thence to junction of Interstate Highway 8 and Interstate Highway 10, and return over same route, serving all intermediate points; (20) between the junction of Interstate Highway 8 and Interstate Highway 10 and the Arizona-New Mexico State line near San Simon, Ariz., from junction Interstate Highway 8 and Interstate Highway 10 over Interstate Highway 10 to Arizona-New Mexico State line, and return over same route, serving all intermediate points; (21) between Yuma and San Luis, Ariz., from Yuma over U.S. Highway 95 to San Luis, and return over same route, serving all intermediate points; (22) between Gila Bend and Lukeville, Ariz., from Gila Bend over Arizona Highway 85 to Lukeville, and return over same route, serving all intermediate points; (23) between Tucson and Nogales, Ariz., from Tucson over Interstate Highway 19 to Nogales, and return over same route, serving all intermediate points; (24) between Tucson and Why, Ariz., from Tucson over Arizona Highway 86 to Why at the junction of Arizona Highways 85 and 86, and return over same routes, serving all intermediate points;

(25) Between Robles Junction and Sasabe, Ariz., from Robles Junction over Arizona Highway 286 to Sasabe, and return over the same route, serving all intermediate points; (26) between Benson and Douglas, Ariz., from Benson over U.S. Highway 80 to Douglas, and return over the same route, serving all intermediate points; (27) between Bisbee and Naco, Ariz., from Bisbee over U.S. Highway 80 to junction U.S. Highway 80 and Arizona Highway 92, thence over Arizona Highway 92 to Don Luis, thence over Arizona Highway 92 to Naco, Ariz., and return over the same route, serving all intermediate points; (28) between Phoenix and Gila Bend, Ariz., from Phoenix over U.S. Highway 80 to Gila Bend, and return over the same route, serving all intermediate points; (29) between Phoenix and Ehrenberg, Ariz., from Phoenix over U.S. Highway 60 and/or Interstate Highway 10 Ehrenberg, Ariz., and return over the same route, serving all intermediate points; (30) between Hope and Parker, Ariz., from Hope over Arizona Highway 72 to junction Arizona Highway 72 and Arizona Highway 95, thence over Arizona Highway 95 to Parker, and return over the same route, serving all intermediate points; (31) between Parker and Topock, Ariz., from Parker over Arizona Highway 95 to junction of Arizona Highway 95 and Interstate Highway 40, thence over Interstate Highway 40 to Topock, and return over the same route,

serving all intermediate points; (32) between Kingman and Topock, Ariz., from Kingman over U.S. Highway 66 and/or Interstate Highway 40 to Topock, Ariz., and return over same route, serving all intermediate points; (33) between Kingman, Ariz., and Arizona-Nevada State line at Hoover Dam, from Kingman over U.S. Highway 93 to Arizona-Nevada State line at Hoover Dam, and return over the same route, serving all intermediate points;

(34) Between Kingman and Littlefield, Ariz., from Kingman over U.S. Highway 93 to Las Vegas, Nev., thence over Interstate Highway 15 to Littlefield, Ariz., and return over the same route, serving all intermediate points in Arizona; (35) between Ehrenberg and Cibola, Ariz., from Ehrenberg over unnumbered highways to Cibola, and return over the same route, serving all intermediate points in Arizona over the described route; also as an alternate route from Ehrenberg to junction U.S. Highway 60 and California Highway 78, over California Highway 78 to Ripley and unnumbered highway to Cibola and/or Palo Verde and unnumbered highway to Cibola and return over the same route; (36) between Kingman and Wickenberg, Ariz., from Kingman over Interstate Highway 40 to the junction of Interstate Highway 40 and U.S. Highway 93, thence over U.S. Highway 93 and Arizona Highway 93 to Wickenberg, and return over the same route, serving all intermediate points; (37) between junction U.S. Highway 93 and Arizona Highway 71 and junction Arizona Highway 71 and U.S. Highway 60 at Aguila, Ariz., from junction U.S. Highway 93 and Arizona Highway 71 over Arizona Highway 71 to the junction of Arizona Highway 71 and U.S. Highway 60 at Aguila, and return over the same route, serving all intermediate points; (38) between Kingman and Flagstaff, Ariz., from Kingman over Interstate Highway 40 and/or U.S. Highway 66, and return over the same route, serving all intermediate points; (39) between Topock and Colorado City, Ariz., from Topock over U.S. Highway 66 to Java, Calif., thence over U.S. Highway 95 to Las Vegas, Nev., thence over Interstate Highway 15 and/or U.S. Highway 91 to junction of Interstate Highway 15 and/or U.S. Highway 91 and Utah Highway 15, thence over Utah Highway 15 to Hurricane, Utah, thence over Utah Highway 59 to Utah-Arizona State line, thence over Arizona Highway 389 to Colorado City, Ariz., and return over the same route, serving all intermediate points;

(40) Between Kingman, and Davis Dam, Ariz., from Kingman over U.S. Highway 93 to junction U.S. Highway 93 and Arizona Highway 68, thence over Arizona Highway 68 to Davis Dam, and return over the same route, serving all intermediate points; (41) between Bitter Springs and Colorado City, Ariz., from Bitter Springs over Alternate U.S. Highway 89 and Arizona Highway 389 thence over Arizona Highway 389 to Colorado City, and return over the same route, serving all intermediate points; (42) between Phoenix, Ariz., and junction Interstate Highway 8 and Interstate Highway 10, from Phoenix over Interstate Highway 10 to junction of Interstate Highway 8 and Interstate Highway 10, and return over the same route, serving all intermediate points; and (43 between Davis Dam and Colorado City, Ariz., from Davis Dam, Ariz., over Nevada Highway 77 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction of U.S. Highway 95 and Interstate Highway 15, thence over U.S. Highway 91 and/or over Interstate Highway 15 to junction of Interstate Highway 15 and Utah Highway 15, thence over Utah Highway 15 to junction of Utah Highway 15 and Utah Highway 59 to Utah-Arizona State line, thence over Arizona Highway 389 to Colorado City, Ariz., and return over the same route, serving all intermediate points in Arizona; and serving the off-route points in Mohave, Yuma, Maricopa, Pinal, Pima, Santa Cruz, Cochise, Graham, and Greenlee Counties and those portions of Gila, Navaho, and Apache Counties south of U.S. Highway 60, those portions of Yavapai and Coconino Counties south of U.S. Highway 89 and/or U.S. Highway Alternate 89, the Navaho and Hopi Indian Reservations in Arizona and the Lake Mead National Recreation Area in 1 through 43 above. Irregular routes: *Heavy machinery and commodities* which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which, by reason of size or weight, require special handling or the use of special equipment, and household goods and new furniture as defined by the Commission, between points in the State of Arizona. NOTE: Applicant states that tacking will be made at common points with presently held authority. The instant application seeks to convert its Certificate of Registration in MC 112123 (Sub-No. 6), into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 113362 (Sub-No. 227), filed November 11, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuts edible processed and peanuts edible processed*, from the plantsite and/or warehouse facilities of the Kelling Nut Co., at Paterson, N.J. (wholly owned subsidiary of C.P.C. Intl., Inc.) to Chicago, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority and serve points in Iowa and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11395 (Sub-No. 51) (Correction), filed October 12, 1971, published in the FEDERAL REGISTER issues of November 11, and December 2, 1971, and republished in part as corrected this issue. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street (Post Office Box 60628), Nashville, TN 37206. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. NOTE: The purpose of this partial republication is to show the correct docket number assigned thereto, as No. MC 113495 (Sub-No. 51), in lieu of No. MC 113495 (Sub-No. 1), which was in error. The rest of the notice remains as previously published.

No. MC 113651 (Sub-No. 143), filed November 9, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts and pineapples* when transported in the same trailer with bananas, (1) from Charleston, S.C., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Virginia, West Virginia, Minnesota, and Wisconsin; (2) from New Orleans, La., to points in Arkansas (except Little Rock), Alabama, Georgia (except Atlanta), Indiana (except Indianapolis and Terre Haute), Iowa, Kansas, Kentucky (except Louisville), Louisiana, Michigan, Mississippi (except Grenada), Ohio (except Cincinnati, Columbus, and Defiance), Texas (except San Antonio), Virginia, West Virginia (except Huntington), Minnesota, Wisconsin, and Missouri (except St. Louis), and (3) from Gulfport, Miss.,* to points in Alabama (except Montgomery), Arkansas, Georgia (except Atlanta and points within 15 miles of Atlanta), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Virginia, and West Virginia. NOTE: *Carrier is already authorized to transport bananas from Gulfport, Miss., to the above-named States; therefore, this portion of the application from Gulfport only extends to the transportation of coconuts and pineapples in mixed shipments with bananas. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 113908 (Sub-No. 217), filed November 15, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Chicago, Ill., to Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with

its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114004 (Sub-No. 113), filed November 19, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: Winston Chandler, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, in initial movements, mounted on undercarriages (a) from points in El Paso County, Colo., to points in the United States including Alaska (but excluding Hawaii), and (b) from points in Mobile County, Ala., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., and Denver, Colo.

No. MC 114211 (Sub-No. 163), filed November 22, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of cast iron products, and finished products thereof, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Pottawattamie County, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 108), filed November 17, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the above-named plantsite and destined to the above-named states. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 241), filed November 12, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood and blood products*, between Wichita, Kans., on the one hand, and, on the other, points in Grant, Kay, Garfield, Woods, Ellis, Muskogee, Washington, Oklahoma, Tulsa, and Pawnee Counties, Okla. NOTE: Applicant also holds contract carrier authority under MC 128616 therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114533 (Sub-No. 243), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components and supplies used in the repair, maintenance, and operation of electronic and mechanical office machines*, between Madison, Wis., on the one hand, and, on the other, points in Illinois and Iowa, limited to shipments not weighing more than 600 pounds. NOTE: Applicant also holds contract carrier authority under MC 128616, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Milwaukee, Wis., or Chicago, Ill.

No. MC 114533 (Sub-No. 246), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (A) between Lansing, Mich., on the one hand, and, on the other, Lima, Ohio and Marion, Ind., and (B) between points in Grundy County, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, and Missouri. NOTE: Applicant holds contract carrier authority under MC 128616 therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Indianapolis, Ind., or Chicago Ill.

No. MC 114604 (Sub-No. 10), filed October 6, 1971. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Building 33, Forest Park, GA 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Macon, Ga., to Pabst Brewery at Pabst, Ga., at or near Perry, Ga., restricted to traffic having a prior interstate rail movement. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115036 (Sub-No. 21), filed November 12, 1971. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. 66762. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Center, 3535 NW. 58th, Oklahoma City, OK 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* used in the manufacture of urethane, and (2) *equipment* used in the mixture and discharge of the commodities in (1) above, from Pittsburg, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, under a continuing contract or contracts with W. S. Dickey Clay Manufacturing Co., Pittsburg, Kans. NOTE: Applicant holds common carrier authority under MC 119630 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 115311 (Sub-No. 127), filed November 10, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, between points in Houston County, Ga., on the one hand, and, on the other, points in Georgia, Kentucky, Louisiana, Virginia, West Virginia, and those points in Tennessee on and west of Interstate Highway 65. NOTE: Applicant states tacking possibilities exist, but does not intend to tack, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115311 (Sub-No. 128), filed November 22, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and related advertising matter*, from points in Jones County, Ga., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115669 (Sub-No. 125), filed November 15, 1971. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products, and materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Saltair, Utah, to points in Kansas; and (2) *processed volcanic ash and building and construction materials*, except oilfield commodities as rescribed in Mercer Extension—Oil Field Commodities, 74 MCC 459, and except those commodities which because of size or weight require the use of special equipment, from points in Oklahoma and Texas, to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant stated that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 230), filed November 11, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Holton, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Kans.

No. MC 115826 (Sub-No. 231), filed November 11, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088, 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from points in Colorado, Scottsbluff, Nebr.; Albert Lea, Minn.; St. Joseph, Mo., and Cedar Rapids, Iowa, to points in California and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 115841 (Sub-No. 421), filed November 12, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in California, to Cleveland, Ohio, and points in its Commercial Zone. NOTE: Applicant states tacking is possible at Cleveland, Ohio, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Cleveland, Ohio, or Washington, D.C.

No. MC 116073 (Sub-No. 207) (Correction), filed October 27, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, under MC 116273 Sub-No. 207, corrected in part, this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, also Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue, South Kegel Plaza, Moorhead, MN 56560. NOTE: The sole purpose of this partial republication is to reflect the correct docket number as MC 116073 (Sub-No. 207) in lieu of that previously shown. The rest of the application remains the same.

No. MC 116442 (Sub-No. 13), filed November 11, 1971. Applicant: RAYMOND E. TOWNSEND, JR., Dagsboro-Omar Road, Frankford, Del. 19945. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk and in bags, from points in Delaware to points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md.; and Accomack and Northamption Counties, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 446), filed November 22, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *prepared flour, prepared flour mixes, frosting mixes, and icing mixes* (except in bulk), from Chelsea, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at Chelsea, Mich., and destined to the named destination States. NOTE: Common control may be involved. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 117445 (Sub-No. 3), filed November 15, 1971. Applicant: SALTRAN, INC., 900 East Center Street, Logan, UT 84321. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Lake Crystal Salt Co. at Saline, Utah, to points in Oregon, Washington, California, New Mexico, Arizona, Nevada, and Nebraska, under contract with Lake Crystal Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117799 (Sub-No. 22), filed November 12, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Huron, S. Dak., and Scottsbluff, Nebr., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 118865 (Sub-No. 11), filed November 18, 1971. Applicant: CEMENT EXPRESS, INC., Hokes Hill Road and Lemon Street, York, PA 17404. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (Portland and masonry, in bulk and package), from York, Pa., to points in Kentucky North Carolina, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118959 (Sub-No. 101), filed November 12, 1971. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Billy J. Oxford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machines, dishwashing or washing; conveyor, conveyor systems, parts, accessories, panels, belting, generators, rollers, wheels, angels, side channels, machinery parts, deck covers, frames, supports, braces, and equipment, materials, and supplies* used or useful in the manufacture or installation of these commodities and *equipment, materials, or supplies* used in the manufacture or processing of the above commodities, between Florence, Ky., and points in Arkansas, Alabama, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant has contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or St. Louis, Mo.

No. MC 118959 (Sub-No. 102), filed November 12, 1971. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. Applicant's representative: Billy J. Oxford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prison bars*, from Covington, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 118978 (Sub-No. 6), filed November 12, 1971. Applicant: MERCURY PRODUCE EXPRESS, LTD., a corporation, 2201 Rosser, Burnaby 2, BC, Canada. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by wholesale, retail, and general grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses; and (2) *commodities* which are exempt from economic regulation, when moving in mixed shipments with the commodities specified above, from points in California, Oregon, and Washington, to ports of entry between the United States and Canada at or near Washington, Idaho, and Montana, restricted to traffic destined to the facilities of James Bros. Food Ltd., Vancouver, B.C. Canada; Koffman Food Importers, Ltd., Vancouver, B.C. Canada; J. K. Preiswerk Co., Vancouver, B.C. Canada, and Oppenheimer Bros. & Co., Burnaby, B.C. Canada. NOTE: Applicant presently holds authority to transport the same commodities in the same territory for specified shippers as a contract carrier in its permit No. MC 125022. Applicant states that this application is for the sole purpose of converting its permit No. MC 125022 to a common carrier certificate. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119489 (Sub-No. 25), filed November 15, 1971. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT CO., Post Office Box 249, Norfolk, NE 68701. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, urea, feed grade urea*, when used in feed or feed supplements, in tank or hopper vehicles, from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119539 (Sub-No. 15), filed November 14, 1971. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, when moving in the same vehicle with malt beverages, from Natick, Mass., to points in New York on and west of U.S. Highway 11 and Interstate Highway 81. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 119789 (Sub-No. 109), filed November 22, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, preserved, or prepared, from Aspers, Pa., to points in Texas, Oklahoma, Louisiana, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119792 (Sub-No. 33), filed November 15, 1971. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, INC., 1401 West 43d Street, Chicago, IL 60609. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Chicago, Ill., on the one hand, and, on the other, Evansville, Ind., and Columbia, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 37), filed November 17, 1971. Applicant: L.C.L. TRANSIT COMPANY, a corporation, 949 Advance Street, Post Office Box 949, Green Bay, WI 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies and equipment* used or useful in the production thereof: (1) from St. James, Madelia, and Butterfield, Minn., to points in Illinois, Indiana, Iowa, Michigan, Wisconsin, and St. Louis, Mo.; (2) from Estherville, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Wisconsin, and St. Louis, Mo.; and (3) from points in Wisconsin to St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 119988 (Sub-No. 47), filed November 18, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except in tank vehicles): (1) between points in Arkansas, Louisiana, and Texas; (2) between points in Mississippi, on the one hand, and, on the other, points in Texas; and (3) from points in Arkansas to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority and recognizes that any grant of authority herein to the extent it may duplicate applicant's existing authorities, shall be construed as conferring only single operating rights. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 120736 (Sub-No. 3), filed November 22, 1971. Applicant: STROTHMAN EXPRESS, INC., 2735 Spring Grove Avenue, Cincinnati, OH 45225. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, between Cincinnati, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky, and Indiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124004 (Sub-No. 18), filed November 22, 1971. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular notes, transporting: *Quarry products*, from points in Wyoming, Lackawanna, Bucks, Luzerne, Monroe, Carbon, and Berks Counties, Pa., and Orange County, N.Y., to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, and the District of Columbia. NOTE: Applicant states that the requested authority can be joined with its existing authority at Phillipsburg, N.J., but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124004 (Sub-No. 19), filed November 22, 1971. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap brick and metals*, from points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, Ohio, and New York, to Kearny, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124078 (Sub-No. 502), filed November 22, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Duval County, Fla., to points in Georgia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Miami, Fla.

No. MC 124206 (Sub-No. 4), filed November 15, 1971. Applicant: BARRY CARTAGE, INC., 120 East National Avenue, Milwaukee, WI 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business; (1) from points in Milwaukee, and Waukesha Counties, Wis., to points in that part of Illinois on and north of U.S. Highway 6, and points in that part of Iowa on and east of a line beginning at Davenport and extending along U.S. Highway 61 to Dubuque, Iowa, thence along U.S. Highway 52 to the Iowa-Minnesota State line; and (2) from points in the destination area described in (1) above, to points in Milwaukee and Waukesha Counties, Wis., under a continuing contract or contracts with Roundy's Inc., of Wauwatosa, Wis. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124211 (Sub-No. 205), filed November 18, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Irregular routes: *Refrigeration and heating equipment, machinery parts, and accessories*, from Montebello, Calif., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri; and (2) Regular routes: *Beverages, grain products, groceries, and grocery store supplies*, serving Council Bluffs, Iowa, as an intermediate or off-route point in connection with carrier's presently authorized regular route. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant does not seek duplicating authority and will accept a restriction against any such duplication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 206), filed November 29, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., at or near the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124774 (Sub-No. 83), filed November 12, 1971. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 3200 Highway 75 North, Post Office Box 356, Sioux City, IA 51101. Applicant's representative: William J. Hanlon, 4423 South 67th Street, Omaha, NE 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; West Point and Dakota City, Nebr.; Luverne, Minn.; Denison, Fort Dodge, La Mars, and Mason City, Iowa; to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Illinois, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities utilized by Beef Processors, Inc., at or near the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Philadelphia, Pa.

No. MC 124796 (Sub-No. 91), filed November 29, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing, and bleaching compounds and animal litter, and materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of these commodities, from points in the United States

(except Alaska and Hawaii) to the plantsites or facilities utilized by The Clorox Co., its divisions and affiliates, located at or near Boston, Mass.; Jersey City, N.J.; Frederick, Md.; Charlotte, N.C.; Atlanta, Ga.; Tampa, Fla.; Houston, Tex.; Cleveland, Ohio; Chicago, Ill.; Kansas City, Mo.; Los Angeles and Oakland, Calif.; (2) *buffing, polishing, cleaning, scouring, washing, and bleaching compounds, and animal litter;* (a) from Boston, Mass., to points in Connecticut, Maine, New Hampshire, Vermont, and Rhode Island; (b) from Jersey City, N.J., to points in Connecticut and New York; (c) from Frederick, Md., to points in Virginia, Pennsylvania, West Virginia, and the District of Columbia; (d) from Charlotte, N.C., to points in South Carolina, Virginia, West Virginia, and Tennessee; (e) from Atlanta, Ga., to points in Louisiana, Mississippi, Arkansas, Kentucky, Tennessee, Alabama, and Florida; (f) from Cleveland, Ohio, to points in Michigan, New York, and Pennsylvania; (g) from Chicago, Ill., to points in Kentucky, Indiana, Ohio, Michigan, and Wisconsin; (h) from Tampa, Fla., to points in Georgia on and south of U.S. Highway 80; (i) from Los Angeles and Oakland, Calif., to points in Nevada, Utah, Oregon, Washington, Montana, Idaho, and points in Texas on and west of U.S. Highway 287 from the Oklahoma-Texas State line to Amarillo thence over U.S. Highway 87 to San Angelo and thence over U.S. Highway 277 to Del Rio; and (j) from Oakland, Calif., to points in Arizona; and (3) *buffing, polishing, cleaning, scouring, washing, and bleaching compounds,* from the plantsites of the Shield Aerosol Co. in Piscataway, N.J., and Chino, Calif., to all points in the United States. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of commodities in bulk or those which by reason of size or weight require special equipment. Said operations are restricted to shipments which originate and/or terminate at the plantsites or facilities utilized by the Clorox Co., its divisions, subsidiaries and affiliates. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the Clorox Co., its divisions, subsidiaries, and affiliates. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 124835 (Sub-No. 10), filed November 15, 1971. Applicant: PRODUCERS TRANSPORT CO., a corporation, Post Office Box 4022, Chattanooga, TN 37405. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, TN 37660. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cement,* from Chattanooga, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *cement,* restricted to prior movement by rail from the plantsite or plantsites of General Portland Cement Co., located in Hamilton County, Tenn.; Dallas and Houston, Tex.; or Tampa, Fla.; (a) between points in Alabama; (b) between points in Georgia; (c) between points in Kentucky; (d) between points in Mississippi; (e) between points in North Carolina; (f) between points in South Carolina; (g) between points in Tennessee; and (h) between points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 125996 (Sub-No. 23), filed November 11, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from the plantsite and warehouse facilities of Sara Lee at Deerfield, Ill., and storage facilities of Sara Lee at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 126489 (Sub-No. 12), filed November 15, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchinson, KS 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry cottonseed products* from points in Texas and Oklahoma, to points in New Mexico, Kansas, Colorado, and Nebraska. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 127042 (Sub-No. 90), filed November 29, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard (Post Office Box 98, Leeds Station), Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hawarden, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa; Omaha, Nebr., or St. Paul, Minn.

No. MC 127274 (Sub-No. 35), filed November 11, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hardwood veneer,* domestic, and *hardwood plywood,* from Suffolk, Va., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Kentucky, Tennessee, South Carolina, North Carolina, Georgia, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Indianapolis, Ind.

No. MC 127557 (Sub-No. 17), filed November 15, 1971. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Pittsburgh, Pa., to points in Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127625 (Sub-No. 12), filed November 22, 1971. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 638, Holly Hill, SC 29059. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Gypsum rock and cement clinkers,* in bulk, in dump vehicles, from Charleston, S.C., to the plantsite of the Santee Portland Cement Corp. near Holly Hill, S.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 127892 (Sub-No. 2), filed November 19, 1971. Applicant: DONALD E. HIRTLE TRANSPORT, LIMITED, Post Office Box 88, Blockhouse, Lunenburg County, NS Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bananas*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act, from Chelsea, Mass., to port of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine, restricted to traffic moving in foreign commerce, and (b) *Fresh and processed fish*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from ports of entry on the international boundary line located at or near Calais and Houlton, Maine, and from Bar Harbor and Portland, Maine, to Boston and Gloucester, Mass.; New York, N.Y.; Jersey City, N.J.; and Philadelphia, and Pittsburgh, Pa.; restricted to traffic moving in foreign commerce. NOTE: Applicant states authority sought to and from Bar Harbor and Portland, Maine, to cover service by ferry. Applicant also holds contract carrier authority under MC 129074, therefore dual operations may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 128196 (Sub-No. 7), filed November 22, 1971. Applicant: KARL ARTHUR WEBER, 2002 West Cypress Street, Phoenix, AZ 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood building materials, paper and paper products, fiber and fiber products, gypsum and gypsum products, and building materials*, in board, laminated, plyboard, roll, sheet, or plank form, constructed of one or more or a combination of the above-named products, and *baled waste products, or damaged materials for salvage or reprocessing*, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eureka, Calif.

No. MC 128375 (Sub-No. 75), filed November 11, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, also 1444 Main, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and accessories, and materials and supplies* used in the manufacture, production, and distribution of auto parts and accessories, between points in Grady County, Okla., on the one hand, and, on the other, points in the United States (including Alaska and Hawaii) under continuing contract with the Maremont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128375 (Sub-No. 76), filed November 19, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, floor wax, floor polishers and carpet washers, vacuum cleaner bags and related advertising, display and promotional materials, and materials and supplies* used in the manufacture of the above-described commodities (except liquids in bulk); (1) between French Lick, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Massachusetts, and the District of Columbia; and (2) from points in Missouri to French Lick, Ind., under contract with Liggett & Myers Inc., and its subsidiaries and divisions. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128564 (Sub-No. 4), filed November 22, 1971. Applicant: KENNETH G. WOODARD, Route No. 2, Storm Lake, IA 50588. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hartington, Nebr., to Carthage and Springfield, Mo., and Champaign, Ill., under contract with Neu Cheese Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 128616 (Sub-No. 7), filed November 12, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Wichita, Kans., on the one hand, and, on the other, points in Garfield, Kay, Woodward, Tulsa, Alfalfa, Woods, Ellis, and Grant Counties, Okla., under contract with The First National Bank in Wichita, Kans., The First National Bank of Medford, Medford, Okla., and The Fourth National Bank & Trust Co., Wichita, Kans. NOTE: Applicant also holds common carrier authority under MC 114533 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 128746 (Sub-No. 12), filed November 12, 1971. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3222–44 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers and related advertising materials; (a) from Williamsburg, Va., to points in Delaware, Maryland, New Jersey, Pennsylvania, and the District of Columbia; and (b) from Winston-Salem, N.C., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia; and (2) *containers*, from the named destination States to the named origins. NOTE: Applicant states that the requested authority can be joined at Philadelphia, Pa., to points in Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, and Rhode Island. If a hearing is deemed necessary, applicant does not specify location.

No. MC 128757 (Sub-No. 6), filed November 22, 1971. Applicant: GOLDEN WEST TRUCKING CO., a corporation, 12780 SW. Prince Albert Street, Tigard, OR 97210. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Buildings*, wooden, knocked down or in flat sections, including all component parts, sash and doors in frames or sections with metal fittings, hardware, materials, supplies and fixtures, and *accessories*, used in the erection, construction and completion thereof, for the account of Timber Structures, Inc., from Fresno, Calif., to points in Oregon and Washington and (2) *Lumber*, for the account of Timber Structures, Inc., from points in Pierce County, Wash., to points in Multnomah County, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128841 (Sub-No. 3), filed November 29, 1971. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, MN 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by premium trading stamp companies, restricted to traffic having had immediate prior out-of-State transportation by rail, from Minneapolis and St. Paul, Minn., to Alexandria, Minn., returned shipments of the above commodities, in trailers owned or leased by The Sperry and Hutchinson Co., on return, for the account of The Sperry and Hutchinson Co. NOTE: If a hearing is deemed necessary, applicant

requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 128866 (Sub-No. 29), filed November 5, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brady Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, Washington DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers* for the account of Penny Plate, Inc., from Cherry Hill, N.J., and Searcy, Ark., to Teddy's Frozen Food, Byram, Conn.; Heidi Bakery, Silver Spring, Md.; Entenmann's Bakery, Inc., Bay Shore, Long Island, N.Y.; The Great Atlantic & Pacific Tea Co., Flushing, N.Y.; Teddy's Frosted Foods, Highland, N.Y.; Tony's Empty Package Warehouse, Milton, N.Y.; R.J.R. Foods, Inc.; Jackson, Ohio; McMillin & Co., Northeast, Pa.; Oehme's Bakery, Inc., Lititz, Pa.; Stouffer Frozen Foods, King of Prussia, Pa.; Boulevard Baking, Philadelphia, Pa.; Bond Baking Co., Philadelphia, Pa.; Hanscom Retail Foods, Philadelphia, Pa.; Blue Grass Foods, Philadelphia, Pa.; Elm Tree Frozen Foods, Appleton, Wis.; and (2) from Searcy, Ark., to Seabrook Farms, Frozen Food Division, Seabrook, N.J., all under contract with Penny Plate, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 128940 (Sub-No. 18), filed November 26, 1971. Applicant: RICHARD A. CRAWFORD, doing business as, R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphia, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media, equipment and supplies* used in the preparation and serving of food in restaurants and commissaries, between Washington, D.C., on the one hand, and, on the other, points in Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under contract with Fairfield Farm Kitchens, Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 18), filed November 19, 1971. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabric and such merchandise* as is sold by fabric stores and *materials, supplies, and equipment* utilized in the installation and operation of retail fabric stores, (a) from the distribution facilities of House of Fabrics of South Carolina, Inc., at or near Mauldin, S.C., to points in the United States west of a line beginning at the mouth of the Mississippi River and extending along the west bank of the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line (except Alaska and Hawaii), and (b) from facilities utilized by House of Fabrics of South Carolina, Inc., and its affiliates near Montclair (San Bernardino County), Calif., to points in the United States (except Alaska, California and Hawaii); (2) *refused, returned, or rejected shipments* of the commodities described above, from the destinations shown above, to the respective origins shown above, under contract with the House of Fabrics of South Carolina, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129004 (Sub-No. 2), filed November 15, 1971. Applicant: BORIS M. PETROFF, doing business as TRANSWORLD VAN LINES, 1520 West 11th Street, Long Beach, CA 90813. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between San Francisco and Oakland, Calif., on the one hand, and, on the other, Fresno, Lemore, Merced, Monterey, Sacramento, San Luis Obispo, Santa Barbara, Santa Clara, and Stockton, Calif., and (2) between points in the Los Angeles harbor commercial zone as defined by the Commission and San Diego, Calif., on the one hand, and, on the other, points in Alameda, Contra Costa, Fresno, Kings, Merced, Monterey, Sacramento, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, and Tulare Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance or pickup and delivery service in connection with packing, crating, and containerization and unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129350 (Sub-No. 19), filed November 19, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and ingredients*, from points in Arizona, Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Texas to points in Montana and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129623 (Sub-No. 5), filed November 22, 1971. Applicant: FRANK E. HUGHES, doing business as HUGHES MOVING AND STORAGE COMPANY, 6457 Stringfield Road, NW., Huntsville, AL 35810. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from Huntsville, Ala., to points in Colbert, Cullman, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Morgan, and Walker Counties, Ala., restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee on any 1 day. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 129630 (Sub-No. 2), filed November 15, 1971. Applicant: TANGLEN BROS., INC., Post Office Box 18, Crane, MT 59217. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, from points in McKenzie County, N. Dak., to points in the counties of Daniels, Sheridan, Valley, Roosevelt, Garfield, McCone, Richland, Prairie, Dawson, Wibaux, Custer, and Fallon, Mont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Bismarck, N. Dak.

No. MC 129645 (Sub-No. 40), filed November 15, 1971. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, MI 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products;* (2) *composition boards;* (3) *insulating materials;* (4) *roofing and roofing materials;* (5) *urethane and urethane products;* (6) *and related materials, supplies, and accessories* used in the installation of the commodities described in (1), (2), (3), (4), and (5) above (except commodities in bulk); (a) from Chester, W. Va.; Deposit, N.Y.; Philadelphia and Sunbury, Pa.; to points in Alabama, Arkansas, Colorado, Illinois,

Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming; (b) from Camden, Ark; Fairfield, Ala.; Hamlin and San Antonio, Tex.; to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming; (c) from Chicago, Ill.; Dubuque, Iowa; and Peoria, Ill.; to points in Alabama, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and (d) from Marrero, La., to points in Kansas, Kentucky, Missouri, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla., or New Orleans, La.

No. MC 129691 (Sub-No. 1), filed November 15, 1971. Applicant: EMERY G. McCLARY, 6400 Northwest 10th Street, Oklahoma City, OK 73127. Applicant's representative: Dean Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles;* (1) between points in Kansas; on the one hand, and, on the other, points in Arkansas, Arizona, California, Louisiana, Missouri, New Mexico, Texas, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Indiana, Ohio, Illinois, Michigan, Kentucky, Colorado, Iowa, Nebraska, and Mississippi; and (2) between points in Oklahoma, on the one hand, and, on the other, points in Tennessee, Alabama, Georgia, North Carolina, South Carolina, Indiana, Ohio, Illinois, Michigan, Kentucky, Colorado, Iowa, Nebraska, and Mississippi. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Oklahoma, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 133146 (Sub-No. 5), filed November 23, 1971. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE., Atlanta, GA 30305. Applicant's representative: Guy H. Postell, 3384 Peachtree Road, NE., Suite 713, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials or merchandise* as is sold, used, or distributed by manufacturers of *chemicals, furniture, linens, lighting equipment, insulation materials, envelopes, plastic bags, and display and recreational materials*, between points in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, under a continuing contract or contracts with National Service Industries, Inc., of Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133233 (Sub-No. 20), filed November 12, 1971. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and building materials;* (1) from the plantsites and storage facilities of William T. Joyce Co. at or near Springfield and Joplin, Mo., to points in Arkansas, Kansas, Oklahoma, and Illinois and (2) from points in Oklahoma to the above-named plantsites and storage facilities, under contract with William T. Joyce Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133959 (Sub-No. 1), filed November 15, 1971. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, a partnership, doing business as ALBAUGH TRUCK LINE, 2006 Hubbell Avenue, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall sections, wood trusses, and building materials*, between Boone, Iowa, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, under a continuing contract or contracts with U.S. Homes, Inc., and Sandler-Bilt Homes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 134452 (Sub-No. 3) (Correction), filed October 29, 1971, published in the FEDERAL REGISTER issue of December 2, 1971, and republished in part, as corrected this issue. Applicant: EUREKA CARTAGE COMPANY, INC., 5821 West Ogden Avenue, Cicero, IL 60650. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. The purpose of this partial republication is to redescribe the authority sought in part (1) of the above application as follows: *Steel tubing and articles fabricated from steel tubing*, from the plant and warehouse sites of Michigan Tube Co., at Eau Claire, Mich., to points in Indiana, Kentucky, Ohio on and west of Interstate Highway 71, Michigan on and south of Interstate Highway 96, Illinois, St. Louis, Mo., and Des Moines, Iowa. The rest of the application remains as previously published.

No. MC 135007 (Sub-No. 12), filed November 19, 1971. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Omaha, NE 68137. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from points in Laurens County, Ga.; Washington County, Miss.; and Dillon County, S.C.; to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, and all States west thereof, under continuing contract with William Volker & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 135021 (Sub-No. 1), filed November 22, 1971. Applicant: TEXAS OVERLAND TRUCKING EXPRESS, INC., Post Office Box 13426, Fort Worth, TX 76118. Applicant's representative: L. Clifford Davis, 914 East Rosedale, Fort Worth, TX 76106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I(1)(a) *Machinery and machinery parts*, for building and finishing rights-of-way, and highways, *earth drilling machinery and equipment and construction equipment;* (b) *machinery and machinery parts*, used in or with the discovery of water wells and production; (c) *oilfield equipment*, including pipe, and machinery used in the production, storage, and maintenance of petroleum products and their byproducts; (d) *concrete products*, prestressed or reinforced and including cement bags that are palletized when total weights are more than 1,500 pounds per pallet; (e) *articles of iron and steel, plates, post, angles, forms, sheets, rounds, channels, beams, ingots, pilings, billets, blooms, reinforcing rods, slab, bars or flats, wire mesh, pipe, tubing, wire rods, skelp, cattle guards, conduit, forgings, guard rails, scaffolding and scrap metal* (including crushed, mashed, or flattened motor vehicles; (f) *aluminum articles, sheets, rolls, and blocks* in excess of 1,500 pounds each package or pallet including castings and forgings; (g) *shipbuilding and repair; ship maintenance and marine equipment*, including engines and engine parts; and (h) *agricultural implements*, other than hand tools, import or export, including all farming equipment; (2)(a) *aircraft, aircraft parts*, including helicopters, crated and uncrated, engines or anything pertaining to aircraft; and (b) *missiles, missile vehicles, and all associated components*, including electronic equipment and related parts;

(3) (a) *Fire trucks, firefighting equipment,* chemicals of all kinds for extinguishing any kind of fires; (b) *street cleaners and trash containers* for municipal uses; and (c) *self-propelled vehicles,* weighing more than 4,000 pounds each, tractors and vehicles with tracks; (4) (a) *building material,* including lumber, roofing, insulation, wall board, slick or rough finish, knockdown buildings, and setup buildings; (5) (a) *household items and office furniture,* new or used, and *used automobiles,* when packed in approved shipping containers; (6) (a) *all approved shipping containers,* empty or loaded which because of size and weight require the use of special equipment; (7) (a) *plastic material and rubber products,* in crates, boxes, or drums when on pallets or boxes or drums weights in excess of 500 pounds each; (8) (a) *petroleum oils, greases, and related products,* in crates and drums weights in excess of 500 pounds each; (b) *fruits, meats, or vegetables,* separate or combined with or without other ingredients, freeze-dehydrated or freeze dried in inner containers, in boxes or in bulk or in barrels, foodstuff, beverages or beverage preparations, meats, cooled, cured, fresh or preserved, fruit, dried, fresh or green; and

(9) (a) *All commodities,* because of size and weight require the use of special equipment, restricted to the handling of traffic when moving on Government bills of lading at destination, or on commercial bills of lading endorsed with the following legend: "Transportation hereunder is for the Government, and actual transportations costs to be paid to the carrier by the shipper or receiver are to be reimbursed by the Government." II *Second request:* That the certificate of registration issued under docket No. MC 120750 under service date May 12, 1970, as listed below, be converted from a certificate of registration to a certificate of public convenience and necessity. If this authority is granted as requested, Toddman Transport Co. will request revocation of its certificate of registration. To Transport Solely Within the State of Texas the Following Commodities: (a) *Oilfield equipment and pipe,* when moving as oilfield equipment; (b) *pipe,* when it is to be used in the construction of pipeline of any and every other character or use other than oilfield equipment between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than 4 inches in diameter and is also less than 28 feet in length;

(c) *Trenching machines,* tractors, draglines, backfillers, caterpillers, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition, or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets and plates, industrial hammers, industrial machinery, including laundry, icemaking, air conditioning, baker, bottling, gin, crushing, dredging, mill, brequery, textile, waterplant and wire covering, twisting, or laving, derricks, hoists, steam or internal combustion engines, rollers, powershovels, safes, vaults, bank doors, and gasoline, fuel oil, and other storage tanks, when said commodities are not moving as oilfield equipment, as follows: The holder of this authority may transport the above-named commodities together with its attachments and its detached parts thereof, between incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics, other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof;

(d) *Absorbers* (scrubbers); air or gas lift equipment; amplifiers; seismic; anodes; magnesium; armatures (heavy) and parts; assemblies; backside, casinghead, Christmas tree, stuffing, knock-off screen setting; seating and set shoe; asphalt plant; asphalt or pipe lince (Sic) coating; in barrels or drums; bailers; barges; benders; pipe; blowout preventers; boons; crane; truck; dragline; derrick and tractor; brakes and parts; bridges, portable; buckets; clam shell; dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks; conveyors; core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; cross-ties; cylinder; engine and compressor; dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions; derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; double boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable; guards, chain and belt; grief stems or kelly joints; guns, mud; gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightener; ladders, derrick; light plants; machinery, pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery; water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflers (heavy); mouse holes; nipples, iron, cement; perforators; planners, power; plow; poles, gin; power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes; radiators (heavy); reamers; reinforcing steel; retorts, iron or steel; river clamps; rods, reinforcing and sukker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes, swivels; suctions; spears and fishing tools; takeoffs, power; tool joints; towers; treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; life equipment; anchors; angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machinery or mills, including parts and equipment; dam and powerplant machinery and equipment (control gates); collars, including drill or pipe; counterbalances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment as follows:

The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof between points in the pickup and delivery, limits of the regular route common carrier motor carriers in incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities or equipment," is construed to mean only those operated by motive or mechanical power; and all commodies to be transported beginning with "trenching machines," together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof, between points in Washington, Oregon,

California, Nevada, Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, Mississippi, Missouri, Arkansas, Louisiana, Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 135166, filed December 11, 1970. Applicant: NORMAN E. MOORE, doing business as, N. E. MOORE HORSE TRANSPORT, 84 Thornlee Crescent NW., Calgary 47, AB, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (race and show), also *equipment* pertaining to horses, such as *bridles, saddles, racing bikes, and tack trunks*, between ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana, and points in Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virgina, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135500 (Sub-No. 1), filed August 9, 1971. Applicant: DANIEL MIMS, doing business as, MIMS GRAIN & EQUIPMENT CO., Williams Street, Hazlehurst, Ga. 31539. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, and in dry bulk, and *pesticides*, in containers moving in mixed loads with fertilizer, from Jacksonville, Fla., to points in Georgia on and south of U.S. Highway 280, and on and east of U.S. Highway 41. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 135871 (Sub-No. 3), filed November 24, 1971. Applicant: H.G.M. TRANSPORT COMPANY, a corporation, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Jersey City, N.J. (including the commercial zones of these points as described by the Interstate Commerce Commission), on the one hand, and, on the other, points in Delaware, New Jersey, New York, Ohio, Virginia, and West Virginia, under contract with S. E. Nichols, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136021 (Sub-No. 2), filed November 11, 1971. Applicant: MUN COR., INC., Rural Delivery No. 1, Box 293A, Conemaugh, PA 15909. Applicant's representative: J. Lee Miller, 400 Porter Building, Pittsburgh, Pa. 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic oils, mine gear lubricants, and mine grease lubricants*, in bulk, in tank vehicles, (a) from Sewaren, N.J., to Mundy's Corner, Pa., and (b) from Buffalo, N.Y., to Mundy's Corner and West Brownsville, Pa., and (2) *hydraulic oils, mine gear lubricants, and mine grease lubricants*, in containers from Mundy's Corner and West Brownsville, Pa., to points in West Virginia, Ohio, and Pennsylvania, and empty containers, on return, under contract with Service Processing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 136090 (Sub-No. 1), filed November 12, 1971. Applicant: NORTH CENTRAL LINES, INC., 305 North Montgomery, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, feed ingredients, and feed supplements*, between Eagle Grove, Iowa, on the one hand, and, on the other points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, under contract with Promico, Inc., and Eagle Mills, Inc., of Eagle Grove, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 136101, filed November 12, 1971. Applicant: FRANK J. MARRONE, doing business as ALL STATE MOBILE HOME MOVERS, 2526 West Tennessee Street, Tallahassee, FL 32301. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and modular homes*, in tow away and haul away service, between points in Thomas, Grady, and Colquitt Counties, Ga., on the one hand, and, on the other, points in Leon, Jefferson, Gadsden, Franklin, Wakulla, and Taylor Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 136190, filed November 15, 1971. Applicant: WILKIE CONTRACTING COMPANY, a corporation, Post Office Box 447, Claysville, PA 15323. Applicant's representative: Walter W. Burton, Law Building, Main Street, Princeton, W. Va. 24740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipeline and pipeline supplies and heavy equipment* for pipeline work, between points in West Virginia, Pennsylvania, and Maryland, under contract with Sheppard & Co., Columbia Gas Transmission Corp., Carl G. Smith, Inc., Pace Pipe Line Co., Mounts Landscaping Co., M. C. Price Co. Pipeline, Fulghum Construction Corp., Albert Equipment Co., Inc., CRC Crose International, Inc.; Somerville Equipment Co., Taylorstown Natural Gas Co., Texas Eastern Transmission Corp., Washington Oil Co., and Henkels McCoy, Inc. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136194, filed November 15, 1971. Applicant: RONALD A. MANN, doing business as, MANN'S MOVING AND STORAGE, 2602 North Slappey Boulevard, Albany, GA 31702. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as described by the Commission, restricted to traffic having a prior or subsequent movement in containers beyond the points authorized, and confined to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and, decontainerization, of such traffic between points in Dougherty, Lee, Baker, Mitchell, Miller, Early, Calhoun, Randolph, Terrell, Worth, Crisp, Turner, Colquitt, Tift, Sumpter, Seminole, Decatur, Grady, Thomas, Quitman, and Lowndes Counties Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136207, filed November 22, 1971. Applicant: ANTONIO CARLESI, 543 Acushnet Avenue, New Bedford, MA 02740. Applicant's representative: Charles E. Creager, 816 Easley Street, Suite 523, Silver Springs, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric linings and materials and supplies* used in the manufacture thereof, between Pawtucket, R.I., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Vermont, Wisconsin, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Harry Ball & Son. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136212, filed November 12, 1971. Applicant: JENSEN TRUCKING COMPANY, INC., 213 South Washington Street, Post Office Box 37, Papillion, NE 68046. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials* used in the manufacture, production, and distribution of canned goods, from points in Indiana, Illinois, Minnesota, Wisconsin, Michigan,

and Iowa, to Nebraska City, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 34319 (Sub-No. 11) (Clarification) filed August 12, 1971, published in the FEDERAL REGISTER issue of November 24, 1971, and republished in part, as clarified, this issue. Applicant: A.B.C. COACH LINES, INC., 116 West Rudisill Boulevard, Fort Wayne, IN 46807. Applicant's representative: Warren C. Young, 401 East Jackson Street, Muncie, IN 47305. The purpose of this partial republication is to redescribe the irregular authority sought as follows: *Passengers and their baggage, light express, newspapers, and mail*, in special or charter operations; (a) from points on applicant's regular routes and in the territory served by such routes, to points in the United States, and return; and (b) from points in Indiana, to points in Indiana, Ohio, Illinois, Michigan, Pennsylvania, New York, Wisconsin, Kentucky, Kansas, and Florida, and return. The rest of the application remains as previously published.

No. MC 135674 (Sub-No. 2), filed November 18, 1971. Applicant: BN TRANSPORT, INC., 176 East Fifth Street, St. Paul, MN 55101. Applicant's representative: Byron D. Olsen (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* for the account of the National Railroad Passenger Corp., from Helena, Mont., to Butte, Mont., and return, handling only National Railroad Passenger Corp. (Amtrak) passengers traveling between Helena and points beyond Butte via Amtrak trains, over Interstate Highway 15 and U.S. Highway 91. No service will be provided to any intermediate points, nor will local passengers traveling only between Butte and Helena be handled. NOTE: If a hearing is deemed necessary, applicant requests it be held at Butte or Helena, Mont., or St. Paul, Minn.

No. MC 136223, filed November 18, 1971. Applicant: McARTHUR TRANSPORTATION LIMITED, Post Office Box 1141, Sidney, BC Canada. Applicant's representative: J. Allen Bond, Post Office Box 961, Victoria, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Washington, and extending to points in Washington, Oregon, California, Idaho, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Bellingham, Wash.

APPLICATION FOR FREIGHT FORWARDER

No. MC-FF-211 (Sub-No. 4), SHULMAN AIR FREIGHT, INC. Extension—All States (2), filed December 7, 1971. Applicant: SHULMAN AIR FREIGHT, INC., 20 Olney Avenue, Cherry Hill, NJ. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a freight forwarder in interstate or foreign commerce, in the forwarding of: *General commodities*, between points in the United States, on the one hand, and, on the other, ports on the Atlantic, Pacific, and Gulf Coasts of the United States, restricted to the transportation of export and import traffic consolidated for movement in containers.

APPLICATION FOR FILING BROKAGE LICENSE

No. MC 12986 (Sub-No. 1), filed November 22, 1971. Applicant: DOUGLAS D. FOX, doing business as DOUG FOX TRAVEL SERVICE, 341 White Henry Stuart Building, Seattle, WA 98101. For a license (BMC-5) to engage in operations as a *broker* at Tacoma, Everett, Spokane, Centralia, Longview, Olympia, and Pasco, Wash., in arranging for transportation in interstate or foreign commerce of groups of *passengers and their baggage*, in round-trip sightseeing or pleasure tours, in special or charter operations, beginning and ending at Seattle, Tacoma, Everett, Spokane, Centralia, Longview, Olympia, and Pasco, Wash., and extending to points in the United States including Alaska and Hawaii.

No. MC 130160, filed November 15, 1971. Applicant: MARVIN WILLIAM BURSCH, doing business as BURSCH TRAVEL AGENCY, 107 Lincoln Avenue East, Alexandria, MN. 56308. Applicant's representative: William E. Fox, 860 Northwestern Bank Building, Minneapolis, Minn. 55402. For a license (BMC-5) to engage in operations as a *broker* at Alexandria and St. Cloud, Minn., in arranging for the transportation in interstate or foreign commerce of individuals, or groups of *passengers and their baggage*, in special operations, in one way or round trip tours, between points in the United States including Alaska (but excluding Hawaii).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-18694 Filed 12-22-71;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Standards of Performance for New Stationary Sources

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

On August 17, 1971 (36 F.R. 15704) pursuant to section 111 of the Clean Air Act as amended, the Administrator proposed standards of performance for steam generators, portland cement plants, incinerators, nitric acid plants, and sulfuric acid plants. The proposed standards, applicable to sources the construction or modification of which was initiated after August 17, 1971, included emission limits for one or more of four pollutants (particulate matter, sulfur dioxide, nitrogen oxides, and sulfuric acid mist) for each source category. The proposal included requirements for performance testing, stack gas monitoring, record keeping and reporting, and procedures by which EPA will provide preconstruction review and determine the applicability of the standards to specific sources.

Interested parties were afforded an opportunity to participate in the rule making by submitting comments. A total of more than 200 interested parties, including Federal, State, and local agencies, citizens groups, and commercial and industrial organizations submitted comments. Following a review of the proposed regulations and consideration of the comments, the regulations, including the appendix, have been revised and are being promulgated today. The principal revisions are described below:

1. Particulate matter performance testing procedures have been revised to eliminate the requirement for impingers in the sampling train. Compliance will be based only on material collected in the dry filter and the probe preceding the filter. Emission limits have been adjusted as appropriate to reflect the change in test methods. The adjusted standards require the same degree of particulate control as the originally proposed standards.

2. Provisions have been added whereby alternative test methods can be used to determine compliance. Any person who proposes the use of an alternative method will be obliged to provide evidence that the alternative method is equivalent to the reference method.

3. The definition of modification, as it pertains to increases in production rate and changes of fuels, has been clarified. Increases in production rates up to design capacity will not be considered a modification nor will fuel switches if the equipment was originally designed to accommodate such fuels. These provisions will eliminate inequities where equipment had been put into partial operation prior to the proposal of the standards.

4. The definition of a new source was clarified to include construction which is completed within an organization as well as the more common situations where the facility is designed and constructed by a contractor.

5. The provisions regarding requests for EPA plan review and determination of construction or modification have been modified to emphasize that the submittal of such requests and attendant information is purely voluntary. Submittal of such a request will not bind the operator to supply further information; however, lack of sufficient information may prevent the Administrator from rendering an opinion. Further provisions have been added to the effect that information submitted voluntarily for such plan review or determination of applicability will be considered confidential, if the owner or operator requests such confidentiality.

6. Requirements for notifying the Administrator prior to commencing construction have been deleted. As proposed, the provision would have required notification prior to the signing of a contract for construction of a new source. Owners and operators still will be required to notify the Administrator 30 days prior to initial operation and to confirm the action within 15 days after startup.

7. Revisions were incoporated to permit compliance testing to be deferred up to 60 days after achieving the maximum production rate but no longer than 180 days after initial startup. The proposed regulation could have required testing within 60 days after startup but defined startup as the beginning of routine operation. Owners or operators will be required to notify the Administrator at least 10 days prior to compliance testing so that an EPA observer can be on hand. Procedures have been modified so that the equipment will have to be operated at maximum expected production rate, rather than rated capacity, during compliance tests.

8. The criteria for evaluating performance testing results have been simplified to eliminate the requirement that all values be within 35 percent of the average. Compliance will be based on the average of three repetitions conducted in the specified manner.

9. Provisions were added to require owners or operators of affected facilities to maintain records of compliance tests, monitoring equipment, pertinent analyses, feed rates, production rates, etc. for 2 years and to make such information available on request to the Administrator. Owners or operators will be required to summarize the recorded data daily and to convert recorded data into the applicable units of the standard.

10. Modifications were made to the visible emission standards for steam generators, cement plants, nitric acid plants, and sulfuric acid plants. The Ringelmann standards have been deleted; all limits will be based on opacity. In every case, the equivalent opacity will be at least as stringent as the proposed Ringelmann number. In addition, requirements have been altered for three of the source categories so that allowable emissions will be less than 10 percent opacity rather than 5 percent or less opacity. There were many comments that observers could not accurately evaluate emissions of 5 percent opacity. In addition, drafting errors in the proposed visible emission limits for cement kilns and steam generators were corrected. Steam generators will be limited to visible emissions not greater than 20 percent opacity and cement kilns to not greater than 10 percent opacity.

11. Specifications for monitoring devices were clarified, and directives for calibration were included. The instruments are to be calibrated at least once a day, or more often if specified by the manufacturer. Additional guidance on the selection and use of such instruments will be provided at a later date.

12. The requirement for sulfur dioxide monitoring at steam generators was deleted for those sources which will achieve the standard by burning low-sulfur fuel, provided that fuel analysis is conducted and recorded daily. American Society for Testing and Materials sampling techniques are specified for coal and fuel oil.

13. Provisions were added to the steam generator standards to cover those instances where mixed fuels are burned. Allowable emissions will be determined by prorating the heat input of each fuel, however, in the case of sulfur dioxide, the provisions allow operators the option of burning low-sulfur fuels (probably natural gas) as a means of compliance.

14. Steam generators fired with lignite have been exempted from the nitrogen oxides limit. The revision was made in view of the lack of information on some types of lignite burning. When more information is developed, nitrogen oxides standards may be extended to lignite fired steam generators.

15. A provision was added to make it explicit that the sulfuric acid plant standards will not apply to scavenger acid plants. As stated in the background document, APTD 0711, which was issued at the time the proposed standards were published, the standards were not meant to apply to such operations, e.g., where sulfuric acid plants are used primarily to control sulfur dioxide or other sulfur compounds which would otherwise be vented into the atmosphere.

16. The regulation has been revised to provide that all materials submitted pursuant to these regulations will be directed to EPA's Office of General Enforcement.

17. Several other technical changes have also been made. States and interested parties are urged to make a careful reading of these regulations.

As required by section 111 of the Act, the standards of performance promulgated herein "reflect the degree of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated". The standards of performance are based on stationary source testing conducted by the Environmental Protection Agency and/or contractors and on data derived from various other sources, including the available technical literature. In the comments on the proposed standards, many questions were raised as to costs and

demonstrated capability of control systems to meet the standards. These comments have been evaluated and investigated, and it is the Administrator's judgment that emission control systems capable of meeting the standards have been adequately demonstrated and that the standards promulgated herein are achievable at reasonable costs.

The regulations establishing standards of performance for steam generators, incinerators, cement plants, nitric acid plants, and sulfuric acid plants are hereby promulgated effective on publication and apply to sources, the construction or modification of which was commenced after August 17, 1971.

Dated: December 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

A new Part 60 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart A—General Provisions

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60.1 Applicability.
60.2 Definitions.
60.3 Abbreviations.
60.4 Address.
60.5 Determination of construction or modification.
60.6 Review of plans.
60.7 Notification and recordkeeping.
60.8 Performance tests.
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Subpart D—Standards of Performance for Fossil Fuel-Fired Steam Generators

60.40 Applicability and designation of affected facility.
60.41 Definitions.
60.42 Standard for particulate matter.
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60.50 Applicability and designation of affected facility.
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Subpart F—Standards of Performance for Portland Cement Plants

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60.70 Applicability and designation of affected facility.
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60.80 Applicability and designation of affected facility.
60.81 Definitions.
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APPENDIX—TEST METHODS

Method 1—Sample and velocity traverses for stationary sources.
Method 2—Determination of stack gas velocity and volumetric flow rate (Type S pitot tube).
Method 3—Gas analysis for carbon dioxide, excess air, and dry molecular weight.
Method 4—Determination of moisture in stack gases.
Method 5—Determination of particulate emissions from stationary sources.
Method 6—Determination of sulfur dioxide emissions from stationary sources.
Method 7—Determination of nitrogen oxide emissions from stationary sources.
Method 8—Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.
Method 9—Visual determination of the opacity of emissions from stationary sources.

AUTHORITY: The provisions of this Part 60 issued under sections 111, 114, Clean Air Act; Public Law 91-604, 84 Stat. 1713.

Subpart A—General Provisions

§ 60.1 Applicability.

The provisions of this part apply to the owner or operator of any stationary source, which contains an affected facility the construction or modification of which is commenced after the date of publication in this part of any proposed standard applicable to such facility.

§ 60.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604, 84 Stat. 1676).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Standard" means a standard of performance proposed or promulgated under this part.

(d) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant.

(e) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

(f) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

(g) "Construction" means fabrication, erection, or installation of an affected facility.

(h) "Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

(1) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(2) The following shall not be considered a change in the method of operation:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

(ii) An increase in hours of operation;

(iii) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such facility, as provided by § 60.1, the affected facility is designed to accommodate such alternative use.

(i) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(j) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(k) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

(l) "Standard of normal conditions" means 70° Fahrenheit (21.1° centigrade) and 29.92 in. Hg (760 mm. Hg).

(m) "Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

(n) "Isokinetic sampling" means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

(o) "Startup" means the setting in operation of an affected facility for any purpose.

§ 60.3 Abbreviations.

The abbreviations used in this part have the following meanings in both capital and lower case:

B.t.u.—British thermal unit.
cal.—calorie(s).
c.f.m.—cubic feet per minute.
CO_2—carbon dioxide.
g.—gram(s).
gr.—grain(s).
mg.—milligram(s).
mm.—millimeter(s).
l.—liter(s).
nm.—nanometer(s), -10^{-9} meter.
μg.—microgram(s), 10^{-6} gram.
Hg.—mercury.
in.—inch(es).
K—1,000.
lb.—pound(s).
ml.—milliliter(s).
No.—number.
%—percent.
NO—nitric oxide.
NO_2—nitrogen dioxide.
NO_x—nitrogen oxides.
$NM.^3$—normal cubic meter.
s.c.f.—standard cubic feet.
SO_2—sulfur dioxide.
H_2SO_4—sulfuric acid.
SO_3—sulfur trioxide.

ft.³—cubic feet.
ft.²—square feet.
min.—minute(s).
hr.—hour(s).

§ 60.4 Address.

All applications, requests, submissions, and reports under this part shall be submitted in triplicate and addressed to the Environmental Protection Agency, Office of General Enforcement, Waterside Mall SW., Washington, DC 20460.

§ 60.5 Determination of construction or modification.

When requested to do so by an owner or operator, the Administrator will make a determination of whether actions taken or intended to be taken by such owner or operator constitute construction or modification or the commencement thereof within the meaning of this part.

§ 60.6 Review of plans.

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b) (1) A separate request shall be submitted for each affected facility.

(2) Each request shall (i) identify the location of such affected facility, and (ii) be accompanied by technical information describing the proposed nature, size, design, and method of operation of such facility, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

§ 60.7 Notification and record keeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification as follows:

(1) A notification of the anticipated date of initial startup of an affected facility not more than 60 days or less than 30 days prior to such date.

(2) A notification of the actual date of initial startup of an affected facility within 15 days after such date.

(b) Any owner or operator subject to the provisions of this part shall maintain for a period of 2 years a record of the occurrence and duration of any startup, shutdown, or malfunction in operation of any affected facility.

§ 60.8 Performance tests.

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and results reported in accordance with the test method set forth in this part or equivalent methods approved by the Administrator; or where the Administrator determines that emissions from the affected facility are not susceptible of being measured by such methods, the Administrator shall prescribe alternative test procedures for determining compliance with the requirements of this part.

(c) The owner or operator shall permit the Administrator to conduct performance tests at any reasonable time, shall cause the affected facility to be operated for purposes of such tests under such conditions as the Administrator shall specify based on representative performance of the affected facility, and shall make available to the Administrator such records as may be necessary to determine such performance.

(d) The owner or operator of an affected facility shall provide the Administrator 10 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform (s).

(4) Utilities for sampling and testing equipment.

(f) Each performance test shall consist of three repetitions of the applicable test method. For the purpose of determining compliance with an applicable standard of performance, the average of results of all repetitions shall apply.

§ 60.9 Availability of information.

(a) Emission data provided to, or otherwise obtained by, the Administrator in accordance with the provisions of this part shall be available to the public.

(b) Except as provided in paragraph (a) of this section, any records, reports, or information provided to, or otherwise obtained by, the Administrator in accordance with the provisions of this part shall be available to the public, except that (1) upon a showing satisfactory to the Administrator by any person that such records, reports, or information, or particular part thereof (other than emission data), if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such records, reports, or information, or particular part thereof, confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such records, reports, or information, or particular part thereof, may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out the provisions of the Act or when relevant in any proceeding under the Act; and (2) information received by the Administrator solely for the purposes of §§ 60.5 and 60.6 shall not be disclosed if it is identified by the owner or operator as being a trade secret or commercial or financial information which such owner or operator considers confidential.

§ 60.10 State authority.

The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

Subpart D—Standards of Performance for Fossil-Fuel Fired Steam Generators

§ 60.40 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each fossil fuel-fired steam generating unit of more than 250 million B.t.u. per hour heat input, which is the affected facility.

§ 60.41 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, and in Subpart A of this part.

(a) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(b) "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

(c) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by Method 5.

§ 60.42 Standard for particulate matter.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of particulate matter which is:

(a) In excess of 0.10 lb. per million B.t.u. heat input (0.18 g. per million cal.) maximum 2-hour average.

(b) Greater than 20 percent opacity, except that 40 percent opacity shall be permissible for not more than 2 minutes in any hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (b) of this section such failure shall not be a violation of this section.

§ 60.43 Standard for sulfur dioxide.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of sulfur dioxide in excess of:

(a) 0.80 lb. per million B.t.u. heat input (1.4 g. per million cal.), maximum 2-hour average, when liquid fossil fuel is burned.

(b) 1.2 lbs. per million B.t.u. heat input (2.2 g. per million cal.), maximum 2-hour average, when solid fossil fuel is burned.

(c) Where different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration. Compliance shall be determined using the following formula:

$$\frac{y(0.80)+z(1.2)}{x+y+z}$$

where:
x is the percent of total heat input derived from gaseous fossil fuel and,
y is the percent of total heat input derived from liquid fossil fuel and,
z is the percent of total heat input derived from solid fossil fuel.

§ 60.44 Standard for nitrogen oxides.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of nitrogen oxides in excess of:

(a) 0.20 lb. per million B.t.u. heat input (0.36 g. per million cal.), maximum 2-hour average, expressed as NO_2, when gaseous fossil fuel is burned.

(b) 0.30 lb. per million B.t.u. heat input (0.54 g. per million cal.), maximum 2-hour average, expressed as NO_2, when liquid fossil fuel is burned.

(c) 0.70 lb. per million B.t.u. heat input (1.26 g. per million cal.), maximum 2-hour average, expressed as NO_2, when solid fossil fuel (except lignite) is burned.

(d) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.20)+y(0.30)+z(0.70)}{x+y+z}$$

where:
x is the percent of total heat input derived from gaseous fossil fuel and,
y is the percent of total heat input derived from liquid fossil fuel and,
z is the percent of total heat input derived from solid fossil fuel.

§ 60.45 Emission and fuel monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any fossil fuel-fired steam generating unit subject to the provisions of this part, emission monitoring instruments as follows:

(1) A photoelectric or other type smoke detector and recorder, except where gaseous fuel is the only fuel burned.

(2) An instrument for continuously monitoring and recording sulfur dioxide emissions, except where gaseous fuel is the only fuel burned, or where compliance is achieved through low sulfur fuels and representative sulfur analysis of fuels are conducted daily in accordance with paragraph (c) or (d) of this section.

(3) An instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) Instruments and sampling systems installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments; instruments shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified in the appendix of this part shall be the reference method.

(c) The sulfur content of solid fuels, as burned, shall be determined in accordance with the following methods of the American Society for Testing and Materials.

(1) Mechanical sampling by Method D 2234065.

(2) Sample preparation by Method D 2013–65.

(3) Sample analysis by Method D 271–68.

(d) The sulfur content of liquid fuels, as burned, shall be determined in accordance with the American Society for Testing and Materials Methods D 1551–68, or D 129–64, or D 1552–64.

(e) The rate of fuel burned for each fuel shall be measured daily or at shorter intervals and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. Where the steam generating unit is used to generate electricity, the average electrical output and the minimum and maximum hourly generation rate shall be measured and recorded daily.

(f) The owner or operator of any fossil fuel-fired steam generating unit subject to the provisions of this part shall maintain a file of all measurements required by this part. Appropriate measurements shall be reduced to the units of the applicable standard daily, and summarized monthly. The record of any such measurement(s) and summary shall be retained for at least 2 years following the date of such measurements and summaries.

§ 60.46 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter, sulfur dioxide, and nitrogen oxides from fossil fuel-fired steam generating units.

(b) All performance tests shall be conducted while the affected facility is operating at or above the maximum steam production rate at which such facility will be operated and while fuels or combinations of fuels representative of normal operation are being burned and under such other relevant conditions as the Administrator shall specify based on representative performance of the affected facility.

(c) Test methods set forth in the appendix to this part or equivalent methods approved by the Administrator shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours, and minimum sampling volume shall be 60 ft.^{3} corrected to standard conditions on a dry basis.

(2) For each repetition, the SO_2 concentration shall be determined by using Method 6. The sampling site shall be the same as for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section if the cross sectional area is less than 50 ft.^{2} or at a point no closer to the walls than 3 feet if the cross sectional area is 50 ft.^{2} or more. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be 20 min. and minimum sampling volume shall be 0.75 ft.^{3} corrected to standard conditions. Two samples shall constitute one repetition and shall be taken at 1-hour intervals.

(3) For each repetition the NO_x concentration shall be determined by using Method 7. The sampling site and point shall be the same as for SO_2. The sampling time shall be 2 hours, and four samples shall be taken at 30-minute intervals.

(4) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(d) Heat input, expressed in B.t.u. per hour, shall be determined during each 2-hour testing period by suitable fuel flow meters and shall be confirmed by a material balance over the steam generation system.

(e) For each repetition, emissions, expressed in lb./10^6 B.t.u. shall be determined by dividing the emission rate in lb./hr. by the heat input. The emission rate shall be determined by the equation, $\text{lb./hr.} = Q_s \times c$ where, Q_s = volumetric flow rate of the total effluent in ft.^{3}/hr. at standard conditions, dry basis, as determined in accordance with paragraph (c) (4) of this section.

(1) For particulate matter, c = particulate concentration in lb./ft.^{3}, at determined in accordance with paragraph (c) (1) of this section, corrected to standard conditions, dry basis.

(2) For SO_2, c=SO_2 concentration in lb./ft.^{3}, as determined in accordance with paragraph (c)(2) of this section, corrected to standard conditions, dry basis.

(3) For NO_x, c=NO_x concentration in lb./ft.^{3}, as determined in accordance with paragraph (c)(3) of this section, corrected to standard conditions, dry basis.

Subpart E—Standards of Performance for Incinerators

§ 60.50 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each incinerator of more than 50 tons per day charging rate, which is the affected facility.

§ 60.51 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Incinerator" means any furnace used in the process of burning solid waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

(b) "Solid waste" means refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.

(c) "Day" means 24 hours.

(d) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by Method 5.

§ 60.52 Standard for particulate matter.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of particulate matter which is in excess of 0.08 gr./s.c.f. (0.18 g./NM^3) corrected to 12 percent CO_2, maximum 2-hour average.

§ 60.53 Monitoring of operations.

The owner or operator of any incinerator subject to the provisions of this part shall maintain a file of daily burning rates and hours of operation and any particulate emission measurements. The burning rates and hours of operation shall be summarized monthly. The record(s) and summary shall be retained for at least 2 years following the date of such records and summaries.

§ 60.54 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter from incinerators.

(b) All performance tests shall be conducted while the affected facility is operating at or above the maximum refuse charging rate at which such facility will be operated and the solid waste burned shall be representative of normal operation and under such other relevant conditions as the Administrator shall specify based on representative performance of the affected facility.

(c) Test methods set forth in the appendix to this part or equivalent methods approved by the Administrator shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft.^{3} corrected to standard conditions on a dry basis.

(2) Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content shall be determined by the condenser technique of Method 5. If a wet scrubber is used, the gas analysis sample shall reflect flue gas conditions after the scrubber, allowing for the effect of carbon dioxide absorption.

(d) For each repetition particulate matter emissions, expressed in gr./s.c.f., shall be determined in accordance with paragraph (c)(1) of this section corrected to 12 percent CO_2, dry basis.

Subpart F—Standards of Performance for Portland Cement Plants

§ 60.60 Applicability and designation of affected facility.

The provisions of the subpart are applicable to the following affected facilities in portland cement plants: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

§ 60.61 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process.

(b) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by Method 5.

§ 60.62 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of particulate matter from the kiln which is:

(1) In excess of 0.30 lb. per ton of feed to the kiln (0.15 Kg. per metric ton), maximum 2-hour average.

(2) Greater than 10 percent opacity, except that where the presence of uncombined water is the only reason for failure to meet the requirements for this subparagraph, such failure shall not be a violation of this section.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of particulate matter from the clinker cooler which is:

(1) In excess of 0.10 lb. per ton of feed to the kiln (0.050 Kg. per metric ton) maximum 2-hour average.

(2) 10 percent opacity or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of particulate matter from any affected facility other than the kiln and clinker cooler which is 10 percent opacity or greater.

§ 60.63 Monitoring of operations.

The owner or operator of any portland cement plant subject to the provisions of this part shall maintain a file of daily production rates and kiln feed rates and any particulate emission measurements. The production and feed rates shall be summarized monthly. The record(s) and summary shall be retained for at least 2 years following the date of such records and summaries.

§ 60.64 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of particulate matter from portland cement plant kilns and clinker coolers.

(b) All performance tests shall be conducted while the affected facility is operating at or above the maximum production rate at which such facility will be operated and under such other relevant conditions as the Administrator shall specify based on representative performance of the affected facility.

(c) Test methods set forth in the appendix to this part or equivalent methods approved by the Administrator shall be used as follows:

(1) For each repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling by Method 5 shall be according to Method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft.^{3} corrected to standard conditions on a dry basis.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed using the integrated sample technique of Method 3, and moisture content shall be determined by the condenser technique of Method 5.

(d) Total kiln feed (except fuels), expressed in tons per hour on a dry basis, shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition, particulate matter emissions, expressed in lb./ton of kiln feed shall be determined by dividing the emission rate in lb./hr. by the kiln feed. The emission rate shall be determined by the equation, lb./hr.=$Q_s \times c_s$,

where Q_s=volumetric flow rate of the total effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with paragraph (c)(2) of this section, and, c=particulate concentration in lb./ft.³, as determined in accordance with paragraph (c)(1) of this section, corrected to standard conditions, dry basis.

Subpart G—Standards of Performance for Nitric Acid Plants

§ 60.70 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each nitric acid production unit, which is the affected facility.

§ 60.71 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Nitric acid production unit" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

(b) "Weak nitric acid" means acid which is 30 to 70 percent in strength.

§ 60.72 Standard for nitrogen oxides.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of nitrogen oxides which are:

(a) In excess of 3 lbs. per ton of acid produced (1.5 kg. per metric ton), maximum 2-hour average, expressed as NO_2.

(b) 10 percent opacity or greater.

§ 60.73 Emission monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any nitric acid production unit subject to the provisions of this subpart, an instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) The instrument and sampling system installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified in the appendix of this part shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(d) The owner or operator of any nitric acid production unit subject to the provisions of this part shall maintain a file of all measurements required by this subpart. Appropriate measurements shall be reduced to the units of the standard daily and summarized monthly. The record of any such measurement and summary shall be retained for at least 2 years following the date of such measurements and summaries.

§ 60.74 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of nitrogen oxides from nitric acid production units.

(b) All performance tests shall be conducted while the affected facility is operating at or above the maximum acid production rate at which such facility will be operated and under such other relevant conditions as the Administrator shall specify based on representative performance of the affected facility.

(c) Test methods set forth in the appendix to this part or equivalent methods as approved by the Administrator shall be used as follows:

(1) For each repetition the NO_x concentration shall be determined by using Method 7. The sampling site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct. The sampling time shall be 2 hours and four samples shall be taken at 30-minute intervals.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by Method 4.

(d) Acid produced, expressed in tons per hour of 100 percent nitric acid, shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition, nitrogen oxides emissions, expressed in lb./ton of 100 percent nitric acid, shall be determined by dividing the emission rate in lb./hr. by the acid produced. The emission rate shall be determined by the equation, $lb./hr.=Q_s \times c$, where Q_s=volumetric flow rate of the effluent in ft.³/hr. at standard conditions, dry basis, as determined in accordance with paragraph (c)(2) of this section, and $c=NO_x$ concentration in lb./ft.³, as determined in accordance with paragraph (c)(1) of this section, corrected to standard conditions, dry basis.

Subpart H—Standards of Performance for Sulfuric Acid Plants

§ 60.80 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each sulfuric acid production unit, which is the affected facility.

§ 60.81 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in Subpart A of this part.

(a) "Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(b) "Acid mist" means sulfuric acid mist, as measured by test methods set forth in this part.

§ 60.82 Standard for sulfur dioxide.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of sulfur dioxide in excess of 4 lbs. per ton of acid produced (2 kg. per metric ton), maximum 2-hour average.

§ 60.83 Standard for acid mist.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere of acid mist which is:

(a) In excess of 0.15 lb. per ton of acid produced (0.075 kg. per metric ton), maximum 2-hour average, expressed as H_2SO_4.

(b) 10 percent opacity or greater.

§ 60.84 Emission monitoring.

(a) There shall be installed, calibrated, maintained, and operated, in any sulfuric acid production unit subject to the provisions of this subpart, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

(b) The instrument and sampling system installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the

method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subject to manufacturers recommended zero adjustment calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specified or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified in the appendix of this part shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(d) The owner or operator of any sulfuric acid production unit subject to the provisions of this subpart shall maintain a file of all measurements required by this subpart. Appropriate measurements shall be reduced to the units of the applicable standard daily and summarized monthly. The record of any such measurement and summary shall be retained for at least 2 years following the date of such measurements and summaries.

§ 60.85 Test methods and procedures.

(a) The provisions of this section are applicable to performance tests for determining emissions of acid mist and sulfur dioxide from sulfuric acid production units.

(b) All performance tests shall be conducted while the affected facility is operating at or above the maximum acid production rate at which such facility will be operated and under such other relevant conditions as the Administrator shall specify based on representative performance of the affected facility.

(c) Test methods set forth in the appendix to this part or equivalent methods as approved by the Administrator shall be used as follows:

(1) For each repetition the acid mist and SO_3 concentrations shall be determined by using Method 8 and traversing according to Method 1. The minimum sampling time shall be 2 hours, and minimum sampling volume shall be 40 ft.^{3} corrected to standard conditions.

(2) The volumetric flow rate of the total effluent shall be determined by using Method 2 and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3. Moisture content can be considered to be zero.

(d) Acid produced, expressed in tons per hour of 100 percent sulfuric acid shall be determined during each 2-hour testing period by suitable flow meters and shall be confirmed by a material balance over the production system.

(e) For each repetition acid mist and sulfur dioxide emissions, expressed in lb./ton of 100 percent sulfuric acid shall be determined by dividing the emission rate in lb./hr. by the acid produced. The emission rate shall be determined by the equation, lb./hr.$=Q_s \times c$, where Q_s=volumetric flow rate of the effluent in ft.^{3}/hr. at standard conditions, dry basis as determined in accordance with paragraph (c)(2) of this section, and c=acid mist and SO_3 concentrations in lb./ft.^{3} as determined in accordance with paragraph (c)(1) of this section, corrected to standard conditions, dry basis.

APPENDIX—TEST METHODS

METHOD 1—SAMPLE AND VELOCITY TRAVERSES FOR STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. A sampling site and the number of traverse points are selected to aid in the extraction of a representative sample.

1.2 Applicability. This method should be applied only when specified by the test procedures for determining compliance with the New Source Performance Standards. Unless otherwise specified, this method is not intended to apply to gas streams other than those emitted directly to the atmosphere without further processing.

2. *Procedure.*

2.1 Selection of a sampling site and minimum number of traverse points.

2.1.1 Select a sampling site that is at least eight stack or duct diameters downstream and two diameters upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. For rectangular cross section, determine an equivalent diameter from the following equation:

$$\text{equivalent diameter} = 2\left(\frac{(\text{length})(\text{width})}{\text{length}+\text{width}}\right) \qquad \text{equation 1–1}$$

2.1.2 When the above sampling site criteria can be met, the minimum number of traverse points is twelve (12).

2.1.3 Some sampling situations render the above sampling site criteria impractical. When this is the case, choose a convenient sampling location and use Figure 1–1 to determine the minimum number of traverse points. Under no conditions should a sampling point be selected within 1 inch of the stack wall. To obtain the number of traverse points for stacks or ducts with a diameter less than 2 feet, multiply the number of points obtained from Figure 1–1 by 0.67.

2.1.4 To use Figure 1–1 first measure the distance from the chosen sampling location to the nearest upstream and downstream disturbances. Determine the corresponding number of traverse points for each distance from Figure 1–1. Select the higher of the two numbers of traverse points, or a greater value, such that for circular stacks the number is a multiple of 4, and for rectangular stacks the number follows the criteria of section 2.2.2.

2.2 Cross-sectional layout and location of traverse points.

2.2.1 For circular stacks locate the traverse points on at least two diameters according to Figure 1–2 and Table 1–1. The traverse axes shall divide the stack cross section into equal parts.

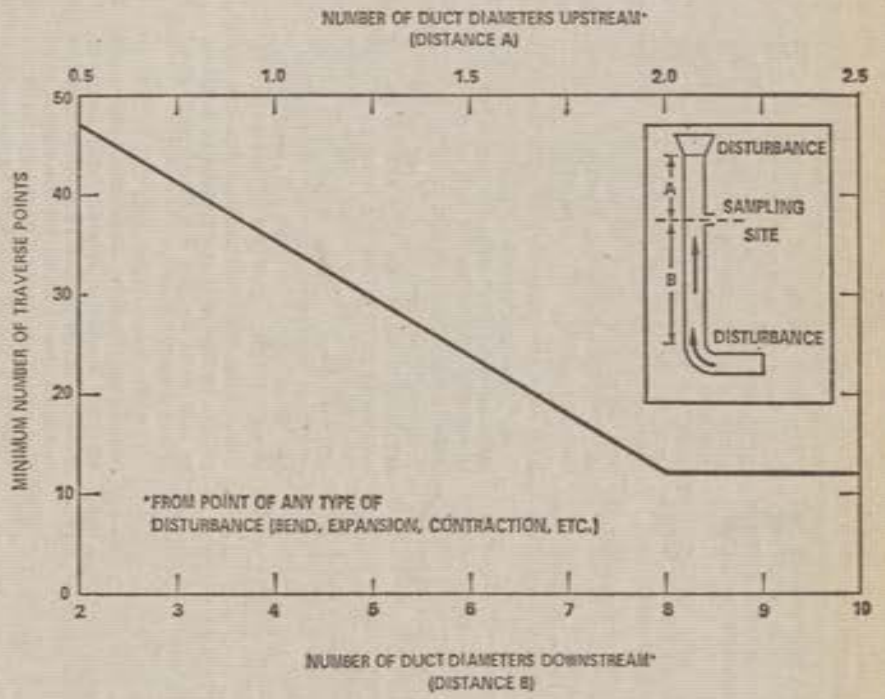

Figure 1-1. Minimum number of traverse points.

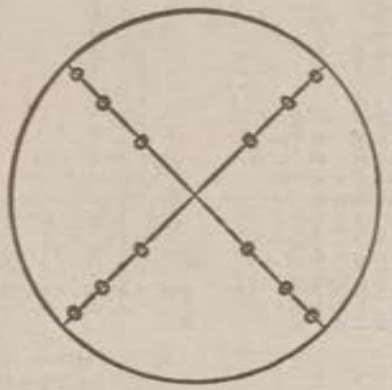

Figure 1-2. Cross section of circular stack divided into 12 equal areas, showing location of traverse points at centroid of each area.

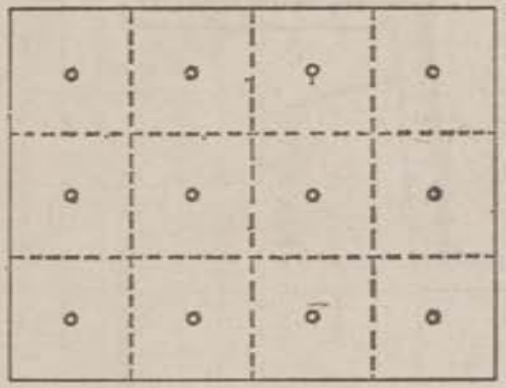

Figure 1-3. Cross section of rectangular stack divided into 12 equal areas, with traverse points at centroid of each area.

Table 1-1. Location of traverse points in circular stacks

(Percent of stack diameter from inside wall to traverse point)

Traverse point number on a diameter	Number of traverse points on a diameter											
	2	4	6	8	10	12	14	16	18	20	22	24
1	14.6	6.7	4.4	3.3	2.5	2.1	1.8	1.6	1.4	1.3	1.1	1.1
2	85.4	25.0	14.7	10.5	8.2	6.7	5.7	4.9	4.4	3.9	3.5	3.2
3		75.0	29.5	19.4	14.6	11.8	9.9	8.5	7.5	6.7	6.0	5.5
4		93.3	70.5	32.3	22.6	17.7	14.6	12.5	10.9	9.7	8.7	7.9
5			85.3	67.7	34.2	25.0	20.1	16.9	14.6	12.9	11.6	10.5
6			95.6	80.6	65.8	35.5	26.9	22.0	18.8	16.5	14.6	13.2
7				89.5	77.4	64.5	36.6	28.3	23.6	20.4	18.0	16.1
8				96.7	85.4	65.0	63.4	37.5	29.6	25.0	21.8	19.4
9					91.8	82.3	73.1	62.5	38.2	30.6	26.1	23.0
10					97.5	88.2	79.9	71.7	61.8	38.8	31.5	27.2
11						93.3	85.4	78.0	70.4	61.2	39.3	32.3
12						97.9	90.1	83.1	76.4	69.4	60.7	39.8
13							94.3	87.5	81.2	75.0	68.5	60.2
14							98.2	91.5	85.4	79.6	73.9	67.7
15								95.1	89.1	83.5	78.2	72.8
16								98.4	92.5	87.1	82.0	77.0
17									95.6	90.3	85.4	80.6
18									98.6	93.3	88.4	83.9
19										96.1	91.3	86.8
20										98.7	94.0	89.5
21											96.5	92.1
22											98.9	94.5
23												96.8
24												98.9

2.2.2 For rectangular stacks divide the cross section into as many equal rectangular areas as traverse points, such that the ratio of the length to the width of the elemental areas is between one and two. Locate the traverse points at the centroid of each equal area according to Figure 1-3.

3. *References.*

Determining Dust Concentration in a Gas Stream, ASME Performance Test Code #27, New York, N.Y., 1957.

Devorkin, Howard, et al., Air Pollution Source Testing Manual, Air Pollution Control District, Los Angeles, Calif. November 1963.

Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases, Western Precipitation Division of Joy Manufacturing Co., Los Angeles, Calif. Bulletin WP-50, 1968.

Standard Method for Sampling Stacks for Particulate Matter, In: 1971 Book of ASTM Standards, Part 23, Philadelphia, Pa. 1971, ASTM Designation D-2928-71.

METHOD 2—DETERMINATION OF STACK GAS VELOCITY AND VOLUMETRIC FLOW RATE (TYPE S PITOT TUBE)

1. *Principle and applicability.*

1.1 Principle. Stack gas velocity is determined from the gas density and from measurement of the velocity head using a Type S (Stauscheibe or reverse type) pitot tube.

1.2 Applicability. This method should be applied only when specified by the test procedures for determining compliance with the New Source Performance Standards.

2. *Apparatus.*

2.1 Pitot tube—Type S (Figure 2-1), or equivalent, with a coefficient within ±5% over the working range.

2.2 Differential pressure gauge—Inclined manometer, or equivalent, to measure velocity head to within 10% of the minimum value.

2.3 Temperature gauge—Thermocouple or equivalent attached to the pitot tube to measure stack temperature to within 1.5% of the minimum absolute stack temperature.

2.4 Pressure gauge—Mercury-filled U-tube manometer, or equivalent, to measure stack pressure to within 0.1 in. Hg.

2.5 Barometer—To measure atmospheric pressure to within 0.1 in. Hg.

2.6 Gas analyzer—To analyze gas composition for determining molecular weight.

2.7 Pitot tube—Standard type, to calibrate Type S pitot tube.

3. *Procedure.*

3.1 Set up the apparatus as shown in Figure 2-1. Make sure all connections are tight and leak free. Measure the velocity head and temperature at the traverse points specified by Method 1.

3.2 Measure the static pressure in the stack.

3.3 Determine the stack gas molecular weight by gas analysis and appropriate calculations as indicated in Method 3.

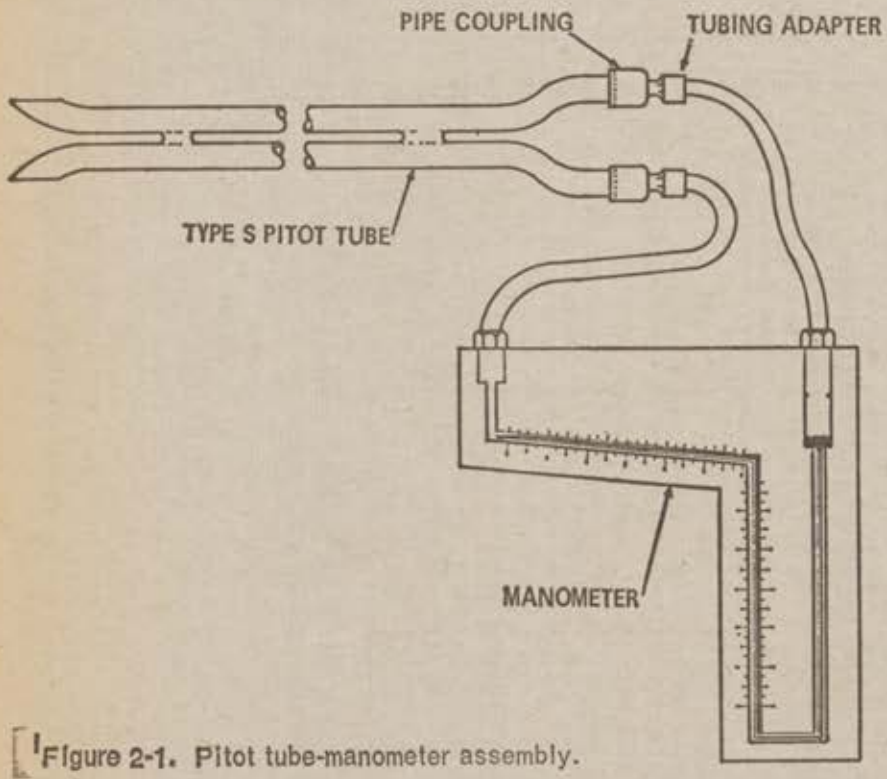

Figure 2-1. Pitot tube-manometer assembly.

4. *Calibration.*

4.1 To calibrate the pitot tube, measure the velocity head at some point in a flowing gas stream with both a Type S pitot tube and a standard type pitot tube with known coefficient. Calibration should be done in the laboratory and the velocity of the flowing gas stream should be varied over the normal working range. It is recommended that the calibration be repeated after use at each field site.

4.2 Calculate the pitot tube coefficient using equation 2-1.

$$C_{p_{test}} = C_{p_{std}} \sqrt{\frac{\Delta p_{std}}{\Delta p_{test}}} \quad \text{equation 2-1}$$

where:

$C_{p_{test}}$ = Pitot tube coefficient of Type S pitot tube.

$C_{p_{std}}$ = Pitot tube coefficient of standard type pitot tube (if unknown, use 0.99).

Δp_{std} = Velocity head measured by standard type pitot tube.

Δp_{test} = Velocity head measured by Type S pitot tube.

4.3 Compare the coefficients of the Type S pitot tube determined first with one leg and then the other pointed downstream. Use the pitot tube only if the two coefficients differ by no more than 0.01.

5. *Calculations.*

Use equation 2-2 to calculate the stack gas velocity.

$$(V_s)_{avg.} = K_p C_p (\sqrt{\Delta p})_{avg.} \sqrt{\frac{(T_s)_{avg.}}{P_s M_s}}$$

Equation 2-2

where:

$(V_s)_{avg.}$ = Stack gas velocity, feet per second (f.p.s.).

$K_p = 85.48 \frac{\text{ft.}}{\text{sec.}} \left(\frac{\text{lb.}}{\text{lb. mole-°R}}\right)^{1/2}$ when these units are used.

C_p = Pitot tube coefficient, dimensionless.

$(T_s)_{avg.}$ = Average absolute stack gas temperature, °R.

$(\sqrt{\Delta p})_{avg.}$ = Average velocity head of stack gas, inches H_2O (see Fig. 2-2).

P_s = Absolute stack gas pressure, inches Hg.

M_s = Molecular weight of stack gas (wet basis), lb./lb.-mole. $M_d(1-B_{ws})+18B_{ws}$

M_d = Dry molecular weight of stack gas (from Method 3).

B_{ws} = Proportion by volume of water vapor in the gas stream (from Method 4).

Figure 2-2 shows a sample recording sheet for velocity traverse data. Use the averages in the last two columns of Figure 2-2 to determine the average stack gas velocity from Equation 2-2.

Use Equation 2-3 to calculate the stack gas volumetric flow rate.

$$Q_s = 3600\ (1-B_{ws})\ V_s A \left(\frac{T_{std}}{(T_s)_{avg.}}\right)\left(\frac{P_s}{P_{std}}\right)$$

Equation 2-3

where:

Q_s = Volumetric flow rate, dry basis, standard conditions, ft.³/hr.

A = Cross-sectional area of stack, ft.²

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

6. *References.*

Mark, L. S., Mechanical Engineers' Handbook, McGraw-Hill Book Co., Inc., New York, N.Y., 1951.

Perry, J. H., Chemical Engineers' Handbook, McGraw-Hill Book Co., Inc., New York, N.Y., 1960.

Shigehara, R. T., W. F. Todd, and W. S. Smith, Significance of Errors in Stack Sampling Measurements. Paper presented at the Annual Meeting of the Air Pollution Control Association, St. Louis, Mo., June 14–19, 1970.

Standard Method for Sampling Stacks for Particulate Matter, In: 1971 Book of ASTM Standards, Part 23, Philadelphia, Pa., 1971, ASTM Designation D–2928–71.

Vennard, J. K., Elementary Fluid Mechanics, John Wiley & Sons, Inc., New York, N.Y., 1947.

PLANT_____

DATE_____

RUN NO._____

STACK DIAMETER, in._____

BAROMETRIC PRESSURE, in. Hg._____

STATIC PRESSURE IN STACK (P_g), in. Hg._____

OPERATORS_____

SCHEMATIC OF STACK CROSS SECTION

Traverse point number	Velocity head, in. H_2O	$\sqrt{\Delta_P}$	Stack Temperature (T_S), °F
AVERAGE:			

Figure 2-2. Velocity traverse data.

METHOD 3—GAS ANALYSIS FOR CARBON DIOXIDE, EXCESS AIR, AND DRY MOLECULAR WEIGHT

1. *Principle and applicability.*

1.1 Principle. An integrated or grab gas sample is extracted from a sampling point and analyzed for its components using an Orsat analyzer.

1.2 Applicability. This method should be applied only when specified by the test procedures for determining compliance with the New Source Performance Standards. The test procedure will indicate whether a grab sample or an integrated sample is to be used.

2. *Apparatus.*

2.1 Grab sample (Figure 3-1).

2.1.1 Probe—Stainless steel or Pyrex[1] glass, equipped with a filter to remove particulate matter.

2.1.2 Pump—One-way squeeze bulb, or equivalent, to transport gas sample to analyzer.

[1] Trade name.

2.2 *Integrated sample (Figure 3-2).*

2.2.1 Probe—Stainless steel or Pyrex[1] glass, equipped with a filter to remove particulate matter.

2.2.2 Air-cooled condenser or equivalent—To remove any excess moisture.

2.2.3 Needle valve—To adjust flow rate.

2.2.4 Pump—Leak-free, diaphragm type, or equivalent, to pull gas.

2.2.5 Rate meter—To measure a flow range from 0 to 0.035 cfm.

2.2.6 Flexible bag—Tedlar,[1] or equivalent, with a capacity of 2 to 3 cu. ft. Leak test the bag in the laboratory before using.

2.2.7 Pitot tube—Type S, or equivalent, attached to the probe so that the sampling flow rate can be regulated proportional to the stack gas velocity when velocity is varying with time or a sample traverse is conducted.

2.3 *Analysis.*

2.3.1 Orsat analyzer, or equivalent.

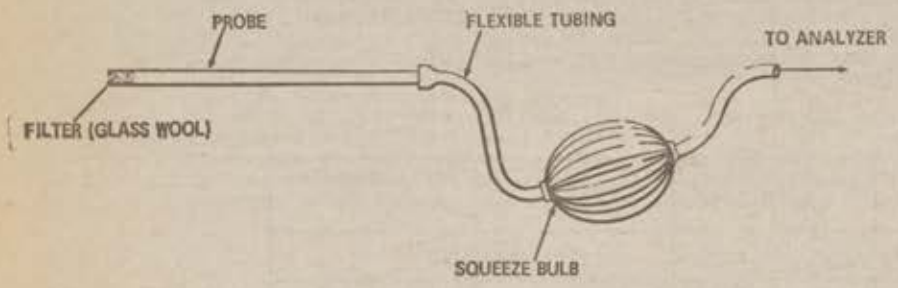

Figure 3-1. Grab-sampling train.

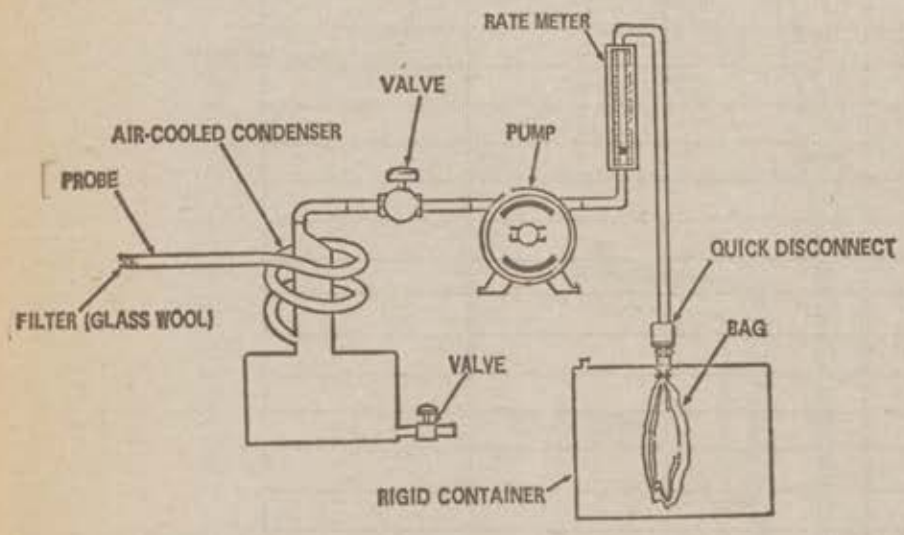

Figure 3-2. Integrated gas - sampling train.

3. *Procedure.*

3.1 Grab sampling.

3.1.1 Set up the equipment as shown in Figure 3-1, making sure all connections are leak-free. Place the probe in the stack at a sampling point and purge the sampling line.

3.1.2 Draw sample into the analyzer.

3.2 Integrated sampling.

3.2.1 Evacuate the flexible bag. Set up the equipment as shown in Figure 3-2 with the bag disconnected. Place the probe in the stack and purge the sampling line. Connect the bag, making sure that all connections are tight and that there are no leaks.

3.2.2 Sample at a rate proportional to the stack velocity.

3.3 Analysis.

3.3.1 Determine the CO_2, O_2, and CO concentrations as soon as possible. Make as many passes as are necessary to give constant readings. If more than ten passes are necessary, replace the absorbing solution.

3.3.2 For grab sampling, repeat the sampling and analysis until three consecutive samples vary no more than 0.5 percent by volume for each component being analyzed.

3.3.3 For integrated sampling, repeat the analysis of the sample until three consecutive analyses vary no more than 0.2 percent by volume for each component being analyzed.

4. *Calculations.*

4.1 Carbon dioxide. Average the three consecutive runs and report the result to the nearest 0.1% CO_2.

4.2 Excess air. Use Equation 3-1 to calculate excess air, and average the runs. Report the result to the nearest 0.1% excess air.

$$\%\,EA = \frac{(\%\,O_2) - 0.5(\%\,CO)}{0.264(\%\,N_2) - (\%\,O_2) + 0.5(\%\,CO)} \times 100$$

equation 3-1

where:

$\%\,EA$ = Percent excess air.

$\%\,O_2$ = Percent oxygen by volume, dry basis.

$\%\,N_2$ = Percent nitrogen by volume, dry basis.

$\%\,CO$ = Percent carbon monoxide by volume, dry basis.

0.264 = Ratio of oxygen to nitrogen in air by volume.

4.3 Dry molecular weight. Use Equation 3-2 to calculate dry molecular weight and average the runs. Report the result to the nearest tenth.

$$M_d = 0.44(\%\,CO_2) + 0.32(\%\,O_2) + 0.28(\%\,N_2 + \%\,CO)$$

equation 3-2

where:

M_d = Dry molecular weight, lb./lb-mole.

$\%\,CO_2$ = Percent carbon dioxide by volume, dry basis.

$\%\,O_2$ = Percent oxygen by volume, dry basis.

$\%\,N_2$ = Percent nitrogen by volume, dry basis.

0.44 = Molecular weight of carbon dioxide divided by 100.

0.32 = Molecular weight of oxygen divided by 100.

0.28 = Molecular weight of nitrogen and CO divided by 100.

5. *References.*

Altshuller, A. P., et al., Storage of Gases and Vapors in Plastic Bags, Int. J. Air & Water Pollution, 6:75–81, 1963.

Conner, William D., and J. S. Nader, Air Sampling with Plastic Bags, Journal of the American Industrial Hygiene Association, 25:291–297, May–June 1964.

Devorkin, Howard, et al., Air Pollution Source Testing Manual, Air Pollution Control District, Los Angeles, Calif., November 1963.

METHOD 4—DETERMINATION OF MOISTURE IN STACK GASES

1. *Principle and applicability.*

1.1 Principle. Moisture is removed from the gas stream, condensed, and determined volumetrically.

1.2 Applicability. This method is applicable for the determination of moisture in stack gas only when specified by test procedures for determining compliance with New Source Performance Standards. This method does not apply when liquid droplets are present in the gas stream[1] and the moisture is subsequently used in the determination of stack gas molecular weight.

Other methods such as drying tubes, wet bulb-dry bulb techniques, and volumetric condensation techniques may be used.

2. *Apparatus.*

2.1 Probe—Stainless steel or Pyrex[2] glass sufficiently heated to prevent condensation and equipped with a filter to remove particulate matter.

2.2 Impingers—Two midget impingers, each with 30 ml. capacity, or equivalent.

2.3 Ice bath container—To condense moisture in impingers.

2.4 Silica gel tube (optional)—To protect pump and dry gas meter.

2.5 Needle valve—To regulate gas flow rate.

2.6 Pump—Leak-free, diaphragm type, or equivalent, to pull gas through train.

2.7 Dry gas meter—To measure to within 1% of the total sample volume.

2.8 Rotameter—To measure a flow range from 0 to 0.1 c.f.m.

2.9 Graduated cylinder—25 ml.

2.10 Barometer—Sufficient to read to within 0.1 inch Hg.

2.11 Pitot tube—Type S, or equivalent, attached to probe so that the sampling flow rate can be regulated proportional to the stack gas velocity when velocity is varying with time or a sample traverse is conducted.

3. *Procedure.*

3.1 Place exactly 5 ml. distilled water in each impinger. Assemble the apparatus without the probe as shown in Figure 4–1. Leak check by plugging the inlet to the first impinger and drawing a vacuum. Insure that flow through the dry gas meter is less than 1% of the sampling rate.

3.2 Connect the probe and sample at a constant rate of 0.075 c.f.m. or at a rate proportional to the stack gas velocity. Continue sampling until the dry gas meter registers 1 cubic foot or until visible liquid droplets are carried over from the first impinger to the second. Record temperature, pressure, and dry gas meter readings as required by Figure 4–2.

3.3 After collecting the sample, measure the volume increase to the nearest 0.5 ml.

4. *Calculations.*

4.1 Volume of water vapor collected.

$$V_{ws}=\frac{(V_f-V_i)\rho_{H_2O}RT_{std}}{P_{std}M_{H_2O}}=0.0474\frac{\text{ft.}^3}{\text{ml.}}(V_f-V_i) \qquad \text{equation 4–1}$$

where:

V_{wc} = Volume of water vapor collected (standard conditions), cu. ft.

V_f = Final volume of impinger contents, ml.

V_i = Initial volume of impinger contents, ml.

R = Ideal gas constant, 21.83 inches Hg—cu. ft./lb. mole-°R.

ρ_{H_2O} = Density of water, 1 g./ml.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

M_{H_2O} = Molecular weight of water, 18 lb./lb.-mole.

[1] If liquid droplets are present in the gas stream, assume the stream to be saturated, determine the average stack gas temperature by traversing according to Method 1, and use a psychrometric chart to obtain an approximation of the moisture percentage.

[2] Trade name.

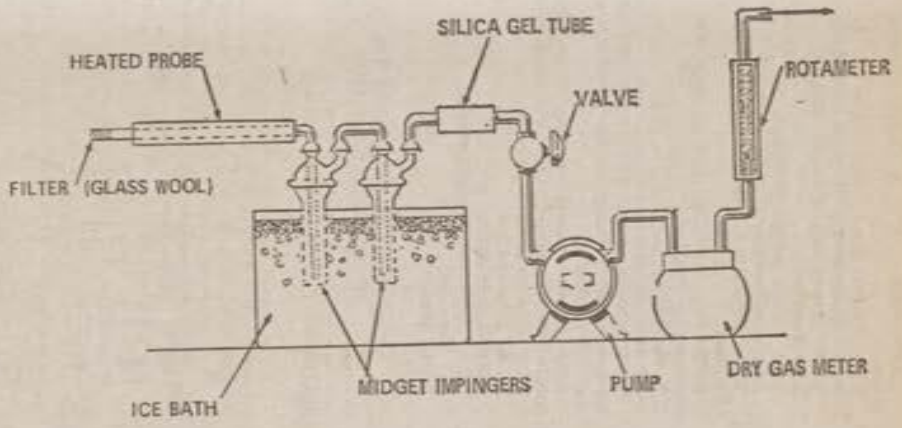

Figure 4-1. Moisture-sampling train.

LOCATION _____ COMMENTS

TEST _____

DATE _____

OPERATOR _____

BAROMETRIC PRESSURE _____

CLOCK TIME	GAS VOLUME THROUGH METER, (Vm), ft^3	ROTAMETER SETTING ft^3/min	METER TEMPERATURE, °F

Figure 4-2. Field moisture determination.

4.2 Gas volume.

$$V_{mc}=V_m\left(\frac{P_m}{P_{std}}\right)\left(\frac{T_{std}}{T_m}\right)=17.71\,\frac{^\circ R}{\text{in. Hg}}\left(\frac{V_m P_m}{T_m}\right) \quad \text{equation 4-2}$$

where:

V_{mc} = Dry gas volume through meter at standard conditions, cu. ft.
V_m = Dry gas volume measured by meter, cu. ft.
P_m = Barometric pressure at the dry gas meter, inches Hg.
P_{std} = Pressure at standard conditions, 29.92 inches Hg.
T_{std} = Absolute temperature at standard conditions, 530° R.
T_m = Absolute temperature at meter (°F + 460), °R.

4.3 Moisture content.

$$B_{wc}=\frac{V_{wc}}{V_{wc}+V_{mc}}+B_{wm}=\frac{V_{wc}}{V_{wc}+V_{mc}}+(0.025) \quad \text{equation 4-3}$$

where:

B_{wc} = Proportion by volume of water vapor in the gas stream, dimensionless.
V_{wc} = Volume of water vapor collected (standard conditions), cu. ft.
V_{mc} = Dry gas volume through meter (standard conditions), cu. ft.
B_{wm} = Approximate volumetric proportion of water vapor in the gas stream leaving the impingers, 0.025.

5. *References.*

Air Pollution Engineering Manual, Danielson, J. A. (ed.), U.S. DHEW, PHS, National Center for Air Pollution Control, Cincinnati, Ohio, PHS Publication No. 999-AP-40, 1967.

Devorkin, Howard, et al., Air Pollution Source Testing Manual, Air Pollution Control District, Los Angeles, Calif., November 1963.

Methods for Determination of Velocity, Volume, Dust and Mist Content of Gases, Western Precipitation Division of Joy Manufacturing Co., Los Angeles, Calif., Bulletin WP-50, 1968.

METHOD 5—DETERMINATION OF PARTICULATE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. Particulate matter is withdrawn isokinetically from the source and its weight is determined gravimetrically after removal of uncombined water.

1.2 Applicability. This method is applicable for the determination of particulate emissions from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling train. The design specifications of the particulate sampling train used by EPA (Figure 5-1) are described in APTD-0581. Commercial models of this train are available.

2.1.1 Nozzle—Stainless steel (316) with sharp, tapered leading edge.

2.1.2 Probe—Pyrex[1] glass with a heating system capable of maintaining a minimum gas temperature of 250° F. at the exit end during sampling to prevent condensation from occurring. When length limitations (greater than about 8 ft.) are encountered at temperatures less than 600° F., Incoloy 825[1], or equivalent, may be used. Probes for sampling gas streams at temperatures in excess of 600° F. must have been approved by the Administrator.

2.1.3 Pitot tube—Type S, or equivalent, attached to probe to monitor stack gas velocity.

2.1.4 Filter Holder—Pyrex[1] glass with heating system capable of maintaining minimum temperature of 225° F.

2.1.5 Impingers / Condenser—Four impingers connected in series with glass ball joint fittings. The first, third, and fourth impingers are of the Greenburg-Smith design, modified by replacing the tip with a ½-inch ID glass tube extending to one-half inch from the bottom of the flask. The second impinger is of the Greenburg-Smith design with the standard tip. A condenser may be used in place of the impingers provided that the moisture content of the stack gas can still be determined.

2.1.6 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 5° F., dry gas meter with 2% accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume.

2.1.7 Barometer—To measure atmospheric pressure to ±0.1 inches Hg.

2.2 Sample recovery.

2.2.1 Probe brush—At least as long as probe.

2.2.2 Glass wash bottles—Two.

2.2.3 Glass sample storage containers.

2.2.4 Graduated cylinder—250 ml.

2.3 Analysis.

2.3.1 Glass weighing dishes.

2.3.2 Desiccator.

2.3.3 Analytical balance—To measure to ±0.1 mg.

2.3.4 Trip balance—300 g. capacity, to measure to ±0.05 g.

3. *Reagents.*

3.1 Sampling.

3.1.1 Filters—Glass fiber, MSA 1106 BH[1], or equivalent, numbered for identification and preweighed.

3.1.2 Silica gel—Indicating type, 6-16 mesh, dried at 175° C. (350° F.) for 2 hours.

3.1.3 Water.

3.1.4 Crushed ice.

3.2 Sample recovery.

3.2.1 Acetone—Reagent grade.

3.3 Analysis.

3.3.1 Water.

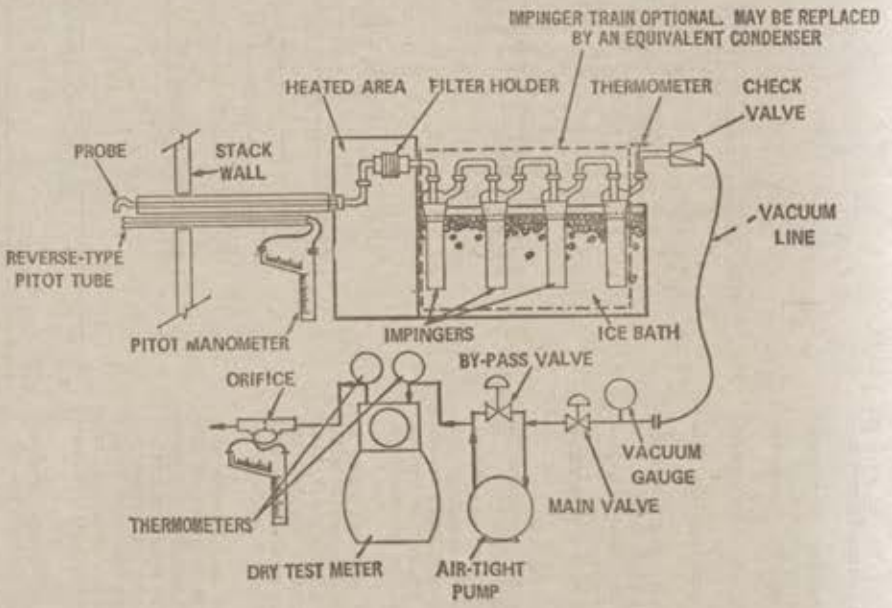

Figure 5-1. Particulate-sampling train.

3.3.2 Desiccant—Drierite,[2] indicating.

4. *Procedure.*

4.1 Sampling

4.1.1 After selecting the sampling site and the minimum number of sampling points, determine the stack pressure, temperature, moisture, and range of velocity head.

4.1.2 Preparation of collection train. Weigh to the nearest gram approximately 200 g. of silica gel. Label a filter of proper diameter, desiccate[2] for at least 24 hours and weigh to the nearest 0.5 mg. in a room where the relative humidity is less than 50%. Place 100 ml. of water in each of the first two impingers, leave the third impinger empty, and place approximately 200 g. of preweighed silica gel in the fourth impinger. Set up the train without the probe as in Figure 5-1. Leak check the sampling train at the sampling site by plugging up the inlet to the filter holder and pulling a 15 in. Hg vacuum. A leakage rate not in excess of 0.02 c.f.m. at a vacuum of 15 in. Hg is acceptable. Attach the probe and adjust the heater to provide a gas temperature of about 250° F. at the probe outlet. Turn on the filter heating system. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger as low as possible and preferably at 70° F. or less. Temperatures above 70° F. may result in damage to the dry gas meter from either moisture condensation or excessive heat.

4.1.3 Particulate train operation. For each run, record the data required on the example sheet shown in Figure 5-2. Take readings at each sampling point, at least every 5 minutes, and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Immediately start the pump and adjust the flow to isokinetic conditions. Sample for at least 5 minutes at each traverse point; sampling time must be the same for each point. Maintain isokinetic sampling throughout the sampling period. Nomographs are available which aid in the rapid adjustment of the sampling rate without other computations. APTD-0576 details the procedure for using these nomographs. Turn off the pump at the conclusion of each run and record the final readings. Remove the probe and nozzle from the stack and handle in accordance with the sample recovery process described in section 4.2.

[1] Trade name.

[2] Dry using Drierite[1] at 70° F. ± 10° F.

PLANT_____
LOCATION_____
OPERATOR_____
DATE_____
RUN NO._____
SAMPLE BOX NO._____
METER BOX NO._____
METER $\Delta H_@$_____
C FACTOR_____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE_____
BAROMETRIC PRESSURE_____
ASSUMED MOISTURE, %_____
HEATER BOX SETTING_____
PROBE LENGTH, m_____
NOZZLE DIAMETER, in._____
PROBE HEATER SETTING_____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE (P_g), in. Hg	STACK TEMPERATURE (T_s), °F	VELOCITY HEAD (ΔP),	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER (ΔH), in. H_2O	GAS SAMPLE VOLUME (Vm), ft^3	GAS SAMPLE TEMPERATURE AT DRY GAS METER		SAMPLE BOX TEMPERATURE, °F	TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °F
							INLET ($T_{m_{in}}$), °F	OUTLET ($T_{m_{out}}$), °F		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

Figure 5-2. Particulate field data.

4.2 Sample recovery. Exercise care in moving the collection train from the test site to the sample recovery area to minimize the loss of collected sample or the gain of extraneous particulate matter. Set aside a portion of the acetone used in the sample recovery as a blank for analysis. Measure the volume of water from the first three impingers, then discard. Place the samples in containers as follows:

Container No. 1. Remove the filter from its holder, place in this container, and seal.

Container No. 2. Place loose particulate matter and acetone washings from all sample-exposed surfaces prior to the filter in this container and seal. Use a razor blade, brush, or rubber policeman to lose adhering particles.

Container No. 3. Transfer the silica gel from the fourth impinger to the original container and seal. Use a rubber policeman as an aid in removing silica gel from the impinger.

4.3 Analysis. Record the data required on the example sheet shown in Figure 5-3. Handle each sample container as follows:

Container No. 1. Transfer the filter and any loose particulate matter from the sample container to a tared glass weighing dish, desiccate, and dry to a constant weight. Report results to the nearest 0.5 mg.

Container No. 2. Transfer the acetone washings to a tared beaker and evaporate to dryness at ambient temperature and pressure. Desiccate and dry to a constant weight. Report results to the nearest 0.5 mg.

Container No. 3. Weigh the spent silica gel and report to the nearest gram.

5. *Calibration.*

Use methods and equipment which have been approved by the Administrator to calibrate the orifice meter, pitot tube, dry gas meter, and probe heater. Recalibrate after each test series.

6. *Calculations.*

6.1 Average dry gas meter temperature and average orifice pressure drop. See data sheet (Figure 5-2).

6.2 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F., 29.92 inches Hg) by using Equation 5-1.

$$V_{m_{std}} = V_m\left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{P_{std}}\right) = \left(17.71\ \frac{°R}{\text{in. Hg}}\right)V_m\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{T_m}\right)$$

equation 5-1

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, inches Hg.

ΔH = Average pressure drop across the orifice meter, inches H_2O.

13.6 = Specific gravity of mercury.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

6.3 Volume of water vapor.

$$V_{w_{std}} = V_{l_c}\left(\frac{\rho_{H_2O}}{M_{H_2O}}\right)\left(\frac{RT_{std}}{P_{std}}\right) = \left(0.0474\ \frac{\text{cu. ft.}}{\text{ml.}}\right)V_{l_c}$$

equation 5-2

where:

$V_{w_{std}}$ = Volume of water vapor in the gas sample (standard conditions), cu. ft.

V_{l_c} = Total volume of liquid collected in impingers and silica gel (see Figure 5-3), ml.

ρ_{H_2O} = Density of water, 1 g./ml.

M_{H_2O} = Molecular weight of water, 18 lb./lb.-mole.

R = Ideal gas constant, 21.83 inches Hg—cu. ft./lb.-mole-°R.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

6.4 Moisture content.

$$B_{ws} = \frac{V_{w_{std}}}{V_{m_{std}} + V_{w_{std}}}$$

equation 5-3

where:

B_{ws} = Proportion by volume of water vapor in the gas stream, dimensionless.

$V_{w_{std}}$ = Volume of water in the gas sample (standard conditions), cu. ft.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

6.5 Total particulate weight. Determine the total particulate catch from the sum of the weights on the analysis data sheet (Figure 5-3).

6.6 Concentration.

6.6.1 Concentration in gr./s.c.f.

$$c'_s = \left(0.0154\ \frac{\text{gr.}}{\text{mg.}}\right)\left(\frac{M_n}{V_{m_{std}}}\right)$$

equation 5-4

where:

c'_s = Concentration of particulate matter in stack gas, gr./s.c.f., dry basis.

M_n = Total amount of particulate matter collected, mg.

$V_{m_{std}}$ = Volume of gas sample through dry gas meter (standard conditions), cu. ft.

PLANT _____

DATE _____

RUN NO. _____

CONTAINER NUMBER	WEIGHT OF PARTICULATE COLLECTED, mg		
	FINAL WEIGHT	TARE WEIGHT	WEIGHT GAIN
1			
2			
TOTAL			

	VOLUME OF LIQUID WATER COLLECTED		
	IMPINGER VOLUME, ml	SILICA GEL WEIGHT, g	
FINAL			
INITIAL			
LIQUID COLLECTED			
TOTAL VOLUME COLLECTED		g*	ml

CONVERT WEIGHT OF WATER TO VOLUME BY DIVIDING TOTAL WEIGHT INCREASE BY DENSITY OF WATER. (1 g ml):

$$\frac{\text{INCREASE, g}}{(1\ \text{g/ml})} = \text{VOLUME WATER, ml}$$

Figure 5-3. Analytical data.

6.6.2 Concentration in lb./cu. ft.

$$c_s = \frac{\left(\frac{1}{453{,}600}\ \frac{\text{lb.}}{\text{mg.}}\right) M_n}{V_{m_{std}}} = 2.205 \times 10^{-3} \frac{M_n}{V_{m_{std}}} \qquad \text{equation 5-5}$$

where:

c_s = Concentration of particulate matter in stack gas, lb./s.c.f., dry basis.

453,600 = Mg/lb.

M_n = Total amount of particulate matter collected, mg.

$V_{m_{std}}$ = Volume of gas sample through dry gas meter (standard conditions), cu. ft.

6.7 Isokinetic variation.

$$I = \frac{T_s\left[\frac{V_{l_c}(\rho_{H_2O})R}{M_{H_2O}} + \frac{V_m}{T_m}\left(P_{bar} + \frac{\Delta H}{13.6}\right)\right]}{\theta V_s P_s A_n} \times 100$$

$$= \frac{\left(1.667\ \frac{\text{min.}}{\text{sec.}}\right)\left[\left(0.00267\ \frac{\text{in. Hg-cu. ft.}}{\text{ml.-°R}}\right)V_{l_c} + \frac{V_m}{T_m}\left(P_{bar} + \frac{\Delta H}{13.6}\right)\right]}{\theta V_s P_s A_n} \qquad \text{Equation 5-6}$$

where:

I = Percent of isokinetic sampling.

V_{l_c} = Total volume of liquid collected in impingers and silica gel (See Fig. 5-3), ml.

ρ_{H_2O} = Density of water, 1 g./ml.

R = Ideal gas constant, 21.83 inches Hg-cu. ft./lb. mole-°R.

M_{H_2O} = Molecular weight of water, 18 lb./lb.-mole.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_m = Absolute average dry gas meter temperature (see Figure 5-2), °R.

P_{bar} = Barometric pressure at sampling site, inches Hg.

ΔH = Average pressure drop across the orifice (see Fig. 5-2), inches H_2O.

T_s = Absolute average stack gas temperature (see Fig. 5-2), °R.

θ = Total sampling time, min.

V_s = Stack gas velocity calculated by Method 2, Equation 2-2, ft./sec.

P_s = Absolute stack gas pressure, inches Hg.

A_n = Cross-sectional area of nozzle, sq. ft.

6.8 Acceptable results. The following range sets the limit on acceptable isokinetic sampling results:

If $90\% \leq I \leq 110\%$, the results are acceptable, otherwise, reject the results and repeat the test.

7. *Reference.*

Addendum to Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, Dec. 6, 1967.

Martin, Robert M., Construction Details of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD-0581.

Rom, Jerome J., Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, Environmental Protection Agency, APTD-0576.

Smith, W. S., R. T. Shigehara, and W. F. Todd, A Method of Interpreting Stack Sampling Data, Paper presented at the 63d Annual Meeting of the Air Pollution Control Association, St. Louis, Mo., June 14-19, 1970.

Smith, W. S., et al., Stack Gas Sampling Improved and Simplified with New Equipment, APCA paper No. 67-119, 1967.

Specifications for Incinerator Testing at Federal Facilities, PHS, NCAPC, 1967.

METHOD 6—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A gas sample is extracted from the sampling point in the stack. The acid mist, including sulfur trioxide, is separated from the sulfur dioxide. The sulfur dioxide fraction is measured by the barium-thorin titration method.

1.2 Applicability. This method is applicable for the determination of sulfur dioxide emissions from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 6-1.

2.1.1 Probe—Pyrex[1] glass, approximately 5 to 6 mm. ID, with a heating system to prevent condensation and a filtering medium to remove particulate matter including sulfuric acid mist.

2.1.2 Midget bubbler—One, with glass wool packed in top to prevent sulfuric acid mist carryover.

2.1.3 Glass wool.

2.1.4 Midget impingers—Three.

2.1.5 Drying tube—Packed with 6 to 16 mesh indicating-type silica gel, or equivalent, to dry the sample.

2.1.6 Valve—Needle valve, or equivalent, to adjust flow rate.

2.1.7 Pump—Leak-free, vacuum type.

2.1.8 Rate meter—Rotameter or equivalent, to measure a 0-10 s.c.f.h. flow range.

2.1.9 Dry gas meter—Sufficiently accurate to measure the sample volume within 1%.

2.1.10 Pitot tube—Type S, or equivalent,

[1] Trade names.

necessary only if a sample traverse is required, or if stack gas velocity varies with time.

2.2 Sample recovery.

2.2.1 Glass wash bottles—Two.

2.2.2 Polyethylene storage bottles—To store impinger samples.

2.3 Analysis.

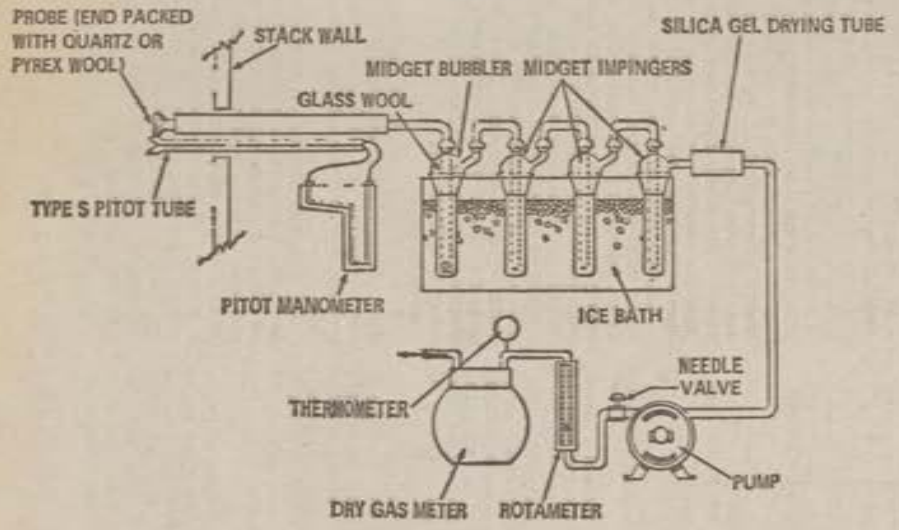

Figure 6-1. SO_2 sampling train.

2.3.1 Pipettes—Transfer type, 5 ml. and 10 ml. sizes (0.1 ml. divisions) and 25 ml. size (0.2 ml. divisions).

2.3.2 Volumetric flasks—50 ml., 100 ml., and 1,000 ml.

2.3.3 Burettes—5 ml. and 50 ml.

2.3.4 Erlenmeyer flask—125 ml.

3. *Reagents.*

3.1 Sampling.

3.1.1 Water—Deionized, distilled.

3.1.2 Isopropanol, 80%—Mix 80 ml. of isopropanol with 20 ml. of distilled water.

3.1.3 Hydrogen peroxide, 3%—dilute 100 ml. of 30% hydrogen peroxide to 1 liter with distilled water. Prepare fresh daily.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled.

3.2.2 Isopropanol, 80%.

3.3 Analysis.

3.3.1 Water—Deionized, distilled.

3.3.2 Isopropanol.

3.3.3 Thorin indicator—1-(o-arsonophenylazo)-2-naphthol-3,6-disulfonic acid, disodium salt (or equivalent). Dissolve 0.20 g. in 100 ml. distilled water.

3.3.4 Barium perchlorate (0.01 *N*)—Dissolve 1.95 g. of barium perchlorate [$Ba(ClO_4)_2 \cdot 3H_2O$] in 200 ml. distilled water and dilute to 1 liter with isopropanol. Standardize with sulfuric acid. Barium chloride may be used.

3.3.5 Sulfuric acid standard (0.01 *N*)—Purchase or standardize to ±0.0002 *N* against 0.01N NaOH which has previously been standardized against potassium acid phthalate (primary standard grade).

4. *Procedure.*

4.1 Sampling.

4.1.1 Preparation of collection train. Pour 15 ml. of 80% isopropanol into the midget bubbler and 15 ml. of 3% hydrogen peroxide into each of the first two midget impingers. Leave the final midget impinger dry. Assemble the train as shown in Figure 6-1. Leak check the sampling train at the sampling site by plugging the probe inlet and pulling a 10 inches Hg vacuum. A leakage rate not in excess of 1% of the sampling rate is acceptable. Carefully release the probe inlet plug and turn off the pump. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 70° F. or less.

4.1.2 Sample collection. Adjust the sample flow rate proportional to the stack gas velocity. Take readings at least every five minutes and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the tip of the probe at the first sampling point and start the pump. Sample proportionally throughout the run. At the conclusion of each run, turn off the pump and record the final readings. Remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes.

4.2 Sample recovery. Disconnect the impingers after purging. Discard the contents of the midget bubbler. Pour the contents of the midget impingers into a polyethylene shipment bottle. Rinse the three midget impingers and the connecting tubes with distilled water and add these washings to the same storage container.

4.3 Sample analysis. Transfer the contents of the storage container to a 50 ml. volumetric flask. Dilute to the mark with deionized, distilled water. Pipette a 10 ml. aliquot of this solution into a 125 ml. Erlenmeyer flask. Add 40 ml. of isopropanol and two to four drops of thorin indicator. Titrate to a pink endpoint using 0.01 *N* barium perchlorate. Run a blank with each series of samples.

5. *Calibration.*

5.1 Use standard methods and equipment which have been approved by the Administrator to calibrate the rotameter, pitot tube, dry gas meter, and probe heater.

5.2 Standardize the barium perchlorate against 25 ml. of standard sulfuric acid containing 100 ml. of isopropanol.

6. *Calculations.*

6.1 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F. and 29.92 inches Hg) by using equation 6-1.

$$V_{m_{std}} = V_m \left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}}{P_{std}}\right) = 17.71 \frac{^\circ R}{\text{in. Hg}} \left(\frac{V_m P_{bar}}{T_m}\right) \quad \text{equation 6-1}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, inches Hg.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

6.2 Sulfur dioxide concentration.

$$C_{SO_2} = \left(7.05 \times 10^{-2} \frac{\text{lb.-l.}}{\text{g.-ml.}}\right) \frac{(V_t - V_{tb}) N \left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}} \quad \text{equation 6-2}$$

where:

C_{SO_2} = Concentration of sulfur dioxide at standard conditions, dry basis, lb./cu. ft.

7.05×10^{-2} = Conversion factor, including the number of grams per gram equivalent of sulfur dioxide (32 g./g.-eq.), 453.6 g./lb., and 1,000 ml./l., lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml.

N = Normality of barium perchlorate titrant, g.-eq./l.

V_{soln} = Total solution volume of sulfur dioxide, 50 ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft., see Equation 6-1.

7. *References.*

Atmospheric Emissions from Sulfuric Acid Manufacturing Processes. U.S. DHEW, PHS, Division of Air Pollution, Public Health Service Publication No. 999-AP-13, Cincinnati, Ohio, 1965.

Corbett, P. F., The Determination of SO_2 and SO_3 in Flue Gases, Journal of the Institute of Fuel, 24:237-243, 1961.

Matty, R. E. and E. K. Diehl, Measuring Flue-Gas SO_2 and SO_3, Power *101*:94-97, November, 1957.

Patton, W. F. and J. A. Brink, Jr., New Equipment and Techniques for Sampling Chemical Process Gases, J. Air Pollution Control Association, *13*, 162 (1963).

METHOD 7—DETERMINATION OF NITROGEN OXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A grab sample is collected in an evacuated flask containing a dilute sulfuric acid-hydrogen peroxide absorbing solution, and the nitrogen oxides, except

nitrous oxide, are measure colorimetrically using the phenoldisulfonic acid (PDS) procedure.

1.2 Applicability. This method is applicable for the measurement of nitrogen oxides from stationary sources only when specified by the test procedures for determining compliance with New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 7-1.

2.1.1 Probe—Pyrex[1] glass, heated, with filter to remove particulate matter. Heating is unnecessary if the probe remains dry during the purging period.

2.1.2 Collection flask—Two-liter, Pyrex,[1] round bottom with short neck and 24/40 standard taper opening, protected against implosion or breakage.

[1] Trade name.

2.1.3 Flask valve—T-bore stopcock connected to a 24/40 standard taper joint.

2.1.4 Temperature gauge—Dial-type thermometer, or equivalent, capable of measuring 2° F. intervals from 25° to 125° F.

2.1.5 Vacuum line—Tubing capable of withstanding a vacuum of 3 inches Hg absolute pressure, with "T" connection and T-bore stopcock, or equivalent.

2.1.6 Pressure gauge—U-tube manometer, 36 inches, with 0.1-inch divisions, or equivalent.

2.1.7 Pump—Capable of producing a vacuum of 3 inches Hg absolute pressure.

2.1.8 Squeeze bulb—One way.

2.2 Sample recovery.

2.2.1 Pipette or dropper.

2.2.2 Glass storage containers—Cushioned for shipping.

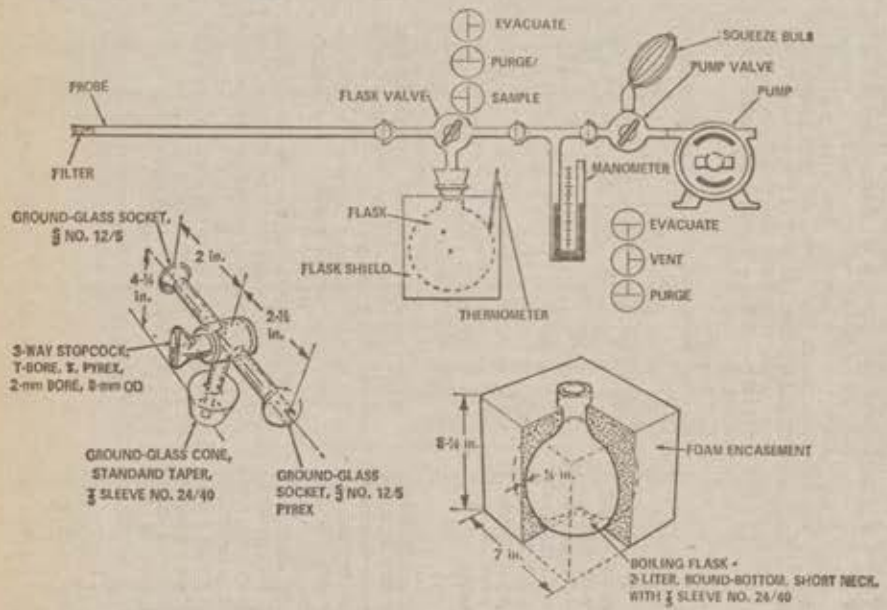

Figure 7-1. Sampling train, flask valve, and flask.

2.2.3 Glass wash bottle.

2.3 Analysis.

2.3.1 Steam bath.

2.3.2 Beakers or casseroles—250 ml., one for each sample and standard (blank).

2.3.3 Volumetric pipettes—1, 2, and 10 ml.

2.3.4 Transfer pipette—10 ml. with 0.1 ml. divisions.

2.3.5 Volumetric flask—100 ml., one for each sample, and 1,000 ml. for the standard (blank).

2.3.6 Spectrophotometer—To measure absorbance at 420 nm.

2.3.7 Graduated cylinder—100 ml. with 1.0 ml. divisions.

2.3.8 Analytical balance—To measure to 0.1 mg.

3. *Reagents.*

3.1 Sampling.

3.1.1 Absorbing solution—Add 2.8 ml. of concentrated H_2SO_4 to 1 liter of distilled water. Mix well and add 6 ml. of 3 percent hydrogen peroxide. Prepare a fresh solution weekly and do not expose to extreme heat or direct sunlight.

3.2 Sample recovery.

3.2.1 Sodium hydroxide (1*N*)—Dissolve 40 g. NaOH in distilled water and dilute to 1 liter.

3.2.2 Red litmus paper.

3.2.3 Water—Deionized, distilled.

3.3 Analysis.

3.3.1 Fuming sulfuric acid—15 to 18% by weight free sulfur trioxide.

3.3.2 Phenol—White solid reagent grade.

3.3.3 Sulfuric acid—Concentrated reagent grade.

3.3.4 Standard solution—Dissolve 0.5495 g. potassium nitrate (KNO_3) in distilled water and dilute to 1 liter. For the working standard solution, dilute 10 ml. of the resulting solution to 100 ml. with distilled water. One ml. of the working standard solution is equivalent to 25 μg. nitrogen dioxide.

3.3.5 Water—Deionized, distilled.

3.3.6 Phenoldisulfonic acid solution—Dissolve 25 g. of pure white phenol in 150 ml. concentrated sulfuric acid on a steam bath. Cool, add 75 ml. fuming sulfuric acid, and heat at 100° C. for 2 hours. Store in a dark, stoppered bottle.

4. *Procedure.*

4.1 Sampling.

4.1.1 Pipette 25 ml. of absorbing solution into a sample flask. Insert the flask valve stopper into the flask with the valve in the "purge" position. Assemble the sampling train as shown in Figure 7-1 and place the probe at the sampling point. Turn the flask valve and the pump valve to their "evacuate" positions. Evacuate the flask to at least 3 inches Hg absolute pressure. Turn the pump valve to its "vent" position and turn off the pump. Check the manometer for any fluctuation in the mercury level. If there is a visible change over the span of one minute, check for leaks. Record the initial volume, temperature, and barometric pressure. Turn the flask valve to its "purge" position, and then do the same with the pump valve. Purge the probe and the vacuum tube using the squeeze bulb. If condensation occurs in the probe and flask valve area, heat the probe and purge until the condensation disappears. Then turn the pump valve to its "vent" position. Turn the flask valve to its "sample" position and allow sample to enter the flask for about 15 seconds. After collecting the sample, turn the flask valve to its "purge" position and disconnect the flask from the sampling train. Shake the flask for 5 minutes.

4.2 Sample recovery.

4.2.1 Let the flask set for a minimum of 16 hours and then shake the contents for 2 minutes. Connect the flask to a mercury filled U-tube manometer, open the valve from the flask to the manometer, and record the flask pressure and temperature along with the barometric pressure. Transfer the flask contents to a container for shipment or to a 250 ml. beaker for analysis. Rinse the flask with two portions of distilled water (approximately 10 ml.) and add rinse water to the sample. For a blank use 25 ml. of absorbing solution and the same volume of distilled water as used in rinsing the flask. Prior to shipping or analysis, add sodium hydroxide (1*N*) dropwise into both the sample and the blank until alkaline to litmus paper (about 25 to 35 drops in each).

4.3 Analysis.

4.3.1 If the sample has been shipped in a container, transfer the contents to a 250 ml. beaker using a small amount of distilled water. Evaporate the solution to dryness on a steam bath and then cool. Add 2 ml. phenoldisulfonic acid solution to the dried residue and triturate thoroughly with a glass rod. Make sure the solution contacts all the residue. Add 1 ml. distilled water and four drops of concentrated sulfuric acid. Heat the solution on a steam bath for 3 minutes with occasional stirring. Cool, add 20 ml. distilled water, mix well by stirring, and add concentrated ammonium hydroxide dropwise with constant stirring until alkaline to litmus paper. Transfer the solution to a 100 ml. volumetric flask and wash the beaker three times with 4 to 5 ml. portions of distilled water. Dilute to the mark and mix thoroughly. If the sample contains solids, transfer a portion of the solution to a clean, dry centrifuge tube, and centrifuge, or filter a portion of the solution. Measure the absorbance of each sample at 420 nm. using the blank solution as a zero. Dilute the sample and the blank with a suitable amount of distilled water if absorbance falls outside the range of calibration.

5. *Calibration.*

5.1 Flask volume. Assemble the flask and flask valve and fill with water to the stopcock. Measure the volume of water to ±10 ml. Number and record the volume on the flask.

5.2 Spectrophotometer. Add 0.0 to 16.0 ml. of standard solution to a series of beakers. To each beaker add 25 ml. of absorbing solution and add sodium hydroxide (1*N*) dropwise until alkaline to litmus paper (about 25 to 35 drops). Follow the analysis procedure of section 4.3 to collect enough data to draw a calibration curve of concentration in μg. NO_2 per sample versus absorbance.

6. *Calculations.*

6.1 Sample volume.

$$V_{sc}=\frac{T_{std}(V_f-V_s)}{P_{std}}\left(\frac{P_f}{T_f}-\frac{P_i}{T_i}\right)=\left(17.71\ \frac{°R}{\text{in. Hg}}\right)(V_f-25\text{ ml.})\left(\frac{P_f}{T_f}-\frac{P_i}{T_i}\right)\quad\text{Equation 7-1}$$

where:

V_{sc} = Sample volume at standard conditions (dry basis), ml.

T_{std} = Absolute temperature at standard conditions, 530° R.

P_{std} = Pressure at standard conditions, 29.92 inches Hg.

V_f = Volume of flask and valve, ml.

V_s = Volume of absorbing solution, 25 ml.

P_f = Final absolute pressure of flask, inches Hg.

P_i = Initial absolute pressure of flask, inches Hg.

T_f = Final absolute temperature of flask, °R.

T_i = Initial absolute temperature of flask, °R.

6.3 Sample concentration. Read μg. NO_2 for each sample from the plot of μg. NO_2 versus absorbance.

$$C=\left(\frac{m}{V_{sc}}\right)\left(\frac{1\text{ lb.}}{\text{cu. ft.}}\Big/1.6\times10^{6}\frac{\mu\text{g.}}{\text{ml.}}\right)=\left(6.2\times10^{-5}\frac{\text{lb./s.c.f.}}{\mu\text{g./ml.}}\right)\left(\frac{m}{V_{sc}}\right)\quad\text{equation 7-2}$$

where:

C = Concentration of NO_x as NO_2 (dry basis), lb./s.c.f.

m = Mass of NO_2 in gas sample, μg.

V_{sc} = Sample volume at standard conditions (dry basis), ml.

7. *References.*

Standard Methods of Chemical Analysis. 6th ed. New York, D. Van Nostrand Co., Inc., 1962, vol. 1, p. 329–330.

Standard Method of Test for Oxides of Nitrogen in Gaseous Combustion Products (Phenoldisulfonic Acid Procedure), In: 1968 Book of ASTM Standards, Part 23, Philadelphia, Pa. 1968, ASTM Designation D–1608–60, p. 725–729.

Jacob, M. B., The Chemical Analysis of Air Pollutants, New York, N.Y., Interscience Publishers, Inc., 1960, vol. 10, p. 351–356.

METHOD 8—DETERMINATION OF SULFURIC ACID MIST AND SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. A gas sample is extracted from a sampling point in the stack and the acid mist including sulfur trioxide is separated from sulfur dioxide. Both fractions are measured separately by the barium-thorin titration method.

1.2 Applicability. This method is applicable to determination of sulfuric acid mist (including sulfur trioxide) and sulfur dioxide from stationary sources only when specified by the test procedures for determining compliance with the New Source Performance Standards.

2. *Apparatus.*

2.1 Sampling. See Figure 8–1. Many of the design specifications of this sampling train are described in APTD–0581.

2.1.1 Nozzle—Stainless steel (316) with sharp, tapered leading edge.

2.1.2 Probe—Pyrex[1] glass with a heating system to prevent visible condensation during sampling.

2.1.3 Pitot tube—Type S, or equivalent, attached to probe to monitor stack gas velocity.

2.1.4 Filter holder—Pyrex[1] glass.

2.1.5 Impingers—Four as shown in Figure 8–1. The first and third are of the Greenburg-Smith design with standard tip. The second and fourth are of the Greenburg-Smith design, modified by replacing the standard tip with a ½-inch ID glass tube extending to one-half inch from the bottom of the impinger flask. Similar collection systems, which have been approved by the Administrator, may be used.

2.1.6 Metering system—Vacuum gauge, leak-free pump, thermometers capable of measuring temperature to within 5° F., dry gas meter with 2% accuracy, and related equipment, or equivalent, as required to maintain an isokinetic sampling rate and to determine sample volume.

2.1.7 Barometer—To measure atmospheric pressure to ±0.1 inch Hg.

[1] Trade name.

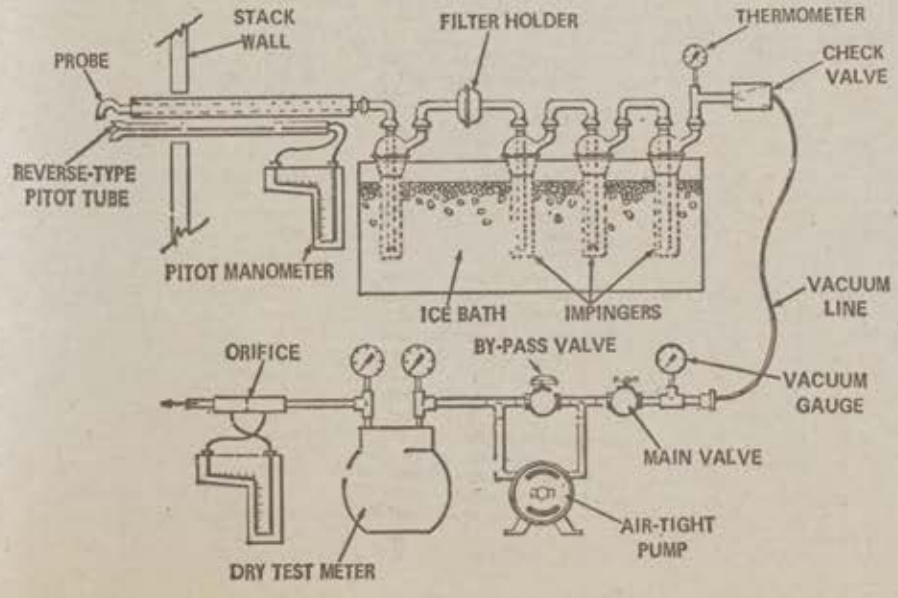

Figure 8-1. Sulfuric acid mist sampling train.

2.2 Sample recovery.

2.2.1 Wash bottles—Two.

2.2.2 Graduated cylinders—250 ml., 500 ml.

2.2.3 Glass sample storage containers.

2.2.4 Graduated cylinder—250 ml.

2.3 Analysis.

2.3.1 Pipette—25 ml., 100 ml.

2.3.2 Burette—50 ml.

2.3.3 Erlenmeyer flask—250 ml.

2.3.4 Graduated cylinder—100 ml.

2.3.5 Trip balance—300 g. capacity, to measure to ±0.05 g.

2.3.6 Dropping bottle—to add indicator solution.

3. *Reagents.*

3.1 Sampling.

3.1.1 Filters—Glass fiber, MSA type 1106 BH, or equivalent, of a suitable size to fit in the filter holder.

3.1.2 Silica gel—Indicating type, 6–16 mesh, dried at 175° C. (350° F.) for 2 hours.

3.1.3 Water—Deionized, distilled.

3.1.4 Isopropanol, 80%—Mix 800 ml. of isopropanol with 200 ml. of deionized, distilled water.

3.1.5 Hydrogen peroxide, 3%—Dilute 100 ml. of 30% hydrogen peroxide to 1 liter with deionized, distilled water.

3.1.6 Crushed ice.

3.2 Sample recovery.

3.2.1 Water—Deionized, distilled.

3.2.2 Isopropanol, 80%.

3.3 Analysis.

3.3.1 Water—Deionized, distilled.

3.3.2 Isopropanol.

3.3.3 Thorin indicator—1-(o-arsonophenylazo)-2-naphthol-3, 6-disulfonic acid, disodium salt (or equivalent). Dissolve 0.20 g. in 100 ml. distilled water.

3.3.4 Barium perchlorate (0.01*N*)—Dissolve 1.95 g. of barium perchlorate [$Ba(ClO_4)_2 \cdot 3\ H_2O$] in 200 ml. distilled water and dilute to 1 liter with isopropanol. Standardize with sulfuric acid.

3.3.5 Sulfuric acid standard (0.01*N*)—Purchase or standardize to ± 0.0002 *N* against 0.01 *N* NaOH which has previously been standardized against primary standard potassium acid phthalate.

4. *Procedure.*

4.1 Sampling.

4.1.1 After selecting the sampling site and the minimum number of sampling points, determine the stack pressure, temperature, moisture, and range of velocity head.

4.1.2 Preparation of collection train. Place 100 ml. of 80% isopropanol in the first impinger, 100 ml. of 3% hydrogen peroxide in both the second and third impingers, and about 200 g. of silica gel in the fourth impinger. Retain a portion of the reagents for use as blank solutions. Assemble the train without the probe as shown in Figure 8–1 with the filter between the first and second impingers. Leak check the sampling train at the sampling site by plugging the inlet to the first impinger and pulling a 15-inch Hg vacuum. A leakage rate not in excess of 0.02 c.f.m. at a vacuum of 15 inches Hg is acceptable. Attach the probe and turn on the probe heating system. Adjust the probe heater setting during sampling to prevent any visible condensation. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 70° F. or less.

4.1.3 Train operation. For each run, record the data required on the example sheet shown in Figure 8–2. Take readings at each sampling point at least every 5 minutes and when significant changes in stack conditions necessitate additional adjustments in flow rate. To begin sampling, position the nozzle at the first traverse point with the tip pointing directly into the gas stream. Start the pump and immediately adjust the flow to isokinetic conditions. Maintain isokinetic sampling throughout the sampling period. Nomographs are available which aid in the

rapid adjustment of the sampling rate without other computations. APTD–0576 details the procedure for using these nomographs. At the conclusion of each run, turn off the pump and record the final readings. Remove the probe from the stack and disconnect it from the train. Drain the ice bath and purge the remaining part of the train by drawing clean ambient air through the system for 15 minutes.

PLANT _____ AMBIENT TEMPERATURE _____
LOCATION _____ BAROMETRIC PRESSURE _____
OPERATOR _____ ASSUMED MOISTURE, % _____
DATE _____ HEATER BOX SETTING _____
RUN NO. _____ PROBE LENGTH, in. _____
SAMPLE BOX NO. _____ NOZZLE DIAMETER, in. _____
METER BOX NO. _____ PROBE HEATER SETTING _____
METER ΔH@ _____
C FACTOR _____

SCHEMATIC OF STACK CROSS SECTION

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	STATIC PRESSURE (P_s), in. Hg.	STACK TEMPERATURE (T_s), °F	VELOCITY HEAD (Δp), in. H_2O	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER (ΔH), in. H_2O	GAS SAMPLE VOLUME (V_m), ft^3	GAS SAMPLE TEMPERATURE AT DRY GAS METER: INLET ($T_{m_{in}}$), °F	GAS SAMPLE TEMPERATURE AT DRY GAS METER: OUTLET ($T_{m_{out}}$), °F	SAMPLE BOX TEMPERATURE, °F	IMPINGER TEMPERATURE, °F
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

Figure 5-2. Field data.

4.2 Sample recovery.

4.2.1 Transfer the isopropanol from the first impinger to a 250 ml. graduated cylinder. Rinse the probe, first impinger, and all connecting glassware before the filter with 80% isopropanol. Add the rinse solution to the cylinder. Dilute to 250 ml. with 80% isopropanol. Add the filter to the solution, mix, and transfer to a suitable storage container. Transfer the solution from the second and third impingers to a 500 ml. graduated cylinder. Rinse all glassware between the filter and silica gel impinger with deionized, distilled water and add this rinse water to the cylinder. Dilute to a volume of 500 ml. with deionized, distilled water. Transfer the solution to a suitable storage container.

4.3 Analysis.

4.3.1 Shake the container holding isopropanol and the filter. If the filter breaks up, allow the fragments to settle for a few minutes before removing a sample. Pipette a 100 ml. aliquot of sample into a 250 ml. Erlenmeyer flask and add 2 to 4 drops of thorin indicator. Titrate the sample with barium perchlorate to a pink end point. Make sure to record volumes. Repeat the titration with a second aliquot of sample. Shake the container holding the contents of the second and third impingers. Pipette a 25 ml. aliquot of sample into a 250 ml. Erlenmeyer flask. Add 100 ml. of isopropanol and 2 to 4 drops of thorin indicator. Titrate the sample with barium perchlorate to a pink end point. Repeat the titration with a second aliquot of sample. Titrate the blanks in the same manner as the samples.

5. *Calibration.*

5.1 Use standard methods and equipment which have been approved by the Administrator to calibrate the orifice meter, pitot tube, dry gas meter, and probe heater.

5.2 Standardize the barium perchlorate with 25 ml. of standard sulfuric acid containing 100 ml. of isopropanol.

6. *Calculations.*

6.1 Dry gas volume. Correct the sample volume measured by the dry gas meter to standard conditions (70° F., 29.92 inches Hg) by using Equation 8–1.

$$V_{m_{std}} = V_m\left(\frac{T_{std}}{T_m}\right)\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{P_{std}}\right) = \left(17.71\frac{°R}{\text{in. Hg}}\right)V_m\left(\frac{P_{bar}+\frac{\Delta H}{13.6}}{T_m}\right) \quad \text{equation 8–1}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft.

V_m = Volume of gas sample through the dry gas meter (meter conditions), cu. ft.

T_{std} = Absolute temperature at standard conditions, 530° R.

T_m = Average dry gas meter temperature, °R.

P_{bar} = Barometric pressure at the orifice meter, inches Hg.

ΔH = Pressure drop across the orifice meter, inches H_2O.

13.6 = Specific gravity of mercury.

P_{std} = Absolute pressure at standard conditions, 29.92 inches Hg.

6.2 Sulfuric acid concentration.

$$C_{H_2SO_4} = \left(1.08\times10^{-4}\frac{\text{lb.-l.}}{\text{g.-ml.}}\right)\frac{(V_t - V_{tb})(N)\left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}} \quad \text{equation 8–2}$$

$C_{H_2SO_4}$ = Concentration of sulfuric acid at standard conditions, dry basis, lb./cu. ft.

1.08×10^{-4} = Conversion factor including the number of grams per gram equivalent of sulfuric acid (49 g./g.-eq.), 453.6 g./lb., and 1,000 ml./l., lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml.

N = Normality of barium perchlorate titrant, g.-eq./l.

V_{soln} = Total solution volume of sulfuric acid (first impinger and filter), ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft., see Equation 8–1.

6.3 Sulfur dioxide concentration.

$$C_{SO_2} = \left(7.05\times10^{-5}\frac{\text{lb.-l.}}{\text{g.-ml.}}\right)\frac{(V_t - V_{tb})(N)\left(\frac{V_{soln}}{V_a}\right)}{V_{m_{std}}} \quad \text{equation 8–3}$$

where:

C_{SO_2} = Concentration of sulfur dioxide at standard conditions, dry basis, lb./cu. ft.

7.05×10^{-5} = Conversion factor including the number of grams per gram equivalent of sulfur dioxide (32 g./g.-eq.) 453.6 g./lb., and 1,000 ml./l., lb.-l./g.-ml.

V_t = Volume of barium perchlorate titrant used for the sample, ml.

V_{tb} = Volume of barium perchlorate titrant used for the blank, ml.

N = Normality of barium perchlorate titrant, g.-eq./l.

V_{soln} = Total solution volume of sulfur dioxide (second and third impingers), ml.

V_a = Volume of sample aliquot titrated, ml.

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), cu. ft., see Equation 8–1.

7. *References.*

Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, U.S. DHEW, PHS, Division of Air Pollution, Public Health Service Publication No. 999–AP–13, Cincinnati, Ohio, 1965.

Corbett, D. F., The Determination of SO_2 and SO_3 in Flue Gases, Journal of the Institute of Fuel, 24:237–243, 1961.

Martin, Robert M., Construction Details of Isokinetic Source Sampling Equipment, Environmental Protection Agency, Air Pollution Control Office Publication No. APTD–0581.

Patton, W. F., and J. A. Brink, Jr., New Equipment and Techniques for Sampling Chemical Process Gases, J. Air Pollution Control Assoc. 13, 162 (1963).

Rom, Jerome J., Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment, Environmental Protection Agency, Air Pollution Control Office Publication No. APTD–0576.

Shell Development Co. Analytical Department, Determination of Sulfur Dioxide and Sulfur Trioxide in Stack Gases, Emeryville Method Series, 4516/59a.

METHOD 9—VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. The relative opacity of an emission from a stationary source is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the relative opacity of visible emissions from stationary sources only when specified by test procedures for determining compliance with the New Source Performance Standards.

2. *Procedure.*

2.1 The qualified observer stands at approximately two stack heights, but not more than a quarter of a mile from the base of the stack with the sun to his back. From a vantage point perpendicular to the plume, the observer studies the point of greatest opacity in the plume. The data required in Figure 9–1 is recorded every 15 to 30 seconds to the nearest 5% opacity. A minimum of 25 readings is taken.

3. *Qualifications.*

3.1 To certify as an observer, a candidate must complete a smokereading course conducted by EPA, or equivalent; in order to certify the candidate must assign opacity readings in 5% increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15 percent on any one reading and an average error not to exceed 7.5 percent in each category. The smoke generator used to qualify the observers must be equipped with a calibrated smoke indicator or light transmission meter located in the source stack if the smoke generator is to determine the actual opacity of the emissions. All qualified observers must pass this test every 6 months in order to remain certified.

4. *Calculations.*

4.1 Determine the average opacity.

5. *References.*

Air Pollution Control District Rules and Regulations, Los Angeles County Air Pollution Control District, Chapter 2, Schedule 6, Regulation 4, Prohibition, Rule 50, 17 p.

Kudluk, Rudolf, Ringelmann Smoke Chart, U.S. Department of Interior, Bureau of Mines, Information Circular No. 8333, May 1967.

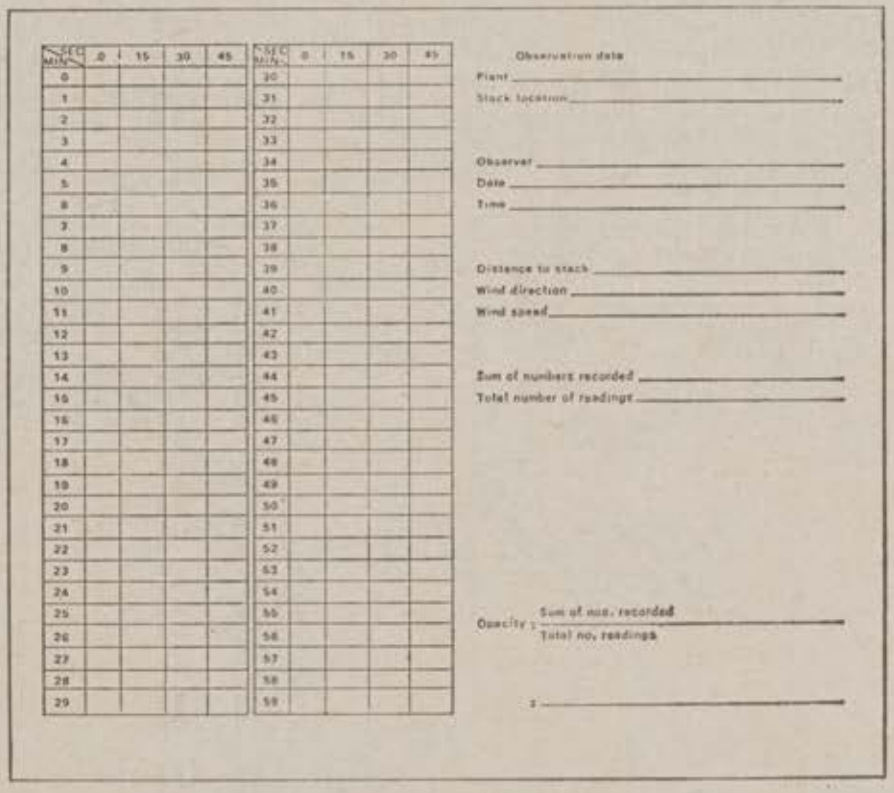

Figure 9-1. Field data.

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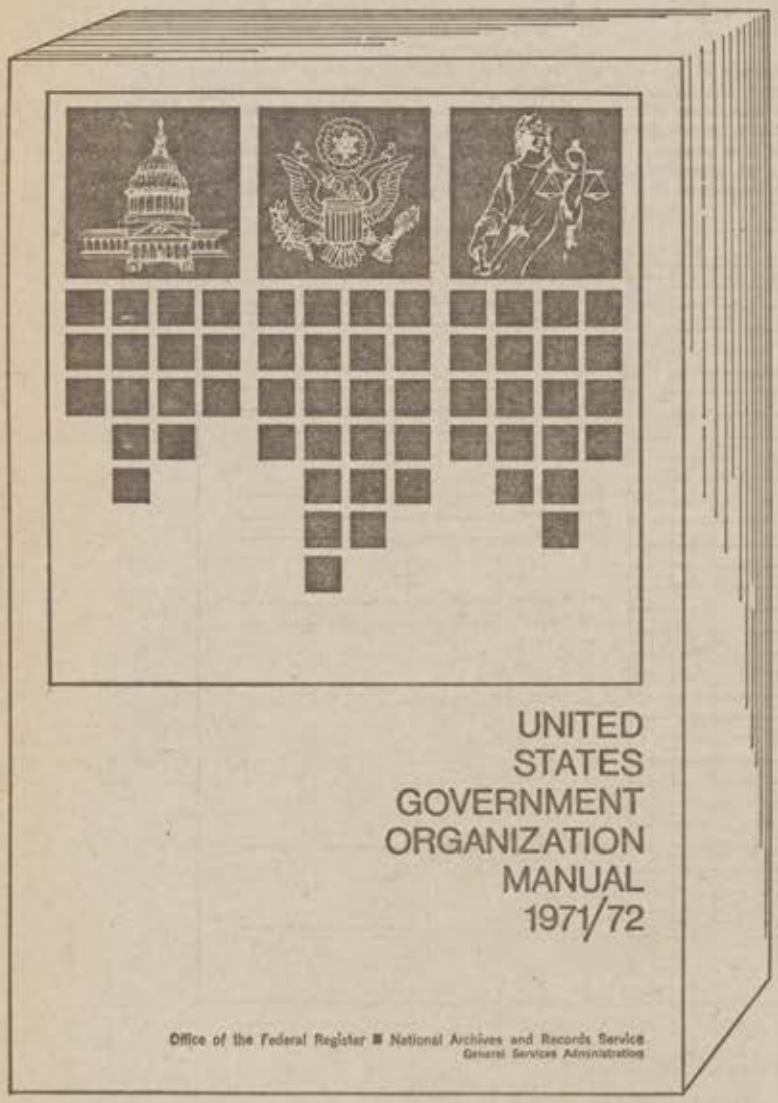

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