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PART I

(Part II begins on page 18151)



HIGHLIGHTS OF THIS ISSUE

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

ECONOMIC STABILIZATION—Price Comm.
amendment limits annual price increases for legal services to 2.5 percent..... 18082

MOTOR CARRIER SAFETY—DoT tightens accident reporting requirement for interstate commercial carriers..... 18078

BLACK LUNG PROVISIONS—
Labor Dept. amendment to require listing of States providing adequate coverage under workmen's compensation..... 18076
Labor Dept. proposed amendments relating to filing, processing, and settling of benefit claims (2 documents); comments by 9-20-72. 18084, 18169

FEDERAL ASSISTANCE—HEW lists percentage level of participation in State medical and child welfare services (2 documents)..... 18107

PROPOSED PROTOTYPE OIL SHALE LEASING PROGRAM—
Interior Dept. notice of availability of Draft Environmental Impact Statement..... 18098
Interior Dept. notice of public hearings on above statement; written comments by 10-23-72..... 18098

SAVINGS AND LOAN HOLDING COMPANIES—
FHLBB amendments relating to loans by insured subsidiaries, insured subsidiary transactions with affiliates, and holding company indebtedness..... 18073
FHLBB ruling interpreting term "service corporation"..... 18074

(Continued inside)

Now Available

LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

FROZEN SHRIMP —Commerce Dept. proposal to strengthen standards; comments within 30 days	18083
RAIL FREIGHT CHARGES —ICC proposes to require sufficient record maintenance to insure proper assessment; comments within 30 days	18085
DRUG EFFICACY REPORTS —FDA makes available previously unreleased NAS/NRC findings on human use drugs	18105

ENVIRONMENT —	
EPA lists impact statements and agency comments	18109
TVA notice of intent to issue statements on vector control program, transmission lines and substations	18123
COLORADO RIVER CONSERVATION —Interior Dept. extends water use requirements to Indian reservations and Federal establishments	18076

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Almonds grown in California; saleable, reserve, and export percentages for the 1972-73 crop year	18072
Tokay grapes grown in San Joaquin County, Calif.; expenses and rate of assessment	18072
Valencia oranges grown in Arizona and part of California; limitation of handling	18071

Proposed Rule Making

Inspection by variables; proposed U.S. standards; correction	18083
--	-------

Notices

Olives grown in California; order directing that a referendum be conducted; designation of referendum agents to conduct such referendum; determination of representative period	18099
---	-------

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Exotic Newcastle disease; and psittacosis or ornithosis in poultry; release of areas quarantined	18072
--	-------

ATOMIC ENERGY COMMISSION

Rules and Regulations

Procedures for review of certain nuclear reactors exempted from licensing requirements; codes and standards for nuclear power plants; correction	18073
--	-------

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

American Airlines, Inc., et al.	18108
Trans-Mediterranean Airways, S.A.L.	18108
U.S. Certificated Carriers	18108

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Department of Agriculture; correction	18071
Department of Housing and Urban Development	18071

COAST GUARD

Rules and Regulations

Back Bay of Biloxi, Miss.; drawbridge operation regulations	18076
---	-------

Proposed Rule Making

Atlantic Intracoastal Waterway and South Fork, New River, Fla.; drawbridge operation regulations; correction	18084
--	-------

COMMERCE DEPARTMENT

See also Import Programs Office; National Oceanic and Atmospheric Administration.

Notices

Upper Missouri River Economic Development Region; name change	18105
---	-------

EMPLOYMENT STANDARDS ADMINISTRATION

Rules and Regulations

Criteria for determining whether State workmen's compensation laws provide adequate coverage for pneumoconiosis and listing of approved State laws; list of State laws found to meet criteria of approval	18076
---	-------

Proposed Rule Making

Black lung benefits; filing and processing of claims (2 documents)	18084, 18169
--	--------------

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rule Making

Diuron; proposed tolerance	18084
----------------------------	-------

Notices

Environmental impact statements; availability of comments	18109
---	-------

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Jet routes and area high routes; change to waypoint	18074
Standard instrument approach procedures; miscellaneous amendments	18074

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing	18110
--	-------

(Continued on next page)

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Reporting and recording of accidents; revision of rules..... 18078

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Board rulings; service corporations..... 18074

Regulated activities; loans by insured subsidiaries; insured subsidiary transactions with affiliates, and holding company indebtedness..... 18073

Notices

Southern Financial Corp.; receipt of application for acquisition of control of Trinity Savings and Loan Association..... 18115

Union Financial Corp.; receipt of applications for approval of acquisition of control of Union Savings and Loan Co., and Seneca County Building and Loan Co..... 18115

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Alaska Packers Association, Inc., and Encinal Terminals..... 18115
Global Terminal & Container Services, Inc., et al..... 18116
Matson Navigation Co., and Nippon Yusen Kaisha..... 18116
Matson Navigation Co., and Showa Shipping Co..... 18116
Canales International Services; independent ocean freight forwarder license..... 18115
Financial responsibility (Oil Pollution); certificates issued..... 18117

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Florida Gas Transmission Co., 18117
Michigan Wisconsin Pipe Line Co., and Southern Natural Gas Co..... 18118
Potomac Edison Co. (2 documents)..... 18118
Public Service Company of Colorado..... 18118

FEDERAL RESERVE SYSTEM

Notices

Acquisitions of banks:
Barnett Banks of Florida, Inc., 18119
Pan American Bancshares, Inc. 18121
Beneficial Corp.; order approving exemption of nonbanking activities..... 18119
Community Banks of Florida, Inc.; order approving formation of bank holding company..... 18120

Financial Securities Corp.; order denying applications to remain a bank holding company and to retain shares of banks..... 18120

First Pennsylvania Corp.; acquisition of Community Finance of Montgomery, Inc..... 18121

Formation of one-bank holding company:
Lee Co..... 18121

Mellon National Corp..... 18121

Wells Fargo & Co.; acquisition of Grayco Land Escrow, Ltd..... 18121

Zions Utah Bancorporation; order approving acquisition of bank..... 18122

FEDERAL TRADE COMMISSION

Notices

Wool flokati rugs or carpets; alternative procedure for washing subject to carpet and rug flammability standards..... 18122

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting:

Certain national wildlife refuges in Washington; correction..... 18081

Minnesota; Tamarac National Wildlife Refuge..... 18081

New Mexico; Bosque del Apache National Wildlife Refuge..... 18081

FOOD AND DRUG ADMINISTRATION

Notices

Miscellaneous drugs; release of evaluation reports; drugs for human use; drug efficacy study implementation..... 18105

HEARINGS AND APPEALS OFFICE

Notices

Oil Shale Development environmental impact statement; public hearing..... 18098

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social and Rehabilitation Service; Social Security Administration.

IMPORT PROGRAMS OFFICE

Notices

Decisions on applications for duty free-entry:

Baylor College of Medicine..... 18099

College of Medicine & Dentistry of New Jersey and Brookhaven National Laboratory..... 18101

Iowa State University..... 18100

Iowa State University of Science and Technology..... 18100

Pritzker School of Medicine..... 18101

University of Colorado..... 18103

University of Illinois and St. Paul-Ramsey Hospital and Medical Center..... 18103
University of Iowa..... 18104
University of Rochester..... 18104
Virginia Mason Research Center..... 18104
Sangamon State University, et al.; applications for duty-free entry of scientific articles..... 18102

INTERIOR DEPARTMENT

See also Hearings and Appeals Office; Reclamation Bureau.

Notices

Assignment of hearings
Availability of draft environmental statements:
Pond-Poso Improvement District, California..... 18098
Proposed Prototype Oil Shale Leasing Program..... 18098

INTERSTATE COMMERCE COMMISSION

Proposed Rule Making

Demurrage, detention, etc.; maintenance of records..... 18085

Notices

Assignment of hearings..... 18123
Motor carriers:
Alternate route deviation notices (2 documents)..... 18123, 18124
Applications and certain other proceedings..... 18124
Board transfer proceedings..... 18128
Intrastate applications..... 18131
Temporary authority applications..... 18129
Motor carrier, broker, water carrier and freight forwarder applications..... 18132
Railroads operating in certain States; rerouting or diversion of traffic..... 18132

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

See Employment Standards Administration.

NARCOTICS AND DANGEROUS DRUGS BUREAU

Notices

Schedule of controlled substances; petition to remove from control or in the alternative to control marihuana in Schedule V of the Controlled Substances Act..... 18097

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rule Making

Motor Vehicle Safety Standard No. 212; windshield mounting; correction..... 18084

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rule Making

Frozen raw breaded shrimp; proposed standards for grades..... 18083

PAY BOARD

Rules and Regulations

Public information; availability of records; exceptions..... 18081

PRICE COMMISSION

Rules and Regulations

Attorneys at Law; limitation on annual increases in prices..... 18082

RECLAMATION BUREAU

Rules and Regulations

Procedural methods for implementing Colorado River water conservation measures with lower basin contractors and others 18076

SOCIAL AND REHABILITATION SERVICE

Notices

Child welfare services; promulgation of Federal shares and allotment percentages for fiscal 1974 and 1975..... 18107

Federal percentage and Federal medical assistance percentage; promulgation 18107

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Black Lung Benefits Act of 1972; manner and place of filing benefit claims between July 1 and December 31, 1973 and preliminary processing of such claims; cross reference..... 18084

SOIL CONSERVATION SERVICE

Notices

Stevens-Rugg Watershed Project, Vt.; availability of draft environmental statement..... 18099

TENNESSEE VALLEY AUTHORITY

Notices

Draft environmental statement; intent to issue..... 18123

TRANSPORTATION DEPARTMENT

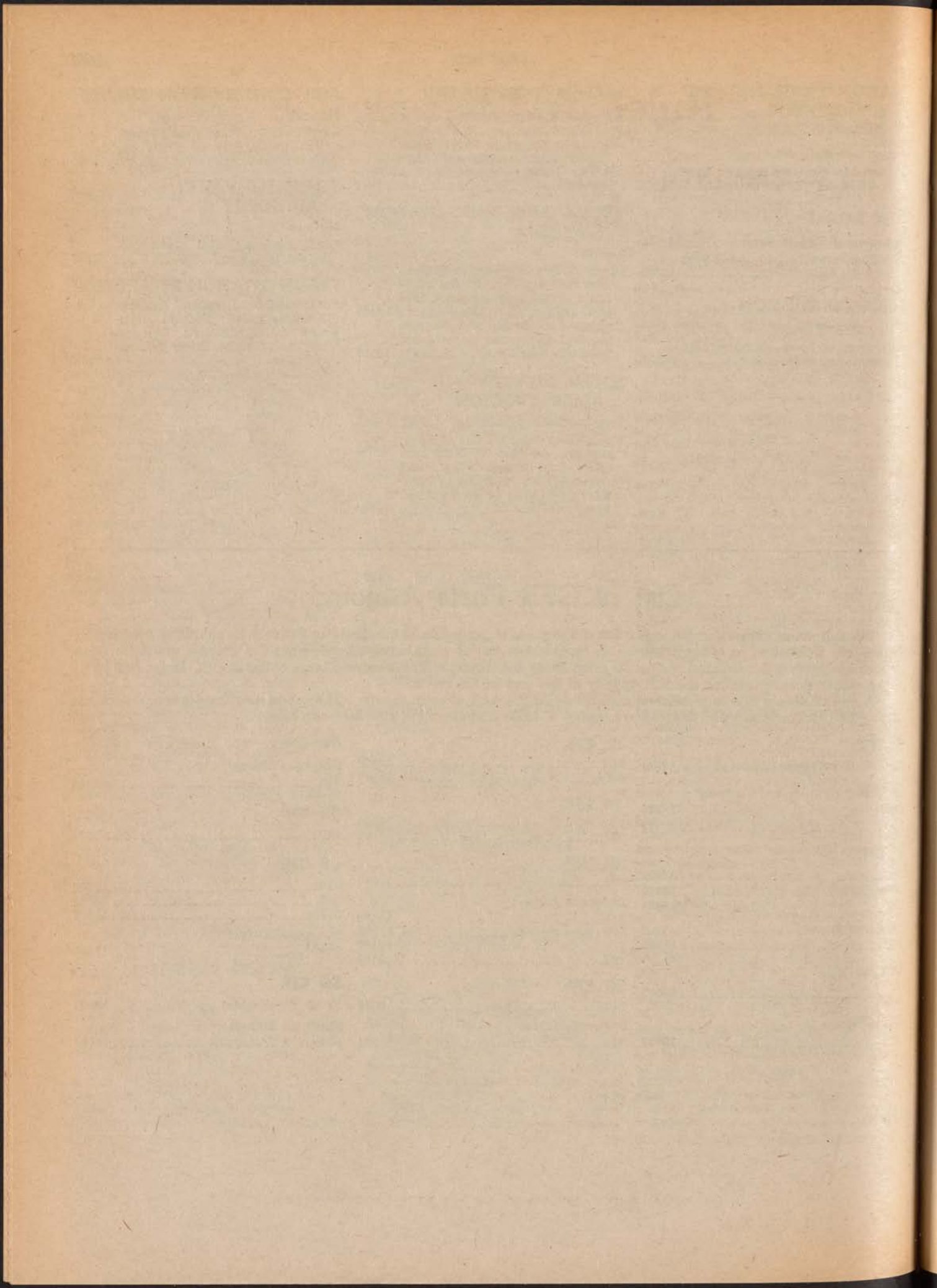
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

List of CFR Parts Affected

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

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

5 CFR	12 CFR	40 CFR
213 (2 documents) 18071	584 18073	PROPOSED RULES:
	589 18074	180 18084
6 CFR	14 CFR	43 CFR
200 18081	75 18074	417 18076
300 18082	97 18074	
7 CFR	20 CFR	49 CFR
908 18071	722 18076	390 18079
926 18072	PROPOSED RULES:	394 18080
981 18072	715 18152	397 18081
PROPOSED RULES:	717 (2 documents) 18084, 18169	PROPOSED RULES:
52 18083	718 18155	571 18085
	720 18155	
9 CFR	33 CFR	50 CFR
82 18072	117 18076	32 (3 documents) 18081
10 CFR	PROPOSED RULES:	PROPOSED RULES:
115 18073	117 18084	262 18083



Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture; Correction

In the FEDERAL REGISTER of August 3, 1972 (F.R. Doc. 72-12182) on page 15501 a sentence was misplaced in § 213.3113 (a)(1) and a word was omitted in § 213.3113(a)(5). These sections should read as follows.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), agricultural commodity aid (grain), and tobacco inspection positions.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such

as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc. 72-15190 Filed 9-6-72; 8:51 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 of Schedule C is amended to reflect the following title change: from Special Assistant to the Director of Public Affairs to Deputy Director of Public Affairs.

Effective on publication in the FEDERAL REGISTER (9-7-72), subparagraph (13) of paragraph (a) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *
(13) Deputy Director of Public Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc. 72-15191 Filed 9-6-72; 8:51 am]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 408]

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

Limitation of Handling

§ 908.708 Valencia Orange Regulation 408.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the

applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 8, 1972, through September 14, 1972, are hereby fixed as follows:

- (i) District 1: 343,000 cartons;
- (ii) District 2: 357,000 cartons;
- (iii) District 3: 10,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as

when used in said amended marketing agreement and order.

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

Dated: September 6, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc. 72-15347 Filed 9-6-72; 12:28 pm]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Budget of Expenses and Rate of Assessment

On August 11, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16199) regarding the reserve fund, and the proposed expenses and related rate of assessment for the period April 1, 1972, through March 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.201 [Deleted]

1. Section 926.201 *Reserve fund* is deleted in its entirety.

2. A new § 926.212 is added reading as follows:

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

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1972, through March 31, 1973, will amount to \$44,600.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at 5 cents (\$0.05) per standard package or equivalent quantity of grapes.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the seasons ended March 31, 1972, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 926.47.

(d) *Terms.* Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further 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) shipments of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such period; and (3) such period began on April 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

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

Dated: September 1, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit
and Vegetable Division, Agri-
cultural Marketing Service.

[FR Doc. 72-15355 Filed 9-6-72; 8:51 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable, Reserve, and Export Percentages for 1972-73 Crop Year

Notice was published in the August 18, 1972, issue of the FEDERAL REGISTER (37 F.R. 16678) regarding a proposal to establish salable, reserve, and export percentages applicable to California almonds for the 1972-73 crop year beginning July 1, 1972. The percentages are based on the unanimous recommendation of the Almond Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 37 F.R. 3983), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

The salable, reserve, and export percentages are being established pursuant to §§ 981.47 and 981.66 of Order No. 981, as amended. These percentages are based on an estimated 1972 almond production of 180 million pounds, kernel weight. Domestic trade demand is estimated at 85.2 million pounds, and when estimated imports of 200,000 pounds are subtracted, 85 million pounds of domestic production will be needed for domestic needs. A 32.7-million pound desirable carryout for the end of the crop year has been recommended for domestic needs. Carry-in from the prior crop year was 18.7 million pounds.

Reserve requirements are estimated at 75 million pounds for export and 6.1 million pounds for reserve carryout on July

31, 1973. As the reserve carry-in on July 1, 1972, was 100,000 pounds, 1972-73 reserve requirement from 1972 almond production should be 81 million pounds.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to establish salable, reserve, and export percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable, reserve, and export percentages for almonds received by handlers for their own accounts during the 1972-73 crop year are established as follows:

§ 981.222 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1972.

The salable, reserve, and export percentages during the crop year beginning July 1, 1972, shall be 55, 45, and 100 percent, respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable, reserve, and export percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1972, and the percentages established herein will automatically apply to all such almonds beginning with such date.

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

Dated: August 31, 1972.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc. 72-15146 Filed 9-6-72; 8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND AN- IMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DIS- EASE; AND PSITTACOSIS OR ORNI- THOSIS IN POULTRY

Release of Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections

4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

1. In § 82.3, the reference to Arizona in the introductory portion of paragraph (a) and subparagraph (a) (5) relating to the State of Arizona are deleted.

2. In § 82.3, in subparagraph (a) (1) relating to the State of California, subdivision (ii) relating to Tulare County is deleted.

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

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

The amendments exclude a portion of Mohave County in Arizona and a portion of Tulare County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 82.3. Further, the provisions of the regulations relating to movements from nonquarantined areas apply with respect to the dequarantined areas. No areas in Arizona remain under quarantine.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of August 1972.

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

[FR Doc. 72-15198 Filed 9-6-72; 8:53 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Codes and Standards for Nuclear Powerplants

Correction

In F.R. Doc. 72-14296 appearing at page 17021 of the issue for Thursday, August 24, 1972, make the following changes:

1. In § 115.43a(e) (1), the word "additions", which appears in the second line of the undesignated paragraph, should read "editions".

2. In footnote 6 the reference to "§ 50.55(a) (2) (ii)" should read "§ 50.55a (a) (2) (ii)".

3. The address in the penultimate line of footnote 7 should read "1717 H Street" instead of "1717 Street."

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

[No. 72-1019]

PART 584—REGULATED ACTIVITIES

Loans by Insured Subsidiaries, Insured Subsidiary Transactions With Affiliates, and Holding Company Indebtedness

AUGUST 29, 1972.

Resolved, that the Federal Home Loan Bank Board considers it desirable to amend Part 584 of the regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the following purposes:

1. To add to said regulations language to implement the amendment of December 31, 1970, to section 408(d) (4) (B) of the National Housing Act, as amended (12 U.S.C. 1730a(d) (4) (B); Pub. L. No. 91-609, 84 Stat. 1816);

2. To set forth a delegation of the authority conferred by said amendment to the Supervisory Agents of the Federal Home Loan Bank Board;

3. To permit insured institution subsidiaries of savings and loan holding companies to enter into certain agreements and make certain payments to affiliates without the need for specific prior written approval by the Federal Savings and Loan Insurance Corporation; and

4. To permit savings and loan holding companies or their subsidiaries to incur indebtedness as a result of indemnification agreements with underwriters of public offerings of the securities of such companies or subsidiaries without the need for specific prior written approval by the Federal Savings and Loan Insurance Corporation.

Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 584 as follows, effective September 7, 1972:

1. Section 584.3 is amended by revising subparagraph (4) of paragraph (a) thereof, by revising paragraph (e) thereof, and by adding a new paragraph (g) thereto, to read as follows:

§ 584.3 Transactions with affiliates.

(a) *Prohibited transactions.* No subsidiary insured institution of a savings and loan holding company shall:

(4) Make any loan, discount, or extension of credit to (i) any affiliate, except in a transaction authorized by subparagraph (6) (i) of this paragraph, or (ii) any third party on the security of any property acquired from any affiliate, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliate; except that, with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount, or extension of credit to a third party on the security of property acquired from a wholly owned service corporation of such institution. The Corporation shall grant approval of any application for approval under this subdivision (ii) if, in the opinion of the Corporation, such a loan, discount, or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (a) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (b) property heretofore owned, legally or beneficially, by any other savings and loan holding company or affiliate thereof;

(e) *Approval by Supervisory Agent.* The Supervisory Agent shall have authority to give prior written approval on behalf of the Corporation to any loan, transaction, agreement, understanding, or payment requiring such approval under subparagraphs (4) and (6) of paragraph (a) of this section, and which is not given approval under this section.

(g) *Exemptions for certain agreements or understandings.* Pursuant to paragraph (a) (6) (ii) of this section, the

[No. 72-1020]

PART 589—BOARD RULINGS

Service Corporations

August 29, 1972.

Corporation hereby exempts, from the application of subdivisions (ii) and (iii) of subparagraph (6) of paragraph (a) of this section, any agreement or understanding, either oral or in writing, between a subsidiary insured institution and any affiliate, under which the affiliate is to perform any of the following services for the institution, provided that the compensation for rendering any of such services is not in excess of an amount customarily charged by non-affiliated persons rendering the same or similar services:

(1) Acting as trustee on deeds of trust in connection with loans made by the institution;

(2) Acting as escrow agent in connection with loans made by the institution;

(3) In the capacity of insurance agent or broker, procuring insurance of any type for the institution or for its borrowers.

2. Section 584.6 is amended by deleting the word "and" at the end of subparagraph (4) of paragraph (b) thereof, by substituting a semicolon for the period at the end of subparagraph (5) thereof and adding the word "and" immediately thereafter, and by adding a new subparagraph (6) thereto, immediately after subparagraph (5), to read as follows:

§ 584.6 Holding company indebtedness.

(b) *Interim approval by the Corporation.* Until further notice by order or regulation, the Corporation hereby approves without application the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, incurred: * * *

(6) By a savings and loan holding company or any subsidiary thereof as a result of an indemnification customarily given to an underwriter in connection with making a public offering of the securities of such holding company or subsidiary.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.72-15192 Filed 9-6-72;8:52 am]

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Part 589 of the regulations for Savings and Loan Holding Companies (12 CFR Part 589) for the purpose of adding a Board Ruling interpreting the term "service corporation" as used in section 408 of the National Housing Act, as amended (12 U.S.C. 1730a), and in Part 584 of such regulations. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 589 by adding a new § 589.3 at the end thereof, to read as follows:

§ 589.3 Interpretation of the term "service corporation".

(a) Paragraphs (d) (1) and (d) (4) (B) of section 408 of the National Housing Act, as amended, exclude "service corporations" from the prohibitions applicable to certain transactions between insured institution subsidiaries of savings and loan holding companies and other affiliates of such companies. The absence of a definition in the Act of the term "service corporation" has given rise to questions concerning the scope of these exceptions.

(b) The Board, as the operating head of the Corporation, hereby determines, pursuant to section 408(h) of the Act, that the term "service corporation", as used in said section 408 and this subchapter, refers to a corporation of the type in which a Federal savings and loan association may invest pursuant to § 545.9-1 of this chapter.

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.72-15193 Filed 9-6-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-44]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Waypoint

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to make a minor correction to a waypoint that appears in three existing area navigation routes.

Since the change is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (9-7-72), as hereinafter set forth.

Section 75.400 (37 F.R. 2400, 15295) is amended as follows:

a. In J835R delete second waypoint information "Plant, Ill., 41°37'29" N., 87°15'57" W., Lafayette, Ind." and substitute "Plant, Ind. 41°37'29" N., 87°15'57" W., Lafayette, Ind." therefor.

b. In J865R delete fourth waypoint information "Plant, Ill., 41°37'29" N., 87°15'57" W., Lafayette, Ind." and substitute "Plant, Ind. 41°37'29" N., 87°15'57" W., Lafayette, Ind." therefor.

c. In J897R delete fourth waypoint information "Plant, Ill., 41°37'29" N., 87°15'57" W., Lafayette, Ind." and substitute "Plant, Ind. 41°37'29" N., 87°15'57" W., Lafayette, Ind." therefor.

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

Issued in Washington, D.C., on August 30, 1972.

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

[FR Doc.72-15127 Filed 9-6-72;8:46 am]

[Docket No. 12202, Amdt. 828]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by

check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

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

Batavia, N.Y.—Genesee County Airport; VOR Runway 28, Amdt. 1; Revised.
 Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 9L, Amdt. 13; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; VOR Runway 25, Amdt. 13; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; VOR/DME Runway 7, Amdt. 2; Revised.
 Kent, Ohio—Andrew W. Paton of Kent State University Airport; VOR-A, Amdt. 5; Revised.
 Little Rock, Ark.—Adams Field; VOR Runway 32, Amdt. 12; Revised.
 Marquette, Mich.—Marquette County Airport; VOR Runway 8, Amdt. 9; Revised.
 Marquette, Mich.—Marquette County Airport; VOR Runway 26, Amdt. 8; Revised.
 Missoula, Mont.—Johnson-Bell Field; VOR-A, Amdt. 13; Revised.
 Missoula, Mont.—Johnson-Bell Field; VOR/DME-A, Amdt. 6; Revised.
 Redding, Calif.—Redding Municipal Airport; VOR Runway 34, Amdt. 4; Revised.
 Redding, Calif.—Redding Municipal Airport; VOR/DME Runway 34, Amdt. 2; Revised.
 Titusville, Pa.—Titusville Airport; VOR-A, Amdt. 1; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective October 12, 1972.

Alliance, Nebr.—Alliance Municipal Airport; VOR Runway 12, Amdt. 4; Revised.
 Alliance, Nebr.—Alliance Municipal Airport; VOR Runway 30, Amdt. 7; Revised.
 Chadron, Nebr.—Chadron Municipal Airport; VOR-A, Amdt. 7; Revised.
 Chadron, Nebr.—Chadron Municipal Airport; VOR Runway 20, Amdt. 2; Revised.
 Garden City, Kans.—Municipal Airport; VOR Runway 17, Amdt. 7; Revised.
 Garden City, Kans.—Municipal Airport; VOR Runway 35, Amdt. 3; Revised.
 Manhattan, Kans.—Manhattan Municipal Airport; VOR Runway 3, Amdt. 7; Revised.
 Manhattan, Kans.—Manhattan Municipal Airport; VOR Runway 31, Amdt. 4; Revised.
 Scottsbluff, Nebr.—Scottsbluff County Airport; VOR Runway 23, Amdt. 5; Revised.
 Topeka, Kans.—Phillip Billard Municipal Airport; VOR Runway 22, Amdt. 12; Revised.
 Wichita, Kans.—Wichita Municipal Airport; VOR Runway 1L, Amdt. 1; Revised.
 Wichita, Kans.—Wichita Municipal Airport; VOR Runway 14, Amdt. 8; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective August 28, 1972.

Clarksville, Tenn.—Outlaw Field; VOR Runway 34, Amdt. 5; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective August 15, 1972.

Greenwood, Miss.—Greenwood-Le Flore Airport; VOR Runway 5, Amdt. 4; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective October 19, 1972.

Akron, Ohio—Akron Municipal Airport; LOC Runway 25, Amdt. 6; Revised.
 Dothan, Ala.—Dothan Airport; LOC Runway 31, Amdt. 1; Canceled.
 Du Bois, Pa.—Du Bois-Jefferson County Airport; LOC Runway 25, Amdt. 3; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; LOC (BC) Runway 7, Amdt. 2; Revised.
 Little Rock, Ark.—Adams Field; LOC (BC) Runway 22, Amdt. 4; Revised.
 Mason City, Iowa—Mason City Municipal Airport; LOC (BC)/DME Runway 17, Original; Established.
 Tallahassee, Fla.—Tallahassee Municipal Airport; LOC (BC) Runway 18, Amdt. 7; Revised.

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

Topeka, Kans.—Phillip Billard Municipal Airport; LOC (BC) Runway 31, Amdt. 12; Revised.
 Wichita, Kans.—Wichita Municipal Airport; LOC (BC) Runway 1L, Original; Established.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective October 19, 1972.

Akron, Ohio—Akron Municipal Airport; NDB Runway 25, Amendment 6; Revised.
 Du Bois, Pa.—Du Bois-Jefferson County Airport; NDB Runway 25, Amendment 3; Revised.
 Florence, S.C.—Florence Municipal Airport; NDB Runway 9, Amendment 2; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; NDB Runway 7, Amendment 2; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; NDB Runway 25, Amendment 18; Revised.
 Kent, Ohio—Andrew W. Paton of Kent State University Airport; NDB Runway 1, Amendment 4; Revised.
 Little Rock, Ark.—Adams Field; NDB Runway 4, Amendment 10; Revised.
 Mason City, Iowa—Mason City Municipal Airport; NDB Runway 35, Original; Established.
 Missoula, Mont.—Johnson-Bell Field; NDB-A, Amendment 9; Revised.
 Miami, Fla.—Miami International Airport; NDB Runway 27L, Amendment 8; Revised.

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

Alliance, Nebr.—Alliance Municipal Airport; NDB Runway 30, Amendment 5; Revised.

Chadron, Nebr.—Chadron Municipal Airport; NDB Runway 20, Amendment 7; Revised.
 Garden City, Kans.—Municipal Airport; NDB Runway 12, Amendment 6; Revised.
 Manhattan, Kans.—Manhattan Municipal Airport; NDB Runway 31, Amendment 8; Revised.

North Platte, Nebr.—Lee Bird Field; NDB Runway 30, Amendment 3; Revised.
 North Platte, Nebr.—Lee Bird Field; NDB Runway 35, Amendment 5; Revised.

Scottsbluff, Nebr.—Scotts Bluff County Airport; NDB Runway 30, Amendment 3; Revised.

Topeka, Kans.—Phillip Billard Municipal Airport; NDB Runway 13, Amendment 22; Revised.

Wichita, Kans.—Wichita Municipal Airport; NDB Runway 1L, Amendment 1; Revised.
 Wichita, Kans.—Wichita Municipal Airport; NDB Runway 1R, Amendment 11; Revised.

9. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's effective August 29, 1972.

La Crosse, Wis.—La Crosse Municipal Airport; NDB Runway 13, Amdt. 7; Canceled.

10. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective October 19, 1972.

Dothan, Ala.—Dothan Airport; ILS Runway 31, Original; Established.
 Florence, S.C.—Florence Municipal Airport; ILS Runway 9, Amdt. 2; Revised.
 Fort Smith, Ark.—Fort Smith Municipal Airport; ILS Runway 25, Amdt. 11; Revised.
 Little Rock, Ark.—Adams Field; ILS Runway 4, Amdt. 13; Revised.
 Mason City, Iowa—Mason City Municipal Airport; ILS Runway 35, Original; Established.
 Missoula, Mont.—Johnson-Bell Field; ILS Runway 11, Amdt. 1; Revised.
 Redding, Calif.—Redding Municipal Airport; ILS Runway 34, Original; Established.
 Washington, D.C.—Washington National Airport; ILS Runway 36, Amdt. 23; Revised.

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

Topeka, Kans.—Phillip Billard Municipal Airport; ILS Runway 13, Amdt. 23; Revised.
 Wichita, Kans.—Wichita Municipal Airport; ILS Runway 1R, Amdt. 11; Revised.
 Wichita, Kans.—Wichita Municipal Airport; ILS Runway 19R, Original; Established.

12. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's effective August 25, 1972.

Clarksburg, W. Va.—Benedum Airport; ILS Runway 21, Amdt. 1; Revised.

13. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's effective October 19, 1972.

Little Rock, Ark.—Adams Field; Radar-1, Amdt. 6; Revised.

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

Wichita, Kans.—Wichita Municipal Airport; Radar-1, Amdt. 2; Revised.

15. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's effective October 19, 1972:

Fort Smith, Ark.—Fort Smith Municipal Airport; RNAV Runway 7, Amdt. 1; Revised. Little Rock, Ark.—Adams Field; RNAV Runway 22, Original; Established. Little Rock, Ark.—Adams Field; RNAV Runway 35, Original; Established. Terre Haute, Ind.—Hulman Field; RNAV Runway 31, Original; Established.

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

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

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

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

[FR Doc.72-15126, Filed 9-6-72; 8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter VI—Employment Standards Administration, Department of Labor

PART 722—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS

List of State Laws Found to Meet Criteria of Approval

Section 421(b)(1) of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 795, as amended, which requires that the Secretary of Labor determine which State workmen's compensation laws, if any, meet specified criteria (as published in this Part 722) for providing adequate coverage for pneumoconiosis, requires further that he publish in the FEDERAL REGISTER no later than October 1, 1972, and revise from time to time as appropriate, a list of those States whose laws meet such criteria.

The numerous amendments made to such Act by the Black Lung Benefits Act of 1972, 86 Stat. 150, require the promulgation and publication in the FEDERAL REGISTER of appropriate revisions of the criteria set forth in this Part 722 on or before November 30, 1972. Proposals for revised criteria will be published prior to such date. However, an earlier publication of the required list of qualifying States is necessary because the amendments made no change in the October 1, 1972, due date. No State has been found to qualify under the existing criteria.

In order to provide a ready reference source for any person interested in knowing at any given time which, if any, States' laws meet the currently applicable criteria for approval, it has been determined that provision should be made for listing such States in the Code

of Federal Regulations. Accordingly, Part 722 of Chapter VI, Title 20, Code of Federal Regulations, is hereby amended by changing the title of Part 722 to indicate that the listing may be found in said part, and by adding a new § 722.401 to provide a place for such listing, in the manner indicated below.

Inasmuch as the findings of the Secretary are final when made, the provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation and delay in the effective date are not applicable. Accordingly, the amendments shall become effective immediately.

Title 20, Chapter VI, Code of Federal Regulations is amended as follows:

1. Amend the Title of Part 722 to read as set forth above.
2. Add to Part 722 a new § 722.401 to read as follows:

§ 722.401 List of States' laws which meet the criteria for approval.

The Secretary has examined the workmen's compensation laws of all the States and has found that those of the following listed States meet the criteria for approval as set forth in § 722.103: None.

(Sec. 421(b)(1), P.L. 91-173, 83 Stat. 795, Secretary's Order No. 13-71, 36 F.R. 8755)

Signed at Washington, D.C., this 31st day of August 1972.

RICHARD J. GRUNEWALD,
Assistant Secretary for
Employment Standards.

[FR Doc.72-15148 Filed 9-6-72; 8:51 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CG 72-173R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Back Bay of Biloxi, Miss.

This amendment adds regulations for the Back Bay of Biloxi swing bridge, mile 2.8, to permit the draw to remain closed to the passage of vessels from 3 p.m. to 5 p.m., Monday through Friday, except holidays, from October 2, 1972, through March 2, 1973. This amendment is made to allow the performance of extensive repair and replacement work on mechanical and electrical equipment and wiring.

This rule is issued without notice of proposed rule making. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding subparagraph (20-a) immediately after subparagraph (20) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) * * *

(20-a) Back Bay of Biloxi, mile 2.8, Miss. The draw need not open for the passage of vessels from 3 p.m. to 5 p.m., Monday through Friday except holidays, from October 2, 1972 through March 2, 1973.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall be in effect from October 2, 1972 through March 2, 1973.

Dated: August 31, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.72-15152 Filed 9-6-72; 8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 417—PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

On July 11, 1969, a notice of proposed revision to 43 CFR Part 417 was published in the FEDERAL REGISTER (34 F.R. 11499). The principal purpose of the revision is to specifically include Indian reservations and Federal establishments in the group of water users required to follow water conservation practices, to provide more positive language to ensure that all water users are properly notified of determinations and have an opportunity to appeal, and to delete the requirement for annual publication of determinations in the FEDERAL REGISTER since written notice is given to all affected parties.

Interested parties were invited to submit written comments, suggestions, or objections regarding the proposed revision. After consideration of all such relevant matter as was presented, the proposed revision was modified to reflect the sense of the comments to the extent possible.

Part 417 of Title 43 of the Code of Federal Regulations is revised in its entirety to read as printed below.

Dated: August 16, 1972.

ROGERS C. B. MORTON,
Secretary of the Interior.

- Sec.
417.1 Scope of part.
417.2 Consultation with Contractors.
417.3 Notice of recommendations and determinations.
417.4 Changed conditions, emergency, or hardship modifications.
417.5 Duties of the Commissioner of Indian Affairs with respect to Indian Reservations.
417.6 General regulations.

AUTHORITY: The provisions of this Part 417 issued under 45 Stat. 1057, 1060; 43 U.S.C. 617; 80 Stat. 379, 5 U.S.C. 301; and Supreme Court Decree in "Arizona v. California," 376 U.S. 340.

§ 417.1 Scope of part.

The procedures established in this part shall apply to every public or private organization (herein termed "Contractor") in Arizona, California, or Nevada which, pursuant to the Boulder Canyon Project Act or to provisions of other Reclamation Laws, has a valid contract for the delivery of Colorado River water, and to Federal establishments other than Indian Reservations enumerated in Article II(D) of the March 9, 1964, Decree of the Supreme Court of the United States in the case of "Arizona v. California et al.," 376 U.S. 340 (for purposes of this part each such Federal establishment is considered as a "Contractor"), except that (a) neither this part nor the term "Contractor" as used herein shall apply to any person or entity which has a contract for the delivery or use of Colorado River water made pursuant to the Warren Act of February 21, 1911 (36 Stat. 925) or the Miscellaneous Purposes Act of February 25, 1920 (41 Stat. 451), (b) Contractors and permittees for small quantities of water, as determined by the Regional Director, Bureau of Reclamation, Boulder City, Nev. (herein termed "Regional Director"), and Contractors for municipal and industrial water may be excluded from the application of these procedures at the discretion of the Regional Director, and (c) procedural methods for implementing Colorado River water conservation measures on Indian Reservations will be in accordance with § 417.5 hereof.

§ 417.2 Consultation with Contractors.

The Regional Director or his representative will, prior to the beginning of each calendar year, arrange for and conduct such consultations with each Contractor as the Regional Director may deem appropriate as to the making by the Regional Director of annual recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water, and to the making by the Regional Director of annual determinations of each Contractor's estimated water requirements for the ensuing calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective Boulder Canyon Project Act contract or other authorization for use of Colorado River water.

§ 417.3 Notice of recommendations and determinations.

Following consultation with each Contractor and after consideration of all relevant comments and suggestions advanced by the Contractors in such consultations, the Regional Director will formulate his recommendations and determinations relating to the matters specified in § 417.2. The recommendations and determinations shall, with respect to each Contractor, be based upon but not necessarily limited to such factors as the area to be irrigated, climatic conditions, location, land classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders, and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the water users, amount and rate of return flows to the river, municipal water requirements and the pertinent provisions of the Contractor's Boulder Canyon Project Act water delivery contract. The Regional Director shall give each Contractor written notice by registered or certified mail, return receipt requested, of his recommendations and determinations. If the recommendations and determinations include a reduction in the amount of water to be delivered, as compared to the calendar year immediately preceding, the notice shall be delivered to the Contractor or timely sent by registered or certified mail, return receipt requested, so that it may reasonably be delivered at least 30 days prior to the first date water delivery would be affected thereby, and shall specify the basis for such reduction including any pertinent factual determinations. The recommendations and determinations of the Regional Director shall be final and conclusive unless, within 30 days of the date of receipt of the notice, the Contractor submits his written comments and objections to the Regional Director and requests further consultation. If, after such further consultation, timely taken, the Regional Director does not modify his recommendations and determinations and so advises the Contractor in writing, or if modifications are made but the Contractor still feels aggrieved thereby after notification in writing of such modified recommendations and determinations, the Contractor may, before 30 days after receipt of said notice, appeal to the Secretary of the Interior. During the pendency of such appeal, and until disposition thereof by the Secretary, the recommendations and determinations formulated by the Regional Director shall be of no force or effect. In the event delivery of water is scheduled prior to the new recommendations and determinations becoming final, said delivery shall be made according to the Contractor's currently proposed schedule or to the schedules approved for the previous calendar year, whichever is less.

§ 417.4 Changed conditions, emergency, or hardship modifications.

A Contractor may at any time apply in writing to the Regional Director for modification of recommendations or determinations deemed necessary because of changed conditions, emergency, or hardship. Upon receipt of such written application identifying the reason for such requested modification, the Regional Director shall arrange for consultation with the Contractor with the objective of making such modifications as he may deem appropriate under the then existing conditions. The Regional Director may initiate efforts for further consultation with any Contractor on his own motion with the objective of modifying previous recommendations and determinations, but in the event such modifications are made, the Contractor shall have the same opportunity to object and appeal as provided in § 417.3 hereof for the initial recommendations and determinations. The Regional Director shall afford the fullest practicable opportunity for consultation with a Contractor when acting under this section. Each modification under this section shall be transmitted to the Contractor by letter.

§ 417.5 Duties of the Commissioner of Indian Affairs with respect to Indian Reservations.

(a) The Commissioner of Indian Affairs (herein termed "Commissioner") will engage in consultations with various tribes and other water users on the Indian Reservations listed in Article II (D) of said Supreme Court Decree, similar to those engaged in by the Regional Director with regard to Contractors as provided in § 417.2 hereof. After consideration of all comments and suggestions advanced by said tribes and other water users on said Indian Reservations concerning water conservation measures and operating practices in the diversion, delivery, distribution and use of Colorado River water, the Commissioner shall, within the limits prescribed in said decree, make a determination as to the estimated amount of water to be diverted for use on each Indian Reservation covered by the above decree. Said determination shall be made prior to the beginning of each calendar year. That determination shall be based upon, but not necessarily limited to, such factors as: The area to be irrigated, climatic conditions, location, land classifications, the kinds of crops raised, cropping practices, the type of irrigation system in use, the condition of water carriage and distribution facilities, record of water orders, and rejections of ordered water, general operating practices, the operating efficiencies and methods of irrigation of the tribes and water users on each reservation, the amount and rate of return flows to the river, municipal water requirements, and other uses on the reservation. The Commissioner of Indian Affairs shall deliver to the Regional Director written notice of the amount of water to be diverted for

use upon each Indian Reservation for each year 60 days prior to the beginning of each calendar year and the basis for said determination. The determination of the Commissioner shall be final and conclusive unless within 30 days of the date of receipt of such notice the Regional Director submits his written comments and objections to the Commissioner of Indian Affairs and requests further consultation. If after such further consultation, timely taken, the Commissioner does not modify his determination and so advises the Regional Director in writing or if modifications are made by the Commissioner but the Regional Director still does not agree therewith, the Regional Director may, within 30 days after receipt of the Commissioner's response, appeal to the Secretary of the Interior for a decision on the matter. During the pendency of such appeal and until disposition thereof by the Secretary, water deliveries will be made to the extent legally and physically available according to the Commissioner's determination or according to the Commissioner's determination for the preceding calendar year, whichever is less.

(b) Modifications of said determinations due to changed conditions, emergency or hardship may be made by the Commissioner, subject, however, to the right of the Regional Director to appeal to the Secretary, as provided in the case of an initial determination by the Commissioner. During the pendency of such an appeal, water deliveries will be made on the basis of the initial determination.

§ 417.6 General regulations.

In addition to the recommendations and determinations formulated according to the procedures set out above, the right is reserved to issue regulations of general applicability to the topics dealt with herein.

[FR Doc. 72-15122 Filed 9-6-72; 8:46 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-36; Notice No. 72-14]

REPORTING AND RECORDING OF ACCIDENTS

The Director of the Bureau of Motor Carrier Safety is issuing a complete revision of Part 394 of the Motor Carrier Safety Regulations. Part 394 specifies the duties of motor carriers who operate in interstate or foreign commerce to file reports on accidents occurring during their operations, to keep records of their accidents, and to cooperate in the investigation of accidents.

The collection of accurate data on accidents involving commercial motor vehicles is vitally important to the

achievement of the highway and vehicle safety mission Congress has entrusted to the Department of Transportation. Without detailed information about the incidence of accidents in commercial motor carriers' operations, the cause of such accidents, and their consequences, it would be extremely difficult to make intelligent decisions on new regulatory actions, revisions of existing regulations, and allocation of Federal resources to areas that promise the best results in terms of prevention of accidents and amelioration of their consequences. As the Director points out below, the data gathered by the Bureau under the rules in Part 394 is the prime source of usable information. There is no other existing source of definitive commercial vehicle data available. Consequently, this revision of Part 394 is a particularly significant step forward, which is intended to make a valuable contribution towards achieving the Bureau's overall safety objectives.

The major features of the revision are (1) the extension of accident-reporting requirements to private carriers of property; (2) an increase in the amount of property damage, from \$250 to \$2,000, which must be sustained before an accident which does not result in death or personal injury will be reportable; (3) a more comprehensive definition of the term "reportable accident"; (4) a more detailed specification of the data which must be immediately reported by telephone when a fatal accident occurs; (5) deletion of the requirement for annual accident experience reports by private carriers of hazardous materials; and (6) a thorough revision of the Bureau's accident-reporting forms.

Comments on the notice of proposed rule making, which was issued on January 18, 1972 (37 F.R. 1491), made it clear that the imposition of a new requirement for accident reports from private carriers of property was somewhat controversial. The major objection raised by private carriers and their trade associations was that the Bureau could obtain the data it sought from other available sources without burdening the industry with additional paperwork and reporting requirements. A survey of the alternative sources discussed by persons filing comments disclosed that none could furnish the type of data the Bureau needs. For example, a survey of State accident-reporting systems revealed that not all States require reporting and that those that do generally lack the specific information relating to trucks and buses that the Bureau deems critical. Only 15 States, for example, require that the type and size of a commercial vehicle involved in an accident must be reported. Only two States can discern, from their reports, whether a commercial motor vehicle involved in an accident is engaged in interstate commerce. Only a single State requires the reporting of data from which it can be determined whether the driver was physically qualified. An additional roadblock to using State accident-reporting information is the fact that 17 States do not release that information.

Acting under the Highway Safety Act of 1966, 23 U.S.C. 401 et seq., the Administrator of the National Highway Traffic Safety Administration recently issued Highway Safety Program Standard No. 18, which deals with accident investigations by, and accident reports to, States and their political subdivisions (37 F.R. 9623). A review of that Standard, together with consultations with the staff of NHTSA, have made it clear that the accident-report information the States will obtain upon full implementation of Standard No. 18 will not be a satisfactory substitute for direct input from motor carriers under Part 394. Furthermore, Standard No. 18 merely establishes criteria for enactment and implementation of a set of reporting requirements by States as part of their highway safety programs; it does not, as some commenters have suggested, require the filing of accident reports with the NHTSA. There is, therefore, no merit in the assertion that the Bureau can secure the information it needs from the NHTSA and dispense with its own accident-reporting system.

In the preamble to the notice of proposed rule making in this proceeding, the Director set forth the basic considerations which indicated that the public interest would be served by extending accident-reporting requirements to private carriers. Having reviewed the comments, both adverse and favorable, the Director remains convinced that those considerations are valid and warrant bringing private carriers under the accident-reporting scheme. To continue the exemption of private carriers, who are collectively the largest category of carriers under the Bureau's jurisdiction, would risk serious distortion of the Bureau's data base and would render the Bureau unable to discern accident trends in the private carriage sector of the industry subject to its jurisdiction.

Private carriers of property were relieved of the duty to file accident reports in 1940, when the Interstate Commerce Commission first made the Motor Carrier Safety Regulations applicable to private carrier operations. Ex Parte No. MC-3 (Motor Carrier Safety Regulations—Private Carriers), 23 M.C.C. 1. A study of the Commission's decision reveals that the private carrier exemption did not stem from any fundamental notions of equity or sound safety policy. It was, rather, the product of the Commission's lack of administrative resources to process private carrier accident reports in addition to the reports it was receiving from for-hire carriers. 23 M.C.C. at 34.

While the amount of manpower available to process and analyze accident reports has not changed appreciably since the ICC rendered its decision, data processing technology has undergone a significant change. The Director is announcing a revision of the accident-report forms to facilitate the storage of information reported on the forms in automatic data processing machinery, thereby eliminating the need for manual scanning and coding of the contents of the reports. This step, coupled with a revision

of the criteria for determining whether an accident is reportable, makes it practicable for the Bureau to require accident reports from private carriers as well as from common and contract carriers.

For these reasons, the Director has concluded that, with the one exception discussed below, the provisions of Part 394 should be extended to apply to private carriers of property.

The Director is, however, continuing the exemption with respect to farmers who operate their equipment on trips between farm and market. As the Interstate Commerce Commission found in its 1940 proceeding (23 M.C.C. at 26-28), placing farm truck operations in a special exempt category is justified by a number of considerations. These vehicles are, to a large extent, used for off-road operations. Their use for farm-to-market trips is largely seasonal. Their exposure to traffic hazards is relatively less than that of vehicles used by other types of private carriers. In the Director's judgment, these considerations warrant continuation of the private carrier exemption within this narrow category.

Another major change in the accident-reporting requirements is the complete restructuring of the definition of a "reportable accident." Two significant improvements in the criterion for determining whether an accident need be reported by the Bureau are being instituted. First, the threshold figure for determining whether an accident involving only property damage must be reported is being increased from \$250 to \$2,000. The Bureau has long been sympathetic to the view that the \$250 figure, in an age of constantly-escalating repair costs, necessitated the filing of too many reports on minor accidents. The objective of the accident-reporting requirements is to provide insight into major safety problems, their causes and consequences in order to permit the design of preventative measures to reduce accidents. It has been concluded that upward revision of the accident-reporting threshold, in the case of accidents that do not cause personal injury or death, will significantly reduce the reporting burden on carriers while, at the same time, providing the Bureau with the information it needs. The second major change is a simplification of the criteria for determining whether an accident is reportable. The present rules provide for eight categories of accidents which must be reported. The Director is now reducing the number of categories to three. Under the new rules, an accident must be reported only if it involves death, personal injury, or \$2,000 or more in property damage. Special categories of accidents which must be reported regardless of their seriousness, such as rollover accidents, have been eliminated. By taking this step, the Bureau hopes to simplify the task of the carrier who must decide whether to file a report on a particular accident. Accidents which formerly fell into those special categories, such as those involving overturn of a vehicle, fire, or explosion, will continue to be reported if they result in death, personal injury, or property damage of \$2,000 or more.

A number of persons who commented on the definition of "reportable accident" argued that the term "bodily injury" should be further refined and that minor injuries that are treated at the accident scene should not be considered injuries that mandate reporting of the accident. The Director agrees that minor scratches that are given first-aid treatment at the scene of the accident should not be considered "bodily injury". At the same time, it seems clear that a certain amount of ambiguity in the definition is inevitable. It is extremely difficult, if not impossible, to contrive a generalization that will correctly distinguish between serious and minor injuries in all cases. Therefore, the new rule mirrors the requirements of a number of State accident-reporting rules and requires accidents which result in bodily injury such that the injured person must receive medical attention other than first aid at the accident scene to be reported.

The same problem appears to exist with respect to the revised requirements for immediate notification to the Bureau of fatal accidents. In the new rules, as in the notice of proposed rule making, notification must be given "as soon as possible". The rule does not provide for an exact time span within which notification must be given (e.g., 1 hour or 1 day after the accident). Several respondents expressed concern about this lack of specificity. The Director recognizes that, judged solely from the standpoint of simplicity of administration, a more exact specification of the time limit within which notification must be given might be desirable. There is, however, no uniformity in the circumstances in which carriers receive notice that an accident has proven fatal. It may arrive at night, during a weekend or holiday, or during normal business hours. It may be a vague rumor telephoned by a driver thousands of miles away and without means to verify his information. In these circumstances, a rule that leaves scope for the exercise of judgment is almost inevitable. Certainly, the words "as soon as possible" are no more indefinite than the word "immediately", which now describes the duties of carriers and with which both carriers and the Bureau have lived for many years.

It is the view of the Bureau that the words "as soon as possible" connote action taken immediately, if that is possible, or at the earliest possible practicable time, if immediate action is not practicable. If the carrier receives notification during ordinary business hours that one of its vehicles has been involved in a fatal accident, the telephone call to the Director of the Regional Motor Carrier Safety Office should be placed within a matter of minutes. If the news is received outside of normal business hours, the call should be made at the beginning of the next business day. The purpose of the telephone notification requirement is to give the Bureau's field staff the opportunity to begin investigations of serious accidents before the evidence has become cold. Carriers should exercise their best judgment to comply with § 394.7 in light of that objective.

The requirement for a supplemental accident report when a carrier learns of a fatality after his report has been filed was changed in three respects. First, the rule now provides that a supplemental report must be filed only when the death occurs within 30 days of the date of the accident. This change to the proposal, which contained no time limit, reflects the Director's agreement with several comments suggesting the addition of a finite time limit. Second, the requirement that the supplemental report set forth the age of the decedent has been eliminated. Persons commenting said that this information is frequently difficult to obtain and serves no useful purpose. The Director agrees. Third, in response to requests for the insertion of a definite time limit for the filing of supplemental reports, the Director has added a provision requiring them to be filed before the close of the business day following the day on which the carrier learns that a reported accident has been fatal.

Section 394.11 of the proposed revision would have required carriers to maintain accident registers, in which they would post information relating to all accidents occurring during their operations. In response to comments, the Director has altered the requirement (now found in § 394.13) so that only data relating to reportable accidents need be inserted in the register. This change should significantly reduce the paperwork involved in keeping an up-to-date, accurate accident register.

Reflecting the revision of Part 394, the Director is issuing nonsubstantive amendments to §§ 390.40 and 397.2 which contain references to Part 394.

In consideration of the foregoing Subchapter B of Chapter III in Title 49, CFR is amended as set forth below.

Effective date. These amendments are effective on January 1, 1973.

These amendments are issued under the authority of sections 204 and 220 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, 320, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4 respectively.

Issued on August 31, 1972.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

PART 390—MOTOR CARRIER SAFETY REGULATIONS: GENERAL

I. The introductory sentence of § 390.40 in Part 390 is amended to read as follows:

§ 390.40 Locations for filing accident reports and notifications.

Motor carriers shall file the reports required by §§ 394.9 and 394.11 of this subchapter by personal service upon, or mailing by first-class mail to, the Director, Regional Motor Carrier Safety Office

for the Federal Highway Administration Region in which the carrier's principal place of business is located as shown in the following table:

PART 394—NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

II. Part 394 of Subchapter B of Chapter III in Title 49, CFR is revised to read as follows:

- Sec.
394.1 Scope of the rules in this part.
394.3 Definition of "reportable accident".
394.5 Definition of "farm-to-market agricultural transportation".
394.7 Immediate notification of fatal accidents.
394.9 Reporting of accidents.
394.11 Notice of death after filing report.
394.13 Accident register.
394.15 Assistance in investigations and special studies.

AUTHORITY: The provisions of this Part 394 issued under secs. 204, 220, Interstate Commerce Act, 49 U.S.C. 304, 320, sec. 6, Department of Transportation Act, 49 U.S.C. 1655.

§ 394.1 Scope of the rules in this part.

(a) The rules in this part establish duties of motor carriers to make reports and keep records of accidents which occur during their operations.

(b) The rules in this part apply to all motor carriers except private carriers engaged wholly in farm-to-market agricultural transportation as defined in § 394.5.

(c) Related rules pertaining to the filing of incident and accident reports by motor carriers transporting hazardous materials are set forth in Part 171 of this title.

§ 394.3 Definition of "reportable accident."

(a) Except as provided in paragraph (b), the term "reportable accident" means an occurrence involving a motor vehicle engaged in the interstate, foreign, or intrastate operations of a motor carrier who is subject to the Department of Transportation Act resulting in—

- (1) The death of a human being; or
- (2) Bodily injury to a person who, as a result, receives medical treatment away from the scene of the accident; or
- (3) Total damage to all property aggregating \$2,000 or more based on actual costs or reliable estimates.

(b) The term "reportable accident" does not include—

- (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of farm-to-market agricultural transportation (as defined in § 394.5) by the motor carrier.

§ 394.5 Definition of "farm-to-market agricultural transportation."

The term "farm-to-market agricultural transportation" means the operation of a motor vehicle that is con-

trolled and operated by a farmer who, as a private carrier, is using the vehicle to transport agricultural products from his farm or to transport farm machinery, farm supplies, or both, to his farm. However, the term "farm-to-market agricultural transportation" does not include the operation of a motor vehicle transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title.

§ 394.7 Immediate notification of fatal accidents.

(a) When a reportable accident involves the death of a person within 24 hours after the accident occurs, the motor carrier must provide the information specified in paragraph (b) by telephone or in person as soon as possible after the accident to the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration Region in which the carrier's principal place of business is located. The addresses and jurisdictions of the Federal Highway Administration Regions are specified in § 390.40 of this subchapter.

(b) The notification required by paragraph (a) shall include the most reliable information available to the motor carrier on the following subjects:

- (1) Date and time of the accident.
- (2) Location of the accident.
- (3) Name of each motor carrier involved.
- (4) Number of persons killed.
- (5) Number of persons injured.
- (6) Estimate of total property damage.
- (7) Number and type of vehicles involved.
- (8) A very brief description of the accident.
- (9) Name of the person making the report.
- (10) Telephone number at which the person making the report can be reached.

(c) In addition to complying with the rules in this section, the motor carrier must file the report required by § 394.9.

§ 394.9 Reporting of accidents.

(a) Within 15 days after a reportable accident occurs, the motor carrier must file the original and two copies of Form MCS 50-T (Property) or Form MCS 50-B (Passengers), completed as specified in paragraph (b), with the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration Region in which the carrier's principal place of business is located. The addresses and jurisdictions of the Federal Highway Administration Regions are specified in § 390.40 of this subchapter.

(b) The motor carrier must fill in the report form completely and accurately with the most reliable information available to him at the time the report is filed.

§ 394.11 Notice of death after filing report.

(a) If, within 30 days after a reportable accident occurs, a person dies as a result of the accident after a motor carrier has filed his report in accordance with § 394.9, the motor carrier must, as soon as possible after the death, and not

later than the time specified in paragraph (b), give written notice of the death to the Director, Regional Motor Carrier Safety Office with whom he filed the accident report.

(b) The notice of death required by paragraph (a) must be dispatched before the close of the first business day following the day on which the motor carrier learns of the death.

(c) The notice of death required by paragraph (a) must include the following information:

- (1) The date and location of the accident.
- (2) The name of the decedent.
- (3) The name and address of the motor carrier.

§ 394.13 Accident register.

(a) A motor carrier must currently maintain an accident register in his files at his principal place of business. However, upon written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office of the Federal Highway Administration Region in which the motor carrier has his principal place of business, the carrier may maintain the accident register at a regional or terminal office. The addresses and jurisdictions of the Federal Highway Administration Regions are specified in § 390.40 of this subchapter. The accident register must contain the following information with respect to each reportable accident in the motor carrier's operations:

- (1) Accident claim number or carrier's file number.
- (2) Date and time of accident.
- (3) Location of accident (city or town, and State).
- (4) Name of driver.
- (5) Number of persons killed and injured.
- (6) Amount, in dollars, of damage to property.
- (7) Nature of the accident (such as "collision", "overturn", "fire", "cargo damage").
- (8) Whether the accident occurred during an interstate, foreign, intrastate, or exempt intracity operation.

(b) The file in which the accident register is maintained must also include a copy of each report that the carrier has filed pursuant to § 394.7, with a State agency, or with an insurer with respect to any incident entered in the accident register. The reports must be arranged or annotated in a manner which permits them to be identified with specific entries in the accident register.

(c) A motor carrier must keep the entries in the accident register pertaining to a reportable accident, and the information specified in paragraph (b) of this section pertaining to that accident, in its files for at least three years after the date of the accident.

§ 394.15 Assistance in investigations and special studies.

(a) A motor carrier must make all records and information pertaining to any accident available to an authorized representative or special agent of the Federal Highway Administration upon his

request. A motor carrier must give an authorized representative or special agent of the Federal Highway Administration all reasonable assistance in the investigation of any accident.

(b) If the Federal Highway Administration makes an inquiry to a motor carrier in connection with a study of accidents, the carrier must—

(1) Respond to the inquiry within 15 days after its receipt or within such other time as the inquiry may specify; and

(2) Provide a full, true, and correct answer to any question included in the inquiry.

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

III. Section 397.2 in Part 397 is amended by striking out the last sentence thereof. As so amended, § 397.2 reads as follows:

§ 397.2 Compliance with motor carrier safety regulations.

A motor carrier or other person to whom this part is applicable must comply with the rules in Part 390 through 397, inclusive, of this subchapter when he is transporting hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title.

[FR Doc.72-15169 Filed 9-6-72;8:52 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in Washington; Correction

In F.R. Doc. 72-12913, Volume 37, Number 159, dated Wednesday, August 16, 1972, on first line of page 16550, "Ducks and coots may be hunted on the following refuge area," should be amended to read:

Migratory game birds may be hunted on the following refuge area:

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

AUGUST 30, 1972.

[FR Doc.72-15120 Filed 9-6-72;8:46 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-7-72).

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with legal firearms on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted over the entire refuge with the exception of those areas designated as "Area Beyond This Sign Closed." The open area comprises 42,000 acres. The area open for the hunting of black bear with legal firearms or bow and arrow, and the hunting of white-tailed deer with bow and arrow, is authorized on 12,500 acres designated by signs as "Public Hunting Area." Areas open for deer and bear hunting are delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and black bear and subject to the following conditions.

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1, 1972, through November 30, 1972. Hunters have the choice of any 3 consecutive days, November 1, 1972, through November 15, 1972, or any 5 consecutive days, November 16, 1972, through November 30, 1972.

(2) Hunting deer with legal bow and arrow is permitted from sunrise to sunset, September 30, 1972, through November 30, 1972.

(3) The hunting of black bear with legal firearms or legal bow and arrow is permitted from sunrise to sunset, September 16, 1972, through October 21, 1972.

Portions of Tamarac refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a refuge except by access roads which may be so designated; and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1972.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn. 56578.

AUGUST 28, 1972.

[FR Doc.72-15121 Filed 9-6-72;8:46 pm]

PART 32—HUNTING

Bosque del Apache National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-7-72).

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

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,200 acres, is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicles are restricted to established roads only.

(2) Hunters shall leave the refuge by one-half hour after sunset.

(3) The open season for hunting deer on the refuge is from November 18 through November 26, 1972, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1972.

RICHARD W. RIGBY,
Refuge Manager, Bosque del Apache National Wildlife Refuge, San Antonio, N. Mex.

AUGUST 29, 1972.

[FR Doc.72-15132 Filed 9-6-72;8:45 pm]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 200—ORGANIZATION AND INFORMATION

Subpart B—Public Information

AVAILABILITY OF RECORDS; EXCEPTIONS

Subpart B of Part 200 of Title 6 of the Code of Federal Regulations is amended to give discretionary authority to the Chairman of the Pay Board to disclose records when disclosure is in the public interest and not prohibited by law.

This amendment clarifies Pay Board policy and regulations regarding disclosure of information adopted pursuant to the Freedom of Information Act (5 U.S.C. 552). Implicit in the Act and in Board regulations is the requirement that the agency adopt a policy conducive to maximum disclosure of public records. The Freedom of Information Act permits an agency to protect from disclosure certain types of records in its possession. This protection is not required, however, and the Board has inherent authority to release information which may be protected if release is not prohibited by law and is deemed to be in the public interest.

By adding this new language to its regulations, the Board makes explicit the policy of full disclosure which it has followed.

Since the regulations set forth in this amendment are essential to the effective implementation of the economic stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Pay Board, Washington, D.C. 20508.

Effective date: September 7, 1972.

GEORGE H. BOLDT,
Chairman.

Paragraph (a) of § 200.20 is revised to read as follows:

§ 200.20 Availability of records; exceptions.

(a) *In general.* All documents and exhibits filed by any party with the Pay Board in the course of its proceedings are part of the records of the Board, available for inspection and copying by members of the public, except to the extent and in the manner specified in this subpart, and except to the extent such information is of the nature specified in 5 U.S.C. 552(b)(1)-(9). However, the Chairman of the Pay Board, or his delegate, is authorized at his discretion to make any record enumerated in 5 U.S.C. 552(b)(1)-(9) available for inspection if he deems disclosure to be in the public interest, and disclosure is not otherwise prohibited by law.

[FR Doc.72-15298 Filed 9-6-72; 8:52 a.m.]

**Chapter III—Price Commission
PART 300—PRICE STABILIZATION**

**Attorneys at Law: Limitation on
Annual Increases in Prices**

The purpose of this amendment to § 300.14, relating to service organizations, is to provide for limiting the aggregate price increases of service organizations providing the services of an attorney at law to 2.5 percent for the 12-month period beginning on November 14, 1971, and for each 12-month period beginning on November 14 thereafter. § 300.14, as currently in effect provides that a service organization may charge a price in excess of a base price only to reflect certain costs, reduced to reflect productivity gains, and only to the extent that the increased price does not result in a profit margin increase.

The Price Commission has determined that this limitation on price increases by attorneys at law is necessary at this time for the effectiveness of the Economic Stabilization Program. The Commission has observed changes in the prices of various services as reflected in the Consumer Price Index. That Index has shown a 13 percent increase in the prices for legal services during the period June 1971 through June 1972, including an 0.9 percent increase in the one-month period of June 1972. The amendment to § 300.14 is designed to limit annual price increases for legal services to 2.5 percent, a percentage increase in line with the general goal of the Price Commission, and similar in effect to the 2.5 percent limitation on price increases by noninstitutional providers of health services provided in § 300.19.

For service organizations providing the services of an attorney at law which have already instituted price increases since November 13, 1971, aggregating more than 2.5 percent, the amendment to § 300.14 prohibits further increases until the accumulation of the 2.5 percent increase authorization accruing for each 12-month period beginning on November 14, 1971, is equal to or greater than the excess aggregate price increases of that organization instituted since November 13, 1971.

A service organization which provides the services of an attorney at law which does not use all of the 2.5 percent aggregate price increase authorized by this paragraph for any 12-month period beginning after November 13, 1971, may use any amount not so used in any subsequent 12-month period.

Other changes of an editorial or minor clarification nature have been made and the section has been set forth in its entirety as restated.

This amendment is adopted under the authority of the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971.

In consideration of the foregoing § 300.14 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective September 7, 1972.

Issued in Washington, D.C., on September 5, 1972.

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

§ 300.14 Service organizations.

(a) *Applicability.* This section applies to all service organizations except—

(1) Public utilities covered by §§ 300.16 or 300.16a;

(2) Providers of health services covered by §§ 300.18 or 300.19;

(3) Insurers covered by § 300.20;

(4) Brokers to the extent covered by § 300.21 or by a fee schedule which has been certified by the Securities and Exchange Commission as being consistent with the Economic Stabilization Program;

(5) Any person who qualifies as a low profit firm under § 300.32, so long as that person is subject to § 300.32; and

(6) Public benefit corporations covered by § 300.51(k).

(b) *General.* Except as provided in paragraph (c) of this section, a service organization may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the last price increase, or that it incurred after January 1, 1971, whichever was later, with respect to the service concerned, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period.

(c) *Special rule—attorneys at law.* A service organization which provides the services of an attorney at law may not increase prices under paragraph (b) of this section, for the 12-month period beginning on November 14, 1971, by an aggregate of more than 2.5 percent above base prices, and for each 12-month period thereafter beginning on November 14, 1972, may not increase its prices by an aggregate of more than 2.5 percent above the prices authorized under this section for those services at the end of the preceding 12-month period. However, a service organization which provides the services of an attorney at law and which, on September 5, 1972, has increased its prices by an aggregate of more than 2.5 percent above its base prices at any time during the 12-month period beginning on November 14, 1971, may not make any further price increases until the accumulation of the 2.5 percent increase authorization accruing for each 12-month period beginning after November 14, 1971, is equal to or greater than the excess aggregate price increases of that organization on September 5, 1972. A service organization which provides the services of an attorney at law and which does not use all of the 2.5 percent aggregate price increase authorized by this paragraph for any 12-month period beginning after November 13, 1971, may use any amount not so used in any subsequent 12-month period.

[FR Doc.72-15321 Filed 9-6-72; 10:19 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

INSPECTION BY VARIABLES

Proposed U.S. Standards; Correction

In the notice of proposed rule making to issue U.S. Standards for Inspection by Variables published in the *FEDERAL REGISTER* of August 24, 1972 (37 F.R. 17052), § 52.209(b) (1) (iii) is corrected to read as follows:

§ 52.209 Acceptance and rejection criteria.

- (b) * * *
- (1) * * *

(iii) $\bar{X}$ is equal to or less than $\bar{X}'_{max}$ adjusted and equal to or greater than $\bar{X}'_{min}$ adjusted; and

Dated: August 31, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc. 72-15147 Filed 9-6-72; 8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 262]

FROZEN RAW BREADED SHRIMP

Proposed Standards for Grades

AUGUST 24, 1972.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 effective October 3, 1970 (35 F.R. 15627), and under the authority of Title II of the Agriculture Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), transferred from the Department of the Interior to the Department of Commerce, it is proposed to amend the U.S. Standards for Grades of Frozen Raw Breaded Shrimp.

The purposes of the proposed amendments are: (1) To extend the standard to cover an additional style and sizes; (2) to include an optional alternate method for determining shrimp material; and (3) to allow for compliance to be determined during processing.

Both the consumers and the processing industry will accrue benefits from this proposal.

Interested persons may submit written comments in regard to the proposed amendments to the regulations to the Director, National Marine Fisheries Service,

ice, U.S. Department of Commerce, Washington, D.C.

All relevant material received not later than 30 days after publication of this notice will be considered.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

The amendments to Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp follow:

Section 262.1 is amended as follows:

§ 262.1 Product description.

Frozen raw breaded shrimp are whole, clean, wholesome, headless, peeled shrimp which have been deveined where applicable of the regular commercial species, coated with a wholesome, suitable batter and/or breading. Whole shrimp consist of five or more segments of unutilized shrimp flesh. They are prepared and frozen in accordance with good manufacturing practice and are maintained at temperatures necessary for the preservation of the product. Individual shrimp and/or pieces consolidated into larger units and covered with breading are not considered for grading under this standard.

A new § 262.2 *Composition of the product* is added as follows:

§ 262.2 Composition of the product.

(a) Frozen raw breaded shrimp shall contain not less than 50 percent by weight of shrimp material when the weight of the shrimp material is determined by the end product method as set forth in § 262.21(u).

(b) Shrimp material content of raw breaded shrimp may be determined by the on-line method as set forth in § 261.21(v): *Provided*, That the results are at least in compliance with the shrimp material content requirement of 50 percent by weight when verified by the official end product method.

(c) Production methods employed in official establishments shall be kept relatively constant for each product lot so as to minimize variations in any factor which may affect the relative shrimp material content.

Section 262.2 is redesignated as follows:

§ 262.3 Styles of frozen raw breaded shrimp.

Section 262.3 is redesignated and paragraph (c) is amended as follows:

§ 262.4 Types of frozen raw breaded shrimp.

(c) *Type III—Breaded split shrimp.* Shrimp with the tail fin and shell seg-

ment immediately adjacent; with all remaining segments split completely through longitudinally.

Section 262.4 is redesignated as follows:

§ 262.5 Grades of frozen raw breaded shrimp.

Section 262.12 is amended as follows:

§ 262.12 Factors evaluated on the product in the breaded state.

(a) Factors affecting qualities that are measured on the product in the breaded state are uniformly of size, condition of coating, extraneous material, and damaged breaded shrimp. For the purpose of rating the factors that are scored in the breaded state, the schedule of point deduction in table 1 applies. This schedule of point deductions is based on the examination of one complete individual package or intended package (sample unit) regardless of the net weight of the contents of the package.

(b) The factor—ease of separation in the frozen state—shall be rated in addition to all other factors when frozen raw breaded shrimp is lot inspected on a lot basis.

Section 262.13 is amended as follows:

§ 262.13 Factors evaluated on unbreaded or thawed debreaded product.

Factors affecting qualities that are measured on the product in the unbreaded or thawed debreaded state are degree of deterioration, dehydrations, sand veins, black spot, extra shell, extraneous material, and swimmerets. For the purpose of rating the factors that are scored in the unbreaded or thawed debreaded state, the schedule of point deductions in table 2 applies. This schedule of point deductions is based on the examination of 20 whole shrimp selected from the processing line or from one or more packages. Examination of this sample of 20 whole shrimp is continued under § 262.21(u).

A new § 262.14 is added as follows:

§ 262.14 Hygienic processing.

Frozen raw breaded shrimp shall be processed and maintained in accordance with the applicable requirements of the Good Manufacturing Practice Regulations contained in Part 128 of Title 21, CFR, and the applicable requirements contained in Part 260 of this chapter.

§ 262.21 [Amended]

Section 262.21 is amended as follows:

a. Paragraph (s) is changed as follows:
(s) Net weight: Net weight is determined by use of a balance and by following steps given below:

b. Delete Step 7 and the paragraph following it and replace with a new Step 7.

7. Net weight of the shrimp is the weight of the shrimp and of any loose breading and frost, exclusive of packaging material. The amount of loose breading and frost shall not exceed the limits of good manufacturing practices.

c. Paragraphs (u) and (u) (2) (ii) are changed as follows:

(u) Percent shrimp material—official end product method:

(2) * * *

(ii) Calculate percent shrimp material.

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample (20 shrimp)}}{\text{Weight of sample (20 shrimp)}} \times 100 + 2$$

(d) Paragraph (v) is redesignated as § 262.21(w) and a new paragraph (v) is added as follows:

(v) Percent shrimp material—on-line method: Percent shrimp material determined by the on-line method refers to the percent by weight of shrimp material in a sample as described below:

(1) Equipment needed:

(i) Water bath (a container with a 3- to 4-liter capacity).

(ii) Balance accurate to 0.1 gram or 0.01 ounce.

(iii) Stop-watch or regular watch readable to a second.

(iv) U.S. Standard sieve—½-inch sieve opening; 12-inch diameter.

(v) U.S. Standard sieve ASTM No. 20, 12-inch diameter.

(vi) Thermometer (immersion type accurate to ±2° F.).

(vii) Forceps, with blunt points.

(viii) Shallow pan.

(ix) Rubber policeman to remove bits of breading from shrimp.

(2) Procedure:

(i) Select in a random manner, a composite sample of 20 unfrozen raw breaded shrimp from production line(s). Weigh the composite sample on a scale, determining the weight of the sample to the nearest 0.1 gram or 0.01 ounce. Place the sample in a water bath filled to three-fourths capacity and in a container maintained at 60° F.—85° F. After shrimp are submerged in water and breading becomes soft, a "gentle" swirling action with hands may be applied to the shrimp to speed up the removal of the breading. Stack the sieves, the ½-inch mesh over the No. 20 and pour contents of container into them. Remove top sieve and drain on 45-degree angle for 2 minutes then transfer shrimp to balance. Rinse contents of No. 20 sieve onto a shallow pan and collect any particles of shrimp material (flesh, tail fin, etc.), and add to the shrimp on the balance and then weigh.

(ii) Calculate percent shrimp material:

Percent shrimp material =

$$\frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100$$

(iii) Frequency of on-line shrimp material content determination. A minimum of three determinations of shrimp material content shall be carried out for small production runs or lots of the same style product, i.e., 3 x (20 unfrozen raw breaded shrimp). For larger production runs or lots of the same style product, a minimum of one determination, i.e., 1 x (20 unfrozen raw breaded shrimp) shall be carried out for every hour of production of product of the same style.

A new § 262.22 is added as follows:

§ 262.22 Use of alternate methods of shrimp material determination.

(a) The official end product method in § 262.21(u) for determining shrimp material content shall be used for lot inspection, appeal inspection, and inspection for verification in official establishments when the on-line method is used.

(b) The on-line method in § 262.21(u) (2) for determining shrimp material content may be used during processing operations.

TABLE 1.—SCHEDULE OF POINT DEDUCTION FOR RATING IN FROZEN BREADED STATE

Delete the word "Frozen" from the title of Table 1.

Delete Factor 1. Loose breading or frost; and renumber remaining factors. Add the words "in the frozen state" to renumbered Factor 1. Ease of separation.

TABLE 2.—SCHEDULE FOR POINT DEDUCTIONS FOR EXAMINATION IN THAWED, DEBREADED STATE DEDUCTIONS BASED ON 20 SHRIMP

Change the title of Table 2 to read as follows: Schedule for Point Deductions for Examination in Unbreaded or Thawed Debreaded State.

Change the designation of Factor 3 to read, "Sand veins where applicable."¹

In the quality description of Factor 7. Extraneous material, change the footnote number from 1 to 2 and renumber footnote 1 to 2.

A new footnote 1 is added to Table 2 as follows:

¹ Deduction points for sand veins shall not be applied to shrimp smaller than 70 count per pound in the raw, headless state. The corresponding size in the breaded state is 40 count per pound and 80 count per pound in the peeled state.

[FR Doc. 72-15117 Filed 9-6-72; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 717]

BLACK LUNG BENEFITS

Manner and Place of Filing of Claims Between July 1 and December 31, 1973 and Preliminary Processing of Such Claims

CROSS REFERENCE: For a document pertaining to the manner and place of filing benefit claims between July 1 and December 31, 1973 and preliminary processing of such claims under the Black Lung Benefits Act of 1972, issued jointly by the Employment Standards Administration and the Social Security Administration, see F.R. Doc. 72-15195, Department of Labor, *infra*.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72 170 P]

ATLANTIC INTRACOASTAL WATER- WAY AND SOUTH FORK, NEW RIVER, FLA.

Proposed Drawbridge Operation Regulations; Correction

F.R. Doc. 72-14766, published at pages 17561-2 in the issue dated Wednesday, August 30, 1972, is corrected by changing "15 minutes" to "20 minutes" at § 117.446(e) (1).

Effective date. This correction is effective upon publication in the FEDERAL REGISTER (9-7-72).

Dated: September 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 72-15151 Filed 9-6-72; 8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-29; Notice 3]

MOTOR VEHICLE SAFETY STANDARD NO. 212

Windshield Mounting

Correction

In F.R. Doc. 72-14245 appearing at page 16979 of the issue for Wednesday, August 23, 1972, the headings should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

DIURON

Proposed Tolerance

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Station of Hawaii submitted a petition (PP 1E1164), proposing establishment of a tolerance for residues of the herbicide diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on papayas at 0.5 part per million.

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

1. The pesticide is useful for the purpose for which the tolerance is proposed.

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

3. The proposed tolerance will protect the public health.

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

§ 180.106 Diuron; tolerances for residues.

0.5 part per million in or on papayas.

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

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

Dated: August 28, 1972.

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

[FR Doc. 72-15154 Filed 9-6-72; 8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1254]

[Ex Parte No. 285]

DEMURRAGE, DETENTION, ETC.

Maintenance of Records

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of July 1972.

This proceeding is being initiated to examine and consider the need for requiring all rail common carriers of property subject to the jurisdiction of this Commission to make and maintain records sufficient to assure the proper assessment and collection of all applicable demurrage, detention, or other accessorial charges, applicable to both rail freight cars and freight trailers.

Section 6(7) of the Interstate Commerce Act provides in part that no rail-

road shall charge or demand or collect or receive a greater or lesser or different compensation for its transportation services or for any service in connection therewith than the rates or charges named in its tariffs lawfully on file with the Interstate Commerce Commission at the time such service takes place. It further provides that no carrier shall refund or remit in any manner or by any device any portion of the rates or charges so specified, nor extend to any shipper or person any privilege or facility in the transportation of property except such as is specified in such tariff. It is the duty of the Commission under the act to require that common carriers of property by railroad make and maintain adequate records to assure compliance with their published tariffs. Further, it is the duty of this Commission, upon discovery of laxities in this area, to consider whether such laxities as may occur constitute grounds for the prescription of specific records and/or recordkeeping procedures.

The change from manual accounting methods and procedures to computerized configuration in accounting has brought about considerable change in the basic policing policies and recordkeeping procedures with respect to the enforcement by railroads of their lawfully published demurrage, detention, and other accessorial charges. Recent inquiries by the Commission's field staff have revealed serious laxities in complying with both the basic demurrage and other detention tariffs, with other tariffs stating charges for accessorial services, and with the Commission's Credit Regulations as set forth in Title 49 of the Code of Federal Regulations at Part 1320. Large sums of money were found to be outstanding and overdue for payment, but a large part of this money represented charges that were in dispute due to an apparent lack of basic carrier records necessary to prove the validity of the charges as initially assessed. Further, field inquiries have revealed that sizeable sums have actually been canceled because the carriers did not have adequate records to sustain their burden of proof had they resorted to actions at law to collect disputed charges.

Generally, carriers have defended their relaxation of recordkeeping with respect to demurrage or other detention on the bases that the charges lost through their failure to support the charges initially assessed are less than what it would cost to make and maintain adequate records. This, however, is not the issue since: (1) The law specifically requires the collection of all applicable charges; and (2) demurrage and other detention charges serve a dual purpose: (a) Compensation for the use of the car or equipment, and (b) a penalty designed to prevent undue detention of cars or trailers. The latter element is aimed at promoting sound and efficient car service by penalizing shippers who fail to load or unload cars under their control with reasonable promptness.

It is therefore desirable and necessary that—in order to properly evaluate the adequacy of the carriers' present record-

keeping systems and procedures—we consider the feasibility and necessity of adopting a proposed rule or rules which will require common carriers of property by railroad subject to our jurisdiction to maintain records sufficiently on a daily basis, uniform in form and format and in the manner of time and place as designated by the Commission, to: (1) Establish when cars are placed for loading or unloading, as the case may be, and when cars are either completely loaded or completely unloaded, or otherwise released back to the carrier by the shipper; (2) establish when trailers are either made available to shippers or placed for loading or unloading, as the case may be, and when trailers are either completely loaded or completely unloaded or otherwise released back to the carrier by the shipper, and (3) establish when charges are due for other accessorial services, including, but not limited to, such items as weighing of cars or trailers, switching, delivery, or redelivery charges of highway trailers, delayed presentation of order/notify bills of lading, etc.

It is our desire here to impose no greater burden on the carriers than is necessary to provide us with a record that will be useful in solving this transportation problem. In this regard we recognize that many carriers of different sizes, and operating in different areas have developed, over the years, through experience, trial and error, and consultation with management analysts, sophisticated systems for recording demurrage, detention, and other accessorial charges. Therefore, we propose to adopt a rule or rules which will give wide latitude to incorporate the requirements of such rule or rules into their particular systems and methods without creating an undue economic burden and without being disruptive of their operations.

Briefly stated, our inquiry in this proceeding will concern, among other matters: (1) Whether the proposed regulations set forth in the appendix to this notice should be adopted; (2) whether the records should contain more or less information than that required in the said proposed regulations; (3) whether exceptions should be made in the case of large facilities where fully computerized recordkeeping operations have been formulated and established that already provide adequate policing records, and (4) whether this Commission should take such further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

This proceeding is not anticipated to have any adverse effects upon the quality of the human environment.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of Part I of the Interstate Commerce Act (49 U.S.C. I et seq.) including 1(4), 1(5), 1(6), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4), 15(1), 20(1), 20(3),

20(5), and 20(8), thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations set forth in Appendix A to this notice and order, or other regulations of similar purport applicable to common carriers of property by railroad subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all common carriers of property by railroad operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearing be scheduled for receiving of testimony in this proceeding unless a need should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments, on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by the filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on, or before the 30th day after service hereof, not including the day of service (August 16, 1972). If the due date falls on a Federal holiday, Saturday, or Sunday, the due date will be the next working day.

It is further ordered, That the original and one copy of statements of intention to participate shall be so filed; that the Office of Proceedings then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the same time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy hereof shall be served on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this order to the Governor of every State and to the public utilities commissions or board of each State having jurisdiction over transportation, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy thereof be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

MAINTENANCE OF DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL SERVICE RECORDS BY COMMON CARRIERS OF PROPERTY BY RAILROAD

§ 1254.01 General applicability.

The rules and regulations of this part apply to demurrage, detention, and other related accessorial services, for which rules, rates, or charges, are named by common carriers of property by railroad in tariffs lawfully on file with the Interstate Commerce Commission with respect to freight cars, highway trailers, other vehicles and/or containers used in the transportation of property.

§ 1254.02 Records pertaining to freight cars.

(a) Every common carrier of property by railroad, subject to the Interstate Commerce Act shall make and maintain, on a daily basis, at each open station at which freight cars are loaded, unloaded, or held awaiting instructions from the shipper, records of all movements of freight cars which will readily show, with respect to each shipment, sufficient information to assess applicable freight charges and charges for detention, demurrage, storage, switching, weighing, inspection, car rental, refrigeration, whether included in regular detention and freight charges or separately stated, stopoff, reconsigning, or diversion charges, loading charges, and charges for other accessorial services, and support the granting of special allowances to shippers when such allowances are authorized by tariffs lawfully in effect.

(b) The above-described records shall be separately maintained at each open or base station for each satellite or non-agency station assigned to it.

§ 1254.03 Demurrage and other detention of railroad freight cars.

(a) *Conductor's report*—(See Exhibit No. 1). Every common carrier of property by railroad subject to the Interstate Commerce Act shall cause to be made on a daily basis a conductor's report, which shall include date and time cars are placed to and/or removed from tracks serving industry location(s) of each consignee or consignor, including but not limited to industrial sidings, industrial interchange tracks, and public delivery (team) tracks. Such records shall include engine number or train identification; name of conductor; date of service; initial and number of railroad freight car(s), whether loaded or empty at time placed or removed; type of service performed, whether placed or removed; identification by name or number of siding or team track; and spot

location on siding of team track. If more than one switch movement per car is made on 1 day, a separate entry must be made and maintained each time said car is moved, as well as the time switching services began and ended at each industry location. The original of the conductor's report must be forwarded at the end of each day to the employee or office maintaining demurrage records. If demurrage accounts are processed or completed at other points, a legible copy of the conductor's report must be maintained at each open station listing the cars placed or removed from tracks under the jurisdiction of such station.

(b) *Daily track check*—(See Exhibit No. 2). A daily track check shall be made by a qualified employee of the carrier or its agent after a visual inspection of the car(s) as close to 7 a.m. as possible, but not before, and shall be completed no later than 11:59 a.m. each day, excluding Saturdays, Sundays, and holidays, except as otherwise authorized by the Commission. Such records shall include a record of all cars located on tracks serving consignee's or consignor's locations, including but not limited to industry sidings, industrial interchange tracks, holding tracks, inspection tracks, and public delivery (team) tracks. The following information shall be recorded: date of check; name of station; name of employee conducting check; identification of track checked; time check of each track begins and ends; initial and number of each car checked; status of car at time checked, whether loaded, partially loaded or unloaded, or empty; and whether located (spotted) at a position accessible for loading or unloading, as the case may be, by consignee or consignor.

(c) *Arrival, placement, or constructive placement notice*—(See Exhibit No. 3). Such a notice shall be prepared and furnished consignees or consignors in writing (see exception).

Exception. When specifically authorized by tariffs lawfully in effect, verbal or telephone notice of arrival, placement, or constructive placement notice may be given provided a confirmatory notice, in writing, is sent or given to the consignor or consignee in writing the same day that telephone or verbal notice is given, except that when such telephone or verbal notices are given within 1 hour of closing time of the railroad station or facility responsible for rendering such notice, the confirmation may be sent or given not later than the following day exclusive of Saturdays, Sundays, and holidays. Each such confirmatory notice shall include reference to the date and hour of the prior verbal notice and the name of both the consignor's or consignee's employee to whom notice was given and the name of the carrier's employee that gave the notice.

(d) *Car order(s)*—(See Exhibit No. 4). Car orders shall be required from all consignors in writing or confirmed in writing. Such car orders shall include station name; date; name of consignor;

number and type of cars requested; destination of shipment; if known, proposed routing, if shipper-routed; and name of person ordering cars. Every carrier shall assign an appropriate number to each car order and shall record the initial and number of each car applied on each car order. To avoid duplication of car orders, unfilled car orders will be considered canceled as of 11:59 p.m. on Saturday of each week. Carriers may accept telephone or other verbal car orders, provided said car orders are immediately confirmed in writing by consignor. When verbal car orders are accepted, the carrier shall record the name of the consignor's representative ordering the cars; date and time car order is received; and name of carrier employee that received the car order. Written confirmation of verbal car orders must be received by the carrier before shipping instructions are accepted. Unsigned or undated car orders shall not be accepted from consignors. When a car is both unloaded and loaded by the same shipper without being returned empty to the carrier, the car shall be considered as having been ordered and furnished as of 7 a.m. of the date car is tendered to the railroad under load accompanied by shipping instructions.

(e) *Record of weather conditions*—(See Exhibit No. 2). Such a record shall be made and maintained at each open freight station three times each day, exclusive of Saturdays, Sundays, and holidays. This record shall be taken at the start of each workday, but not earlier than 7 a.m. nor later than 9 a.m., at noon, and at the close of the workday, but not earlier than 4 p.m. nor later than 6:00 p.m., unless otherwise authorized by the Commission.

(f) *Straight plan demurrage record*—(See Exhibit No. 5). A straight plan demurrage record shall be made by the carrier on a daily basis, exclusive of Saturdays, Sundays, and holidays, to record the status of all cars located within the jurisdiction of each agency station, except as otherwise provided in paragraph (g) and (h) of this section.

(g) *Average agreement demurrage record*—(See Exhibit No. 6). An average agreement demurrage record shall be posted by the carrier on a daily basis, exclusive of Saturdays, Sundays, and holidays, to record the status of all cars located within the jurisdiction of each agency station where prior average agreement contracts have been entered into between consignees or consignors, as the case may be, and the carrier, pursuant to the provisions of applicable tariffs lawfully on file with this Commission.

(h) *Special detention records*—(See Exhibit No. 7). Such records shall be made by the carrier on a daily basis, exclusive of Saturdays, Sundays, or holidays, wherever special detention rules are named as an exception to the general demurrage rules in applicable tariffs governing the application of a particular rate or charge on a specific type of freight shipment.

(i) *References to special detention rules*—All shipping orders, bills-of-lad-

ing, waybills, and freight bills covering shipments subject to special detention rules, mechanical refrigeration charges, or other charges based on the detention of freight cars shall include a reference to the applicable tariff and item numbers naming the detention or refrigeration charges.

(j) *Presentation of demurrage, detention, or refrigeration bills*—All bills for demurrage assessed against cars subject to straight plan demurrage, special detention, or refrigeration services computed on a time basis, shall be presented within 48 hours, exclusive of Saturdays, Sundays, and holidays, of the release of the individual cars. All bills for demurrage assessed on an average agreement basis shall be presented within 15 calendar days of the close of the month during which the demurrage accrued.

(k) *Preparation of bills at central points*—When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stop-off, re-consigning, diversion, loading, or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at central billing or accounting points, copies of such bills or allowances shall be sent to the open station preparing the conductor's reports, track checks, etc., at the same time the bills or allowances are sent to the consignee or consignor.

1254.04 Disability rule.

Common carriers of property by railroad subject to the jurisdiction of the Interstate Commerce Act shall make no allowance for weather interference, carrier or shipper error, strike interference, frozen or congealed lading, bunching of cars, runaround, or other disability conditions unless a claim is made therefor in writing by the consignor or consignee, as the case may be, and then only in compliance with the provisions of applicable tariffs lawfully on file with this Commission. Under no circumstances shall any such claim for allowance be made or given unless approved in writing by the officer of the carrier responsible for the proper assessment and/or collection of demurrage or other detention charges.

1254.05 Detention of highway trailers and other containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission

(a) Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain on a daily basis at each carrier facility where either highway trailers or containers transported in trailer-on-flatcar service (TOFC) or container-on-flatcar service (COFC) are received or delivered to shippers, shippers' agents, freight forwarders, or are exchanged or interchanged with either private, contract, or common motor carriers, including local drayage or cartage motor carriers, or by highway with other railroads, a record of all movements of highway trailers or

containers which will readily show, with respect to each shipment, the information necessary to assess applicable freight charges and charges for detention; trailer-yard storage; drayage; trailer or container rentals; refrigeration, whether included in regular detention charges or separately stated; split pick-up or delivery; delivery service; helper service; and other accessorial services.

(b) A daily record (see Exhibit 9) shall be made of each trailer or container originated or received from another carrier, which shall separately include: initial and number of trailer or container; TOFC or COFC plan number; name of shipper; origin of shipment, if other than point of receipt; name of consignee; destination, both gross and net weight; exterior dimensions; commodity description used for billing purposes; identification of tractor and driver that delivered trailer or container; or, if received via rail, initials and number of car on which trailer or container is received; date and hour loaded onto flatcar; initials and number of car on which loaded; or, if forwarded in substituted service via highway, identification of tractor and driver transporting trailer or container from point of origin or receipt; and date and hour forwarded, including train identification if forwarded via rail.

(c) A daily record (see Exhibit 9) shall be made of each trailer or container terminated or delivered to another carrier, whether railroad, freight forwarder, or motor carrier, which shall separately include: initial and number of trailer or container; TOFC or COFC plan number; name of shipper; origin; name of consignee; destination, if other than point of delivery; commodity description as shown on billing; date and hour of arrival, if received via rail; identification of train and initial and number of car transporting trailer or container to delivering station, if received via highway; identification of trailer and driver transporting trailer or container to delivering station; identification of trailer and driver, or initial and number of car used to deliver trailer or container to consignee or to carrier to which delivered for further movement.

(d) A daily record shall be maintained at each station at which trailers or containers are received from or delivered to shippers, shippers' agents, or freight forwarders or their authorized agents, as follows:

- (1) Outbound loaded shipments.
- (i) Date trailers or containers ordered for loading.
- (ii) Number, kind, and size trailer or container wanted.
- (iii) Date and hour wanted.
- (iv) Commodity to be transported.
- (v) Destination and proposed route.
- (vi) Name of shipper employee ordering trailers or containers.
- (vii) Name of railroad employee accepting order for railroad.
- (viii) Initial and number each trailer or container applied and date applied.
- (ix) Date and hour made available or taken from TOFC/COFC lot.
- (x) Date and hour of arrival at shipper's plant. (Applies only when carrier is

(ix) Date and hour unloading completed, if unloaded by carrier, or carrier

(xi) If unloading of trailer is interrupted by close of working day or because of any condition attributable to consignee, which necessitates carrier's removal of trailer from consignee's premises or from dock area, the date, hour and cause of such removal shall be recorded. When trailer is redelivered to complete unloading, the carrier shall record the data required in subdivisions (vii), (viii), and (ix), (x), or (xi) of this subparagraph (if applicable), for each subsequent delivery until unloading is completed.

(xiii) If trailer is weighed either prior to or subsequent to unloading, the carrier shall record the time, date, and place of weighing, the weight secured, and the name and employer of both the person requesting the weight and the person performing the weighing.

Nothing in this part shall apply to cars moving subject to Freight Tariff No. 8 Series (car demurrage rules on cars at coal mines); cars handled at ocean or Great Lakes ports when moving subject to special port demurrage rules named in tariffs lawfully on file with this Commission; nor on cars moving subject to Item 30 Series of General Car Demurrage Tariff No. 4 Series.

Exhibit No. 1

[illegible]

CODES

INTRA-PLANT SWITCH WEIGHING ON CUSTOMER'S SCALES

24

Station, _____ Rail _____

DAILY TRACK CHECK

At _____
(Location or Industry)

Between _____ M. _____ M. _____ 19____

Condition } _____ By _____
Weather } _____ (Checker)

[illegible]

GENERAL INSTRUCTIONS

Agents must have private and public delivery tracks within their jurisdiction checked each day at 7 a.m., or as soon thereafter as it is possible to do so, and should see that a proper record of the placement of cars for loading or unloading is furnished them by Yard Masters or Conductors; such reports to be preserved as the original record. The checking of cars on tracks should be taken in this book, which should be kept on file as the original record during the period required by the statute of limitation. It is very important that the original record in all cases be preserved, inasmuch as the transcription from the original record into the demurrage record-book will not be accepted as the original record in the event of litigation. All original records must be dated and show the hour when track was checked, and signed by the person making same, for the purpose of future identification.

Instructions to be printed on reverse side of form or, if in book format, on inside of front cover.

Tracks should always be checked from same end each day.

In column headed "Kind" enter kind of car. In column headed "Loading" enter name of commodity in the car if loaded, or "Emp." if empty. In the "Hour" column enter time check of car is made, and in "Location" column enter name or specific designation of track on which car is standing when checked. In "Remarks" column use such terms as "Loading," "Unloading," "1/2 full," "1/4 full," or any other term which will clearly define the condition in which car is found at the time check is made.

NOTICE OF ARRIVAL AND OR PLACEMENT

_____ (Station) Telephone Number _____
 The below listed cars consigned to you have arrived and, when required, upon payment of freight charges and/or surrender of bill of lading as indicated in "REMARKS", _____ available to you at _____:
 (are/will be) (location)

Car Initial and Number*	Point of Shipment	Contents	Other Information

* — If transferred enroute, also list initial and number of original car.

REMARKS: _____

Free time on the above cars expires _____ M on _____ 19____.

I hereby certify that the original of this notice was mailed to the consignee named on the reverse side at _____ M on _____ 19____.

 (Signature of individual mailing notice)

Exhibit No. 3(b)

COMPANY

Station _____ 19____

CONSTRUCTIVE PLACEMENT NOTICE

M

You are hereby notified that the following cars, consigned to, or ordered to or by you, cannot be delivered on account of your inability to receive, or because of other conditions attributable to you, and tender of same is hereby made. These cars are subject to the demurrage rules published in the tariffs lawfully on file, and charges in accordance therewith will be made for detention beyond the free time therein provided.

CAR		CONTENTS	REMARKS	CAR		CONTENTS	REMARKS
Initial	Number			Initial	Number		

ORIGINAL COPY OF THIS NOTICE RECEIVED

(Consignor)

Agent

At _____ M _____ 19____ By _____ (Consignee) per _____

(If consignee or consignee refuses to acknowledge receipt of this Notice as provided above, the person delivering same should fill out, date and sign the following certificate on the copy kept on file by the Agent.)

I hereby certify that the copy of this Notice was delivered by me to _____
 Mr. _____
 representing the consignee or consignee named herein at _____
 M. on _____ 19____

(If this Notice is not delivered personally by the Agent or his representative, it must be served by mail, and the following certificate on the copy kept on file by the Agent should be filled out, dated and signed.)

I hereby certify that the copy of this Notice was mailed to the shipper or consignee named herein, at _____
 M. on _____ 19____

Agent

Signature of person delivering notice

Agent's copy must be preserved for a period of six years, as required by order of Interstate Commerce Commission.

18091

Exhibit No. 368

(NOTICE OF ARRIVAL AND/OR PLACEMENT FOR CARS DESTINED FOR TEAM TRACK DELIVERY RULES 3-A AND 3-B-2)
(NOTICE OF CONSTRUCTIVE PLACEMENT FOR CARS DESTINED FOR OTHER THAN TEAM TRACK DELIVERY RULE 3-A-1)

INSTRUCTIONS: WHEN NOTIFYING PATRON OF ARRIVAL OR CONSTRUCTIVE PLACEMENT OF CARS, INCLUDE INFORMATION SUCH AS CAR HYPITAL, CAR NUMBER, POINT OF SHIPMENT, CONTENTS & OTHER INFORMATION REQUIRED.

[illegible]

NOTE: THE USE OF THIS FORM IS RESTRICTED TO THE RECORDING OF ONLY THOSE CARS CONSIGNED TO PATRONS FOR WHICH A TELEPHONE NOTICE OF ARRIVAL OR CONSTRUCTIVE PLACEMENT AGREEMENT IS ON FILE IN WRITING WITH THE AGENT.

* IF SHIPMENT TRANSFERRED IN TRANSIT, INDICATE INITIAL & NUMBER OR ORIGINAL CAR.

** INSERT DEMURRAGE RULE APPLICABLE, I.E. 0-0, 0-0, 0-0, ETC.

COMPANY**CAR ORDER(S)**Time filed _____
STATION AND DATE _____

A. Order No. _____

B. Number of cars wanted _____

C. Kind of cars wanted _____

D. Length and size of cars wanted _____

F. Where wanted _____

G. To be loaded with _____

H. Destination _____

J. Routing _____

K. Date wanted _____

M. Signature _____
SHIPPER AGENT**AGENT'S RECORD OF CARS FURNISHED**

<u>INITIAL</u>	<u>NUMBER</u>	<u>KIND</u>	<u>CAPACITY</u>	<u>LENGTH</u>	<u>PLACED</u>

NOTE: This form should be used by shippers and placed with local freight agents where possible when ordering cars. Where orders are given orally (by telephone or in person) to Agent's, yard employees, or others, the person receiving the order should prepare the prescribed form showing complete information and a copy should be retained by the Agent. If the cars are not on hand to fill the order, this form is to be used to transmit the order by wire to the Chief Dispatcher.

PROPOSED RULE MAKING

18093

STRAIGHT PLAN DEMURRAGE RECORD

Exhibit No. 5

AGENT				STATION										ROAD ☐ C&O/ ☐ B&O		DATE		MONTH	YEAR	SHEET NO.	FILE			
LINE	FREIGHT BILL NUMBER	CAR			CONTENTS	ARRIVED		ARR. NOTICE ISSUED		CONST. PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		AMOUNT DEMUR. ASSESSED	DEMURRAGE BILL		DEM. RULE OR ITEM APPLIED	TYPE TRACK	CONSIGNEE OR SHIPPER	REMARKS*
		INIT.	NUMBER	KIND		DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR		DATE	HOUR				
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20.																								
21.																								

* LIST IN REMARKS INFORMATION PERTAINING TO ALLOWANCES MADE FOR WEATHER INTERFERENCE, FROZEN OR CONGEALED LADING, OUT OF POSITION, YARD DELAYS, ETC. AND ALSO AMOUNT OF HAZARDOUS STORAGE CHARGES ASSESSED AS WELL AS INCENTIVE FREIGHT RATE TARIFF APPLICABLE.

DAILY WEATHER	DATE			DATE			DATE			DATE			DATE			DATE			DATE			DATE		
	AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM		AM	PM	
1			5			9			13			17			21			25			29			
2			6			10			14			18			22			26			30			
3			7			11			15			19			23			27			31			
4			8			12			16			20			24			28						

AVERAGE AGREEMENT DEMURRAGE RECORD

Exhibit No. 6

CONSIGNEE										☐ INBOUND ☐ OUTBOUND		DATE-MONTH		YEAR	SHEET NO.					
TRACK—[GEN. DEL., PRIVATE OR INDUSTRIAL]										STATION		AGENT		ROAD ☐ C&O ☐ B&O		FILE				
CAR			CONTENTS	ARRIVED		ARRIVAL NOTICE ISSUED		CONSTRUCTIVE PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		CREDIT	DEBIT DAYS UP TO & INCLUSIVE	NUMBER OF ARBITRARY DAYS		REMARKS
INITIALS	NUMBER	KIND		DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR			FIRST LEVEL	SECOND LEVEL	
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SPECIAL DETENTION RECORDS

Exhibit No. 7

AGENT		STATION		ROAD ☐ C&O ☐ B&O		DATE		MONTH	YEAR	SHEET NO.	FILE												
FREIGHT BILL NUMBER	CAR		CONTENTS	ARRIVED		ARR. NOTICE ISSUED		CONST. PLACED		ORDERED FOR		ACTUALLY PLACED		RELEASED		AMOUNT ASSESSED	DETENTION BILL		TARIFF NO.	TRUCK OR ITEM	TYPE	CONSIGNEE OR SHIPPER	REMARKS*
	INIT.	NUMBER		KIND	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE	HOUR	DATE		HOUR	NUMBER					
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* LIST IN REMARKS INFORMATION PERTAINING TO ALLOWANCES MADE FOR WEATHER INTERFERENCE, FROZEN OR CONGEALED LADING, OUT OF POSITION, YARD DELAYS, ETC. AND ALSO AMOUNT OF HAZARDOUS STORAGE CHARGES ASSESSED AS WELL AS INCENTIVE FREIGHT RATE TARIFF APPLICABLE.

DAILY WEATHER	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM	DATE	AM	PM
	1			5			9			13			17			21			25		
	2			6			10			14			18			22			26		
	3			7			11			15			19			23			27		
	4			8			12			16			20			24			28		

RAIL-HIGHWAY SERVICES
TERMINATION OF TRAILER USE AGREEMENT

☐ TRAILER(S) NOT RETURNED AT ORIGIN

☐ LOADED TRAILER(S) INBOUND ON
DIFFERENT CARRIER

AND TENDERED OUTBOUND LOADED TO A

☐ LOADED TRAILER(S) INBOUND ON DIFFERENT CARRIER AND TENDERED OUTBOUND LOADED

_____ hereby certifies that Trailer _____ was picked up at
[CONSIGNOR, CONSIGNEE] [NO. OR NOS.]
_____ at _____ on _____ and unloaded at _____ on
[NAME OF TERMINAL] [TIME] [DATE] [TIME]
_____ was delivered to _____ for outbound shipment at
[DATE] [NAME OF RAILROAD]
_____ at _____ on _____
[PLACE] [TIME] [DATE]

Signature _____
[CONSIGNOR, CONSIGNEE OR AUTHORIZED REPRESENTATIVE]

DISTRIBUTION:
WHITE COPY -
YELLOW COPY - RECEIVING RAILROAD
PINK COPY - CONSIGNOR, CONSIGNEE

[FR Doc. 72-14967 Filed 9-6-72; 8:45 am]

Notices

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

SCHEDULE OF CONTROLLED SUBSTANCES

Petition To Remove Marihuana From Control or in the Alternative To Control Marihuana in Schedule V of the Controlled Substances Act

On May 18, 1972, the Bureau of Narcotics and Dangerous Drugs (BNDD) received a joint petition on behalf of the National Organization for the Reform of Marihuana Laws, the Institute for the Study of Health and Society, and the American Public Health Association, petitioning for the initiation of proceedings "to remove marihuana from control under the Controlled Substances Act or in the alternative to control marihuana in Schedule V."

The petitioners requested the Director of BNDD to accept the petition for filing under § 308.44(c) of Title 21, Code of Federal Regulations, and initiate proceedings to remove marihuana from control in Schedule I or in the alternative to transfer marihuana to the lowest Schedule (V) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (the Act), in accordance with subsections 201 (b) and (c) of the Act and §§ 308.44 (d), (e), (f), and (g) of the regulations.

The petitioners argue that section 201 requires the Attorney General (or his delegate, the Director of BNDD) to refer the matter to the Secretary of Health, Education, and Welfare for a determination. "Since the pivotal questions relating to the control of marihuana are scientific or medical in nature and, by law (sections 201 (b) and (c) of the Act), beyond the scope of responsibility of the Bureau of Narcotics and Dangerous Drugs."

For reasons, hereafter given, the petition is not accepted for filing.

An analysis of the Act leads to the conclusion that the petitioners have requested the Director of BNDD to institute proceedings that are not authorized by section 201 of the Act.

The petition refers to subsection 201(a) on pages 3, 11, and 15; to subsection 201(b) on pages 3, 17, and 106; and to subsection 202(b) on pages 2, 15, 29, 98, and 109. It is noteworthy that nowhere in these references has consideration been given to exclusionary provisions in subsections 201(a) and 202(b). The clear language of subsection 201(b) was not even mentioned in the petition. These omissions by the petitioners are pointed out and ascribed to as inadvertence. They require careful consideration.

Subsection 201(d) of the Act provides as follows:

If control is required by United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) of this title and without regard to the procedures prescribed by subsections (a) and (b) of this section.

This specific language is buttressed by subsections 201(a) and 202(b), which provide in pertinent part as follows:

Sec. 201. (a) The Attorney General shall apply the provisions of this title to the controlled substances listed in the schedules established by section 202 of this title and to any other drug or other substance added to such schedules under this title. Except as provided in subsections (d) and (e), the Attorney General may by rule—

(1) Add to such a schedule or transfer between such schedules any drug or other substance if he—

(A) Finds that such drug or other substance has a potential for abuse, and (B) makes with respect to such a drug or other substance the findings prescribed by subsection (b) of section 202 for the schedule in which such drug is to be placed; or

(2) Remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

Sec. 202.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

In light of the foregoing, in order to be in compliance with congressional intent, the construction of section 201 of the Act must be that whenever control of a substance is required by United States obligations under a treaty in effect on the enactment of the Act (October 27, 1970), the authority to establish the appropriate control is exclusively the responsibility of the Director of BNDD. Any narrow interpretation of subsection 201(d), or failure to take it into account as the petitioner presumably would do, leads to an apparent inconsistency which the Congress could not have intended. Likewise, the exceptive language in subsections 201(a) and 202(b) would be meaningless.

Regarding the petitioner's reliance on § 308.44 of Title 21, Code of Federal Reg-

ulations, as a basis for requiring the Director of BNDD to refer the matter to the Secretary of Health, Education, and Welfare, in the absence of strong evidence that such an end was desired, it cannot be assumed that the Congress intended for the regulations implementing section 201 of the Act to permit identical procedures under subsections 201 (a) and (b) and subsection 201(d). Therefore, § 308.44 is construed to apply only to proceedings required by the Act to be referred to the Secretary.

Since 1967, the United States has been a party to the Single Convention on Narcotic Drugs, 1961, 18 U.S.T. 1407 (1967). Clearly, the United States is obligated to maintain legislative and administrative measures as may be necessary to give effect to and carry out the provisions of the Single Convention in regard to marihuana. There are a number of provisions of the Act where the Congress showed concern with maintaining United States obligations under international agreements.

The initial section of the Act (section 101(7)) contains a declaration that "the United States is a party to the Single Convention on Narcotic Drugs, 1961, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances." In subsection 303(a), in making determinations as to the fitness of applicants to become registered under the Act to engage in controlled substances activities, the Attorney General is directed to ensure consistency "with United States obligations under international treaties, conventions, or protocols in effect on the effective date of (the Act)." Further, in subsection 1003(a)(1), the Single Convention as well as other conventions are mentioned in a provision regarding the exportation of controlled substances.

The above references to international obligations are in addition to the references in sections 201 and 202 of the Act with which we are immediately concerned here. The references indicate not only a congressional awareness of international obligations, but an affirmative desire on the part of Congress to ensure that United States laws comply with them. This conclusion is supported completely by statements in the House and Senate Reports on the Act. Both mention the need to comply with international obligations as one of the reasons for Federal legislation in the drug abuse and trafficking area. See Senate Report, 91st Cong., first session, No. 91-613 at 4 (1969); House Report, 91st Cong., second session, No. 91-1444, Pt. 1, at 29 (1970).

Marihuana is listed in Schedules I and IV of the Single Convention under the name "cannabis." Borrowing the petitioner's explanation on page 57 of

the botanical and chemical properties of marihuana, i.e., "the plant material of what is commonly called marihuana in the United States consists of a mixture of crushed leaves, flowers, and twigs of the Indian Hemp plant, an annual belonging to the single species of *Cannabis sativa*," it must be concluded that "marihuana" in use in this country does fall within the definition of "cannabis" and is controlled by the Single Convention.

Therefore, I find that since the United States is obligated to control marihuana under the Single Convention, the explicit language in subsection 201(d) imposes the sole responsibility on the Director of BNDD to control marihuana in the schedule most appropriate to carry out international obligations of the United States. Further, it is concluded that any determination of the proper schedule consistent with such international obligations may be made without regard to the procedures prescribed in subsections 201 (a) and (b), and the responsibility is fixed regardless of whether the initial scheduling of marihuana, the transfer of marihuana from one schedule to another, or the removal of marihuana from all schedules, is involved.

In view of the foregoing, the question of whether any one of the petitioners here has standing as an "interested party" is academic and a decision in this regard is hereby reserved.

Under the authority vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, which was redelegated to the Director of BNDD by § 0.100 of Title 28 of the Code of Federal Regulations, it is ordered that the petition is rejected.

This decision is effective upon the date of its publication in the *FEDERAL REGISTER* (9-7-72).

Dated: September 1, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics
and Dangerous Drugs.

[FR Doc.72-15145 Filed 9-6-72; 8:48 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

OIL SHALE DEVELOPMENT

Environmental Impact Statement; Notice of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) (1970)), the Department has prepared a "Draft Environmental Statement for the Proposed Prototype Oil Shale Leasing Program" with respect to: (a) The total environmental impact of oil shale development in the form of production from public and private lands, (b) an examination of alternatives to shale oil production, and (c) the proposed issuance of not more than two prototype oil shale leases in each of the three States of Colorado, Utah, and Wyoming.

Notice is hereby given that public hearings will be held for the purpose of receiving comments or objections relating to the draft environmental statement on the following dates and at the following locations:

OCTOBER 10, 1972

Reclamation Auditorium, Building 56, Denver Federal Center, Denver, Colo.
Outlaw Inn, 1630 Elk, Rock Springs, Wyo.

OCTOBER 12, 1972

Little America Motel, The American Room, West Lincoln Way, Cheyenne, Wyo.

OCTOBER 12, 1972

Vernal Junior High School Auditorium, 721 West First South, Vernal, UT

OCTOBER 13, 1972

City Hall, 5th and Roode, Grand Junction, CO Auditorium, Room 106, State Office Building, Capitol Complex, Salt Lake City, Utah.

All hearings will commence at 9:30 a.m. Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203, telephone 703-557-1500, no later than October 2, 1972. Written comments from those unable to attend, and from those wishing to supplement their oral presentations at the hearings, should be received by the Director, Office of Hearings and Appeals, at the aforesaid address on or before October 23, 1972. All written statements received pursuant to this notice will be included in the hearing record.

Oral statements at the hearings will be limited to a period of 10 minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Dated: September 1, 1972.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.72-15170 Filed 9-6-72; 8:52 am]

Office of the Secretary

[INT DES 72-88]

POND-POSO IMPROVEMENT DISTRICT, CALIFORNIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed irrigation water conveyance system by the Pond-Poso Improvement District, Kern County, Calif., under the Small Reclamation Projects Act, Public Law 84-984, as amended.

The environmental statement concerns a proposed surface-water supply to replace a ground-water supply for the irrigation of 22,300 acres on the east side of the San Joaquin Valley in Kern

County about 25 miles northwest of Bakersfield, Calif.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240; telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 80225; telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825; telephone (916) 481-6100.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above. Comments on the draft environmental statement are requested to be submitted within 45 days following the date of this notice.

Dated: August 30, 1972.

JOHN W. LARSON,
Assistant Secretary
of the Interior.

[FR Doc.72-15123 Filed 9-6-72; 8:46 am]

PROPOSED PROTOTYPE OIL SHALE LEASING PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) the Department of the Interior has prepared a draft environmental statement for the Proposed Prototype Oil Shale Leasing Program and invites written comments within a period of forty-five (45) days after the publication of this notice.

The environmental statement considers: (1) In Volume I the current state of oil shale technology and the regional environmental impact of oil shale development on public and private lands; (2) in Volume II the alternatives to shale oil production at the rate of 1 million barrels per day by 1985; and (3) in Volume III the expected impacts on the six tracts—two each in Colorado, Utah, and Wyoming—being considered for leasing under the proposed prototype program.

The three-volume set may be purchased by mail or in person from the Map Information Office, Geological Survey, U.S. Department of the Interior, Washington, D.C. 20240. A copy is also available for inspection at the Office of the Oil Shale Coordinator, U.S. Department of the Interior, Room 7000, Interior Building, Washington, D.C. 20240. The set is priced at \$7. Individual volumes are \$3 for Volume I, \$1 for Volume II, and \$3 for Volume III.

Copies may also be purchased from Bureau of Land Management State Offices in the following cities: Denver, Colo.

(Colorado State Bank Building, 1600 Broadway, Denver, CO 80202); Salt Lake City, Utah (Federal Building, 124 South State, Salt Lake City, UT 84111); and Cheyenne, Wyo. (Joseph C. O'Mahoney, Federal Center, 2120 Capital Avenue, Cheyenne, WY 82001). Inspection copies are available in the following Bureau of Land Management district offices: Colorado: Cannon City, Craig, Glenwood Springs, Grand Junction, Montrose; Utah: Vernal, Price, Monticello, Kanab, Richfield; Wyoming: Rock Springs, Rawlins, Casper, Lander, Pinedale, Worland.

Dated: September 1, 1972.

JOHN W. LARSON,
Assistant Secretary
of the Interior.

[FR Doc.72-15171 Filed 9-6-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service OLIVES GROWN IN CALIFORNIA

Order Directing Referendum; Designation of Agents; Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 148, as amended, and Order No. 932, as amended (7 CFR Part 932), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the crop year September 1, 1971, through August 31, 1972 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of olives for market, to determine whether such producers favor the termination of said marketing agreement and order. O. C. Fuqua and Joe Perrin of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3114, 1130 O Street, Fresno, CA 93721, are designated as the referendum agents to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee.

Dated: September 1, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-15197 Filed 9-6-72;8:51 am]

Soil Conservation Service STEVENS-RUGG WATERSHED PROJECT, VERMONT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Department of Agriculture, Soil Conservation Service, has prepared a draft environmental statement for the Stevens-Rugg Watershed Project, Franklin County Vt., USDA-SCS-ES-WS-(ADM)-73-10(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by a flood-water diversion system and 4,700' of channel clearing and snagging on Stevens Brook.

This draft environmental statement was transmitted to CEQ on August 29, 1972.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 12th Street and Independence Avenue SW., Washington, DC 20250.

Soil Conservation Service, USDA, 96 College Street, Burlington, VT 05401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of statement above when ordering. The estimated cost is \$3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from anyone having knowledge of or special expertise with respect to environmental impacts.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Craig M. Right, State Conservationist, 96 College Street, Burlington, VT 05401.

Comments must be received within 60 days of the date the draft statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: August 30, 1972.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.72-15199; Filed 9-6-72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

BAYLOR COLLEGE OF MEDICINE AND UNIVERSITY OF VIRGINIA SCHOOL OF MEDICINE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry

of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00260-33-46040. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Texas Medical Center, Houston, TX 77025. Article: Electron microscope, Model EM 801A. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine biological tissues in studies of membrane structure and function at the molecular level. The article will also be used as a diagnostic agent in eye pathology. Application received by Commissioner of Customs: November 30, 1971. Advice submitted by Department of Health, Education and Welfare on: August 11, 1972.

Docket No. 72-00501-33-46040. Applicant: University of Virginia School of Medicine, Charlottesville, Va. 22901. Article: Electron microscope, Model EM 801 and HK-6 tilting stage. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used for ultrastructural studies of the central nervous system. Specifically, examination of the normal ultrastructure of synapses as well as any laminar difference in synaptic type in the visual cortex of the rat. In this study, degenerating boutons will be examined at different survival times to attempt to determine if there is a selective loss of a certain type of synapse on particular areas of the neuron or its process. Another area of study will be concerned with the ultrastructural investigation of the visual system in a number of different species to be carried out in connection with silver impregnation studies. Application received by Commissioner of Customs: April 17, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles to which the foregoing applications relate is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forghio Corp. (Forghio). The Model EMU-4C can be equipped with a tilt stage but the guaranteed resolving power of the domestic tilt stage is 8 angstroms. (Resolving power bears an inverse relationship to its numerical rating

in angstrom units, i.e., the lower the rating, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW), in the respectively cited memoranda, that the additional guaranteed resolving power of the tilt stage furnished with each foreign article, is pertinent to the purposes for which each foreign article is intended to be used. We, therefore, find that the Forglö Model EMU-4C is not of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.
[FR Doc.72-15133 Filed 9-6-72; 8:46 am]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00510-33-46500. Applicant: Iowa State University, Ames, Iowa 50010. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of the ultrastructure of the anterior pituitary gland, particularly of the corticotropes, in normal swine and swine suffering from the porcine stress syndrome. In addition, the effect of luteinizing hormone (LH) on ultrastructure of ovarian steroidogenic cells is being investigated by comparing the effects of LH on these cells when administered alone, or with inhibitors of RNA or protein synthesis. Also, localization of microelectrodes used to measure muscle membrane potentials is being effected by injection of ferritin through the microelectrodes at the end of a run, and subsequent localization of this electron opaque material by thin sectioning and electron microscopy of the muscle cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in

the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of (August 11, 1972) that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.
[FR Doc.72-15137 Filed 9-6-72; 8:47 am]

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regula-

tions issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00514-33-46070. Applicant: Iowa State University of Science and Technology, Iowa State University, Department of Zoology and Entomology, Ames, Iowa 50010. Article: Scanning electron microscope, Model JSM-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the investigations of problems relating to biological surface structures. In particular, the application of scanning electron microscopy to insect surface structures is useful in the identification and classification of characters used in the study of insect morphology and physiology. The instrumentation requirements involve simple imaging of secondary electrons from insect surfaces coated with a conductive metal film. The article will also be employed as a direct teaching tool in the courses: Zoology 572—Insect Morphology, Zoology 574—Medical Entomology and Zoology 576, 577—Systematic Entomology. In addition the article will be used as a training tool in the courses Botany 680—Laboratory in Electron Microscopy and Biochemistry 574, 576—Microscopy, Laboratory in Microscopy to train students in the technique of scanning electron microscopy and associated specimen preparation techniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered on November 10, 1970. Reasons: The captioned application is a resubmission of Docket No. 71-00278-33-46070 which was denied without prejudice to resubmission for informational deficiencies. The foreign article is an intermediate scanning electron microscope which in terms of sophistication and capabilities lies a step below the highly complex research types. The applicant intends to use the foreign article for teaching untrained individuals the fundamentals of scanning electron microscope techniques and for this purpose, requires a transitional instrument for bridging the gap between the light microscopes and the research type scanning electron microscopes. The most closely comparable domestic scanning electron microscope available at the time the foreign article was ordered was the Model SXII manufactured by the Materials Analysis Co. The domestic instrument is a more sophisticated, complex instrument. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 11, 1972, that simplicity and ease of operation are pertinent to the teaching purposes for which the article is intended to be used.

For this reason, we find that the Model SXII is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-15136 Filed 9-6-72;8:47 am]

NEW JERSEY SCHOOL OF MEDICINE AND DENTISTRY AND BROOK- HAVEN NATIONAL LABORATORY

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00357-33-46040. Applicant: College of Medicine and Dentistry of New Jersey, New Jersey Medical School, Department of Anatomy, 100 Bergen Street, Newark, NJ 07103. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used for the following research projects:

1. The effects of chronic administration of DDT in fish livers.
2. Ultrastructural aspects of development of the peripheral nervous system of teleost fishes.
3. Investigations on growth and differentiation of tissues during amphibian development.
4. The synaptic organization of selected regions of the central nervous system of mammals.

The article will also be used in courses in electron microscopy, experimental electron microscopy, and microscopic anatomy of cells and tissues to train students in the techniques of electron microscopy. Application received by Commissioner of Customs: February 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Docket No. 72-00358-33-46040. Applicant: Brookhaven National Laboratory,

Associated University, Inc., Upton, Long Island, N.Y. 11973. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to obtain micrographs of the fine structure of cells, cell components, and macromolecules. Studies will be made from sections of plastic embedded biological material, isolated cell components, replicas of freeze-fractured cells, and isolated macromolecules in three-dimensional analysis of cellular structure, macromolecules, and their aggregates. Application received by Commissioner of Customs: February 1, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forghio Corp. (Forghio). The Model EMU-4C has a specified resolving capability of five angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forghio Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-15135 Filed 9-6-72;8:47 am]

PRITZKER SCHOOL OF MEDICINE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instru- ments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments

pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the decisions is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00515-00-46040. Applicant: Pritzker School of Medicine, the University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Shutter/exposure meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used as an accessory to an Elmiskop 1A electron microscope to study the ultrastructure of mammalian heart muscle, with particular emphasis on changes in structure which occur in heart disease. The article will also be used to teach medical students as part of the course Medical Biology 310. Application received by Commissioner of Customs: April 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Docket No. 72-00516-00-46040. Applicant: The Pritzker School of Medicine, the University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Universal camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an Elmiskop 1A electron microscope to study the ultrastructure of mammalian heart muscle, with particular emphasis on changes in structure which occur in heart disease. The article will also be used in the teaching of electron microscope techniques to medical students and the teaching of quantitative electron microscopic techniques to graduate students. Application received by Commissioner of Customs: April 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured

in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 72-15138 Filed 9-6-72; 8:47 am]

SANGAMON STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00498-99-46040. Applicant: Sangamon State University, Springfield, Ill. 62703. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for educational and teaching purposes in the following applications:

(a) Instrumentation for the Sciences—course including theory and use of several instruments including the electron microscope.

(b) Research Techniques in Cell Biology—course dealing with theory and use of microscopy and related techniques.

(c) Pollution Biology—use in studying effects of environmental pollutants such as pesticides, herbicides, elements, detergents, etc., on cell structure and function.

(d) Electron Microscopy—theory and use of the instrument and related techniques.

(e) Courses in organic and biochemistry will utilize the electron microscope in drug studies and toxicology.

(f) Courses and use in Cytology and Cytochemistry.

Application received by Commissioner of Customs: April 14, 1972.

Docket No. 73-00081-01-77040. Applicant: University of Southern California, School of Pharmacy, Division of Clinical Pharmacology, 713 Hoffman Medical Re-

search Building, 2025, Zonal Street, Los Angeles, Calif. 90033. Article: Mass spectrometer, Model CH-7. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used for clinical pharmacology studies which will involve: (1) identification of drugs clinically used and their metabolites, (2) identification of endogenous compounds, such as hormones, etc., (3) identification of derivatives of drugs as used for analytical purposes, e.g., for gas chromatography, and (4) stable isotope dilution techniques for drug analysis. In addition, the article will be used in pharmacology courses for training in pharmacokinetic studies with strong clinical application (Pharmacy 660). Application received by Commissioner of Customs: July 31, 1972.

Docket No. 73-00104-33-46040. Applicant: University of Iowa, Ultrastructure Division, College of Dentistry, Dental Science Building, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for biological research projects in the academic discipline of dentistry which include, among others, the following:

A. Computerization of electron densitometric data obtained from Faraday cage of electron microscope in quantitative and three dimensional studies of the nervous system.

B. Comparative quantitative studies between light microscopy and low magnification electron microscopic techniques, specifically with regard to nerve fiber size spectra.

C. High resolution electron microscopy of nerve twig myelin and axoplasm with different functions.

D. Three-dimensional reconstructions of millimeter-long mammalian muscle spindles.

E. High resolution negative staining technique in characterization of protein-polysaccharide complexes of unknown size and composition in embryonic connective tissue from mice.

Also students completing the course Electron Microscopy will use the instrument for training in three-dimensional ultrastructure, high-resolution electron microscopy, and maintenance of different makes of a modern electron microscope. Application received by Commissioner of Customs: August 11, 1972.

Docket No. 72-00105-33-78060. Applicant: Boston University, School of Medicine, 80 East Concord Street, Boston, MA 02118. Article: Microspectrometer, Model MMSP. Manufacturer: Olympus Optical Co., Ltd., Japan. Intended use of article: The article is intended to be used to analyze retinal photographs in evaluating a variety of treatments of presently incurable eye diseases in humans. Application received by Commissioner of Customs: August 11, 1972.

Docket No. 73-00106-33-46040. Applicant: Beekman Downtown Hospital, 170 William Street, New York, NY 10038. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi Ltd, Japan. Intended use of article: The article is intended to be used for training of medi-

cal technologists and residents in the principles of electron microscopy and application of electron microscopy to tissues sections. In addition, the article will be used in research directed largely to the cardiovascular system in man and animals to improve the understanding of cardiac disease and diagnosis and provision of a rational basis for therapy. Application received by Commissioner of Customs: August 11, 1972.

Docket No. 73-00108-33-46040. Applicant: Veterans Administration Hospital, General Medical Research Service, 3495 Bailey Avenue, Buffalo, NY 14215. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in studies of tight junction of the proximal tubule of rabbit for determination of fine structure and modification of fine structure by hormones such as antidiuretic hormone. Other experiments to be conducted include (1) localization of lactic dehydrogenase isoenzymes in the heart muscle of experimental animals subjected to periods of hypoxia and (2) identification of the components of amyloid in organs of experimental animals and human beings afflicted with the disease, and (3) identification of isolated and purified components prior to chemical characterization. Application received by Commissioner of Customs: August 15, 1972.

Docket No. 73-00109-65-42000. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Interference Flatness Tester Model 64-34-01. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to measure flatness of alkali halide crystals prior to use in diffusion experiments. Application received by Commissioner of Customs: August 15, 1972.

Docket No. 73-00110-33-46040. Applicant: Shippensburg State College, Shippensburg, Pa. 17257. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to observe and photograph the various cellular organelles and membrane systems of animal and plant cells in order to establish relationships between structural properties of the organelles and functioning or metabolic state of the cell or organism from which they have been extracted. Specifically, the experiments to be conducted involve (1) ultrastructure of lysosomes in carrot embryos, and their possible role in control of cell division and (2) the study of cellular components of certain flagellate protozoa, namely the kinetoplast and flagellar structures in trypanosomatids. The article will also be used in various graduate and undergraduate courses as a research tool to examine various cellular components; and as a training tool to teach techniques of specimen preparation, use of the electron microscope, and interpretation of electron micrographs. Application received by Commissioner of Customs: August 15, 1972.

Docket No. 73-00112-33-46500. Applicant: State University of New York, Research Foundation, College at Brockport, Brockport, N.Y. 14420. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in experiments planned to examine the ultrastructure of "normal" nematodes during the molting processes which involves the synthesis and organization of precursors into a formed pattern. Experiments will also be carried out to evaluate the action of inhibitors of macromolecular biosynthesis (DNA, RNA, protein) and the formation of cuticle. The article will also be used for training graduate students in the techniques of ultramicrotomy. Application received by Commissioner of Customs: August 15, 1972.

Docket No. 73-00112-33-46040. Applicant: Boston University School of Medicine, 80 East Concord Street, Boston, MA 02118. Article: Electron microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections of materials from the brain and inner ear. It will serve as the electron microscope used to study the process of aging in the nervous system and will be employed in three subprojects: (1) Age-related changes in the auditory cortex, (2) aging in the olfactory bulb, and (3) aging in the microcirculation of the auditory system. Application received by Commissioner of Customs: August 15, 1972.

Docket No. 73-00113-33-46040. Applicant: University of Maryland School of Medicine, Department of Anatomy, 29 South Greene Street, Baltimore, MD 21201. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects of a biomedical nature:

(1) An intensive study of cellular content of postnodal lump—The overall objective of the project is to correlate the information obtained on the structure and function of these cells in peripheral lymph in an attempt to understand the role which these cells play in the defensive mechanism of the body in general and immune process in particular.

(2) The role of thyrocalcitonin in the induction of tumors—The objectives of the project are (a) to expand the preliminary experiments involving the administration of thyrocalcitonin to potentially leukemic mice to provide further information on the development of neoplastic disease, (b) to investigate the characteristics of any induced neoplasms to determine the site of origin, and (c) to determine by electron microscopy the presence or the absence of viral particles in induced tumors, and if present, to determine whether any apparent relationship exists between this virus and the preexisting virus in the bone cells.

(3) A comparative study of metastasizing and nonmetastasizing murine tumors: The role of the Intracisternal

A-particle—The objective of this project is to determine if alteration of cellular properties plays a decisive role in malignancy.

In addition the article will be used in the courses: Techniques in Electron Microscopy, Histology for the Medical Students and Histology for Graduate Students, for training in electron microscopy and for providing the students with a basic knowledge and understanding of the microscopic structure of the human body. Application received by Commissioner of Customs: August 15, 1972.

SETH M. BODNER,
Director, Office of Import Programs.
[FR Doc.72-15140 Filed 9-6-72; 8:47 am]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00336-33-46040. Applicant: University of Colorado, Department of Purchasing Services, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used to examine biological specimens (whole cells, grown in tissue culture, sections of intact tissues of wide variety, sections of algae cells, whole and sectioned chromosomes, strands of DNA isolated from chromosomes, isolated myofibrils, etc.) in studies of cell and tissue fine structure. The article will also be used as a demonstration instrument and to provide teaching materials in courses designed to introduce the students to molecular and cellular biology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgiro Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 27, 1972, that the additional resolving capability of the

foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.
[FR Doc.72-15141 Filed 9-6-72; 8:47 am]

UNIVERSITY OF ILLINOIS AND ST. PAUL-RAMSEY HOSPITAL AND MEDICAL CENTER

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00517-33-46040. Applicant: University of Illinois, Eye and Ear Infirmary, 1855 West Taylor Street, Chicago, IL 60612. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in the investigation of ocular, ocular adnexal, and brain tissues obtained both from enucleated human eyes and experimental animals. Current projects include: (1) A study of argon laser photocoagulation on the cornea iris, anterior chamber angle, retina, and choroid of the human eye; (2) a study of the vascular changes of Coats' disease, a pediatric ocular disease; (3) a study of the optic nerve changes associated with hereditary-primary tapetal-retinal degeneration of canines; and (4) studies related to retinal degeneration following experimental retinal detachment in monkeys. Application received by Commissioner of Customs: April 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: August 11, 1972.

Docket No. 72-00519-33-46040. Applicant: St. Paul-Ramsey Hospital and Medical Center, 640 Jackson Street, St. Paul, MN 55101. Article: Electron microscope, Model JEM 100B and goniometer stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the investigation of the structural alterations of

different membranes (i.e., glomerular basement membrane, cell membranes, endoplasmic reticulum, mitochondrial membrane, etc.) in health and in disease, as well as the recognition, structure, and role of "virus-like particles" in different human diseases, i.e., certain collagen diseases, tumors skin diseases. The article will also serve an important role in the postgraduate educational program of the St. Paul-Ramsey Hospital and Medical Center. Application received by Commissioner of Customs: April 24, 1972. Advice submitted by Department of Health, Education, and Welfare on August 11, 1972.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forghio Corp. (Forghio). The model EMU-4C has a specified resolving capability of five angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forghio Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-15134 Filed 9-6-72;8:47 am]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00225-33-14200. Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Quantimet 720 image analysing system. Manufacturer: Image Analysing Computers Ltd., United Kingdom. Intended use of article: The article is intended to be used in the three dimensional reconstruction of brain cells. The results of the research will be utilized in teaching medical students, graduate students in physiology and advanced courses in neurobiology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use of the article in research descriptive of the three-dimensional structure of the brain or other nerve cells and analysis of strained neuronal sections requires the best image resolution. The foreign article provides 720 line resolution. The most closely comparable domestic instrument, the Model QMS, manufactured by Bausch and Lomb provides 525 line resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 21, 1972, that the capability for 720 line resolution is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the Model QMS is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-15142 Filed 9-6-72;8:47 am]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00436-33-43780. Applicant: University of Rochester Medical Center, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Mingograf. Manufacturer: Elema Schonander, Sweden. Intended use of article: The article is intended to be used in a medical research program on acute myocardial infarction for recording phonocardiograms, simultaneous recording of six different electrocardiographic leads (for exercise electrocardiographic), recording arterial pulses (for carotid pulse recordings) and "on-line" monitoring of the various parameters essential in patient studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The applicant's use in cardiovascular research on acute myocardial infarction requires a six-channel direct writing strip chart recorder with a 700 Hertz frequency response provided by the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 28, 1972, that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-15139 Filed 9-6-72;8:47 am]

VIRGINIA MASON RESEARCH CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00471-33-46500. Applicant: Virginia Mason Research Center, 1000 Seneca Street, Seattle, WA 98101. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to examine human tumor and tumor cells

at high resolution, to determine the manner in which nerve cells of the brain are interconnected, and to study normal human tissue and those with specific diseases.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that the range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficulties to section. In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc., requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of July 28, 1972, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is

intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-15143 Filed 9-6-72;8:47 am]

Office of the Secretary UPPER MISSOURI RIVER ECONOMIC DEVELOPMENT REGION

Change of Name

On January 25, 1972, the Secretary of Commerce, acting on a request of the Governors of Montana, Nebraska, North Dakota, South Dakota, and Wyoming, designated those States as the Upper Missouri River Economic Development Region pursuant to section 501(a) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181(a)). The Governors of the five States have since concluded that the name of the region should be changed so as to avoid confusion with other organizations in the area with similar names. In accordance with their request, I hereby change the name of the region to "Old West Economic Development Region."

Mr. Robert L. McCaughey, who was previously appointed as the Federal Co-chairman for the Regional Commission serving this Region shall now be known as the Federal Co-chairman of the Old West Regional Commission.

Dated: August 29, 1972.

PETER G. PETERSON,
Secretary of Commerce.

[FR Doc.72-15188 Filed 9-6-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MISCELLANEOUS DRUGS; RELEASE OF EVALUATION REPORTS

Drugs for Human Use; Drug Efficacy Study Implementation

Pursuant to the Memorandum and Order dated August 23, 1972, in the American Public Health Association and National Council of Senior Citizens v. John G. Veneman, Acting Secretary of the Department of Health, Education, and Welfare, and Charles Edwards, Commissioner of the Food and Drug Administration, Civil Action No. 1847-70, U.S. District Court for the District of Columbia, the Commissioner of Food and Drugs has now made available copies of all previously unreleased National Academy of Sciences - National Research Council, Drug Efficacy Study Group findings received by the Food and Drug Administration under the drugs for human use DESI (Drug Efficacy Study Implementation) program. The copies of these NAS-NRC findings are on display with the

Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

The Academy reports for the following drugs are on display:

Abbott Labs, 14th and Sheridan Road, North Chicago, Ill. 60064.

NDA's:

12775, Enduronyl/Enduronyl Forte, tablet.

12148, Oreticyl, tablet.

American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454.

NDA: 336, Codanol Vitamin, liquid.

Ayerst Labs, Division American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017.

NDA's:

11706, Cothara Compound, syrup.

12248, Plegine, tablet.

Bowman Pharmaceutical, Division of Bowman, Inc., 965 Cleveland Avenue, NW, Canton, Ohio 44702.

NDA: 9617, Verolia, tablets (NAS).

Brewer & Co., 2900 North 17th Street, Philadelphia, Pa. 19132.

NDA: 6320, Quinidine hydrochloride, injectable.

Bristol Labs, Division Bristol-Meyers Co., Thompson Road, Post Office Box 657, Syracuse, N.Y. 13201.

NDA: 12359, Salutensin, tablet (NAS).

Burroughs Wellcome Co., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709.

NDA: 12575, Actifed-C Expectorant, syrup (NAS).

Carrick Labs, Division G. W. Carrick Co., 65 Horse Hill Road, Cedar Knolls, N.J. 07927.

NDA: 10271, Penite, tablet.

Central Pharmacal Co., 120-128 East Third Street, Seymour, Ind. 47274.

NDA's:

10449, Besertal, tablets.

6529, Coditrate, syrup.

Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901.

NDA's:

12026, Apresoline-Esdris, tablet.

5914, Pyribenzamine Expectorant, syrup (NAS).

6403, Priscoline, tablet.

9296, Serpasil-Apresoline, tablet.

11878, Serpasil-Esdris, tablet.

12193, SER-AP-ES, tablets.

Cooper Labs, Inc., Wayne, N.J. 07470.

NDA: 10059, Rauverid, tablets (Tilden-Yates) (NAS).

Crookes-Barnes Labs, Inc., Division Chemway Corp., Fairfield Road, Wayne, N.J. 07470.

NDA: 12373, Lenic, capsules, Lenic with Niacin, capsules, Lenic H.P., capsules.

Direct Labs, Inc., 377 Genesee Street, Buffalo, N.Y. 14204.

NDA: 10004, Rauveratrum, tablets (NAS).

Dorsey Labs, Division Sandoz-Wander, Inc., Post Office Box 83288, Lincoln, Nebr. 68501.

NDA's:

9066, Rauvera, tablets (NAS).

12737, Wilpo, tablets.

Dow Chemical Co., 1200 Madison Avenue, Post Office Box 1656, Indianapolis, Ind. 46206.

NDA's:

10948, Protalba, tablet (Pitman-Moore).

11202, Protalba-R, tablet (Pitman-Moore) (NAS).

8709, Veralba, tablet (Pitman-Moore).

9369, Veralba-R, tablet (Pitman-Moore) (NAS).

Durst, S. F. & Co., 5317 North Third Street, Philadelphia, Pa. 19120.

NDA: 10090, Rauwolfia & Veratrum, tablet (NAS).

Eaton Labs, Division Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815.
 NDA's:
 11323, Furoxone, liquid suspension (Norwich).
 11270, Furoxone, tablet (Norwich).
 11065, Tricofuron, vaginal powder/suppository (Norwich).
 5795, Furacin/Furacin Soluble, dressing (Norwich).
 Elder, Paul B. & Co., Inc., Post Office Box 31, Bryan, Ohio 43506.
 NDA: 9993, Vertina, tablet (NAS).
 Geigy Pharmaceuticals, Division Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y. 10702.
 NDA: 11752, Preludin Endurettes.
 Gold Leaf Pharmacal Co., Inc., 223 South Dean Street, Englewood, N.J. 07631.
 NDA: 9609, Veraserpine, tablet (NAS).
 Knoll Pharmaceutical Co., 377 Crane Street, Orange, N.J. 07050.
 NDA: 1730, Phenobarb. Theocalcin, tablet.
 Lakeside Labs, Inc., Subsidiary Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201.
 NDA: 12972, Metatensin, tablet.
 Lawton Labs, Subsidiary Gold Leaf Pharmaceutical, Inc., 520 South Dean Street, Englewood, N.J. 07631.
 NDA: 10072, Theoserpin, tablet (NAS).
 Lederle Labs, Division American Cyanamid Co., Post Office Box 149, Pearl River, N.Y. 10965.
 NDA's:
 6012, Fofuron, tablet.
 6215, Delphicol, solution.
 Lilly, Eli & Co., Post Office Box 618, Indianapolis, Ind. 46205.
 NDA's:
 8046, Clopane 1 percent, injectable.
 13097, Novrad with A.S.A., capsule (NAS).
 3205, Pantholin, tablet.
 9047, Paveril and Amytal, tablet.
 8886, Provell maleate, tablet.
 7529, Quinidine gluconate, injectable.
 9542, Sandril with Pyronil, tablet.
 7661, Tylosterone, tablet.
 8099, Tylosterone, liquid injectable.
 Mallinckrodt Chemical Works, Pharmaceutical Products Division, 3600 North Second Street, St. Louis, Mo. 63160.
 NDA's:
 1374, Zinc Peroxide, powder.
 12708, Diutensen/Diutensen-R, tablet (Neisler) (NAS).
 9217, Unintensen, tablet (Neisler) (NAS).
 9535, Unintensen-R, tablet (Neisler) (NAS).
 5691, Vertavis, tablet (Neisler) (NAS).
 10127, Raudonna, tablet (Van Pelt & Brown).
 10270, Theobarb-R, tablet (Van Pelt & Brown) (NAS).
 Massengill, S. E. Co., 527 Fifth Street, Bristol, Tenn. 37620.
 NDA: 10407, Renir, tablet.
 Mead, Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721.
 NDA: 10876, Lofenalac, powder.
 Merck & Co., Inc., Rahway, N.J. 07065.
 NDA's:
 6668, Redisol, tablet and elixir.
 6584, Methajade, elixir (NAS).
 11635, Diupres, tablet.
 11958, Hydroses, tablet.
 Merrel-National Labs, Division Richardson-Merrel, Inc., 110 East Amity Road, Cincinnati, Ohio 45215.
 NDA's:
 11722, Tenuate, tablet.
 10597, Tace w/Androgen, capsules.
 McNeil Labs, Inc., Camp Hill Road, Fort Washington, Pa. 19034.
 NDA's:
 9248, Clistin Expectorant, syrup.
 13312, Butlize, tablet (NAS).
 13313, Butiserpazide, tablet (NAS).

National Drug Co., Division Richardson-Merrell, Inc., 4463 Stenton Avenue, Philadelphia, Pa. 19144.
 NDA: 11673, Tepanil, tablet.
 Nysco Labs, Inc., 34-24 Vernon Boulevard, 13313, Butiserpazide, tablet (NAS).
 Long Island, N.Y. 11106.
 NDA's:
 10164, Aminoserp, tablet.
 10254, Belserp, tablet (NAS).
 11291, Pedresin, tablet (NAS).
 11524, Prednal, tablet (NAS).
 9587, Protoveratrine A & B Maleate, tablet.
 9488, Rauwolferat, tablet (NAS).
 10934, Reserpine w/pyrrolamine maleate, tablet.
 Parke Davis & Co., Joseph Campau Avenue, at the river, Detroit, Mich. 48232.
 NDA's:
 9319, Ambenyl, liquid expectorant.
 6514, Benylin, liquid expectorant.
 Person & Covey, Inc., 616 Allen Avenue, Glendale, Calif. 91201.
 NDA: 10397, Hyperloid PV, tablet (NAS).
 Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
 NDA's:
 7518, Vitamin A, liquid and powder.
 9127, Cortril, powder.
 61084, Neomycin Sulfate, powder.
 Poythress, Wm. P. & Co., Inc., 16 North 22d Street, Post Office Box 2158, Richmond, Va. 23217.
 NDA: 11139, Solfo-Serpine, tablet/capsule.
 Purdue Frederick Co., 99 Saw Mill River Road, Yonkers, N.Y. 10701.
 NDA's:
 11642, Cardioquin, tablet.
 11160, Thorexin, cough medicine liquid.
 Reed & Carnrick, 30 Boright Avenue, Kenilworth, N.J. 07033.
 NDA: 11255, Modutrol, tablet.
 Richlyn Labs, 3725 Castor Avenue, Philadelphia, Pa. 19124.
 NDA's:
 9607, Rauvertrum, tablet (NAS).
 10129, Vera-Tensil R-S, tablet (NAS).
 Riker Labs, Inc., Sub 3M Co., 19901 Nordhoff Street, Northridge, Calif. 91324.
 NDA's:
 12830, Estomul, liquid and tablet.
 10374, Medihaler-Epi, aerosol.
 9023, Rauwloid + Veriloid, tablet (NAS).
 12910, Ulogesic, tablet (NAS).
 12909, Ulominic, syrup (NAS).
 7336, Veriloid, tablet.
 Robins, A. H. Co., 1407 Cummings Drive, Richmond, VA 23220.
 NDA's:
 11694, Dimetane Expectorant/Dimetane Expectorant-DC, syrup (NAS).
 12796, Quinidex, Extentab.
 Roche Labs, Division Hoffman-LaRoche Inc., Roche Park, Nutley, N.J. 07110.
 NDA's:
 6698, Biotin, D, powder.
 97, Cal-C-Tose, powder.
 776, Ephynal, powder.
 6467, Panthenol, powder.
 8036, Riboflavin-5-phosphate Sodium, powder.
 6303, Thephorin Expectorant, solution.
 6646, Vitamin A, powder.
 Sandoz Pharmaceuticals, Division Sandoz-Wander, Inc., Route 10, East Hanover, N.J. 07936.
 NDA's:
 8119, Hydergine Solution, injectable.
 9087, Hydergine Tablet.
 Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.
 NDA's:
 8658, Coricidin with Codeine phosphate, tablet.
 12265, Naqua/Naquival, tablet.

Schleffelin & Co., Apex, N.C. 27502.
 NDA's:
 11150, Atro-Polygyl, topical (eye).
 11147, Sulfa-Polygyl, topical (eye).
 Searle, G. D. & Co., Post Office Box 5110, Chicago, Ill. 60680.
 NDA: 6257, Hydryllin Compound, liquid (NAS).
 Smith Kline & French, 1500 Spring Garden Street, Philadelphia, Pa. 19101.
 NDA's:
 9521, Mio-Pressin, capsule (NAS).
 12903, Tuss-Ornade, spansule (NAS).
 13068, Tuss-Ornade, liquid.
 Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902.
 NDA: 10733, Neo-Slowten, tablet (NAS).
 Squibb, E. R. & Sons, Lawrenceville—Princeton Road, Post Office Box 4000, Princeton, N.J. 08540.
 NDA's:
 9545, Deladumone, injectable.
 12872, Gestest, tablet.
 7335, Pronestyl, injectable.
 60366, Neomycin Sulfate, powder.
 7290, Rubrafolin, capsule.
 Strassenburgh, Pharmaceutical Division, Pennwalt Corp., 755 Jefferson Road, Rochester, N.Y. 14623.
 NDA's:
 12666, Omni-Tuss, suspension.
 10768, Tussionex, tablet and suspension.
 Thompson, M. R. Inc., 767 Fifth Avenue, New York, N.Y. 10022.
 NDA: 9399, Verwolfia, tablet (NAS).
 Trout, Frederick Co., Inc., 812 Hampton Avenue, Greenville, S.C. 29602.
 NDA: 10473, Theo-Serp, tablet.
 Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.
 NDA's:
 12427, Didrex, tablet.
 50222, Mycifradin, Lotion.
 Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102.
 NDA: 9862, Rauprote, tablet (NAS).
 Vitamix Corp., Lancaster and 51st Streets, Philadelphia, Pa. 19131.
 NDA: 9616, Rauwolfia serpentina and Veratrum Viride, tablet (NAS).
 Wampole Labs, Division Denver Chemical Manufacturing Co., 35 Commerce Road, Stamford, Conn. 06904.
 NDA's:
 11073, Vastran Forte, capsule (NAS).
 9586, Verapene, tablet (NAS).
 Winthrop Labs, 90 Park Avenue, New York, N.Y. 10016.
 NDA's:
 6328, Isuprel, tablet.
 10515, Isuprel Solution, injectable.
 12176, Planolar, tablet (NAS).
 9502, Theominal R S, tablet (NAS).
 Wyeth Labs—Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.
 NDA's:
 8306, Phenergan Expectorant with codeine, liquid.
 8306, Phenergan VC Expectorant with codeine, liquid.
 8604, Phenergan Expectorant Plain, syrup.
 8670, Phenergan Expectorant with codeine, troche.
 8893, Phenergan Expectorant plain, troche.
 11265, Phenergan Expectorant with Dextromethorphan, syrup.

Some of the above-listed drugs are being reevaluated by the Academy and the findings in the displayed reports are subject to change. Any such changes may also affect evaluations of identical, similar, or related drugs. Those drug reports

returned to the Academy for reevaluation are identified in the above listing with the letters NAS appearing in parenthesis immediately following the drug name.

A copy of the Academy's report has been furnished to each firm referred to above. Requests for Academy reports should be directed to the Food and Drug Administration, Drug Efficacy Study Information Control (BD-67), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 1, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-15189 Filed 9-6-72; 8:52 am]

Social and Rehabilitation Service CHILD WELFARE SERVICES

Promulgation of Federal Shares and Allotment Percentages for Fiscal 1974 and 1975

Pursuant to section 423 (a), (b), and (c) of title IV, Part B of the Social Security Act (42 U.S.C. 623 (a), (b), and (c)).

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of States and of the United States are the years 1969, 1970, and 1971.

It is hereby promulgated for each of the 2 fiscal years in the period ending June 30, 1975, that for the said purposes for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, the Federal shares, as specified in said Act, or as determined pursuant thereto and on the basis of said income data, shall be as listed below.

It is hereby further promulgated for each of the 2 fiscal years in the period ending June 30, 1975, that for purposes of child welfare services under title IV, Part B of the Social Security Act, for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the allotment percentages, as specified in said Act, or as determined pursuant thereto and on the basis of said income data shall be as listed below.

State	Federal shares	Allotment percentages
Alabama	63.43	63.43
Alaska	42.00	42.00
Arizona	54.01	54.01
Arkansas	63.72	63.72
California	43.63	43.63
Colorado	51.25	51.25
Connecticut	38.89	38.89
Delaware	43.92	43.92
District of Columbia	33.14	31.14
Florida	53.42	53.42
Georgia	57.16	57.16
Guam	66.74	70.00
Hawaii	43.23	43.23
Idaho	58.84	58.84
Illinois	42.61	42.61
Indiana	51.13	51.13
Iowa	52.70	52.70
Kansas	50.20	50.20
Kentucky	60.64	60.64
Louisiana	61.13	61.13
Maine	59.19	59.19
Maryland	45.74	45.74
Massachusetts	45.05	45.05
Michigan	46.43	46.43
Minnesota	51.34	51.34
Mississippi	66.74	67.13
Missouri	52.82	52.82
Montana	56.59	56.59
Nebraska	51.61	51.61
Nevada	42.19	42.19
New Hampshire	54.08	54.08
New Jersey	42.03	42.03
New Mexico	60.57	60.57
New York	39.80	39.80
North Carolina	50.18	50.18
North Dakota	59.26	59.26
Ohio	49.22	49.22
Oklahoma	57.88	57.88
Oregon	52.51	52.51
Pennsylvania	50.08	50.08
Puerto Rico	66.74	70.00
Rhode Island	50.20	50.20
South Carolina	62.73	62.73
South Dakota	59.35	59.35
Tennessee	60.76	60.76
Texas	54.98	54.98
Utah	59.14	59.14
Vermont	56.14	56.14
Virgin Islands	66.74	70.00
Virginia	53.80	53.80
Washington	48.97	48.97
West Virginia	61.65	61.65
Wisconsin	52.87	52.87
Wyoming	53.45	53.45

Dated: August 31, 1972.

P. J. RUTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

[FR Doc.72-15087 Filed 9-6-72; 8:45 am]

FEDERAL PERCENTAGE AND FEDERAL MEDICAL ASSISTANCE PERCENTAGE Promulgation

Promulgation of (1) Federal percentage and Federal medical assistance percentage for purposes of State assistance expenditures under title I, X, XIV, XVI, or part A of title IV of the Social Security Act; and (2) Federal medical assistance percentage for purposes of State expenditures for medical assistance under title XIX of said Act.

Pursuant to section 1101(a)(8)(B) of the Social Security Act (42 U.S.C. 1301 (a)(8)(B)), which provides for the determination and promulgation of the Federal percentage, and section 1905(b) of said Act (42 U.S.C. 1395(b)), which

provides that the Federal medical assistance percentage shall be determined and promulgated in accordance with said section 1101(a)(8)(B).

And it having been found that the three most recent calendar years for which satisfactory data are available from the Department of Commerce as to the per capita income of each State and of the United States are the years 1969, 1970, and 1971.

The Federal percentage, and the Federal medical assistance percentage, as indicated below, to be used in determining Federal financial participation in State expenditures for the purposes specified herein, for each of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, as specified in said Act, or as determined pursuant thereto, and on the basis of said income data, are hereby promulgated for each of the eight quarters in the period beginning July 1, 1973, and ending with the close of June 30, 1975.

State	Federal percentage	Federal medical assistance percentage
Alabama	65.00	75.93
Alaska	60.00	60.00
Arizona	67.69	61.92
Arkansas	60.00	70.31
California	60.00	50.00
Colorado	62.46	57.22
Connecticut	60.00	50.00
Delaware	60.00	50.00
District of Columbia	60.00	50.00
Florida	66.61	60.95
Georgia	63.29	66.96
Guam	60.00	60.00
Hawaii	60.00	60.00
Idaho	65.00	69.50
Illinois	60.00	50.00
Indiana	62.24	57.01
Iowa	55.25	59.72
Kansas	50.41	55.37
Kentucky	65.00	72.12
Louisiana	65.00	72.80
Maine	65.00	70.03
Maryland	60.00	60.00
Massachusetts	60.00	60.00
Michigan	60.00	60.00
Minnesota	62.63	57.37
Mississippi	65.00	80.55
Missouri	55.49	59.94
Montana	62.31	66.08
Nebraska	53.18	57.86
Nevada	60.00	60.00
New Hampshire	57.83	62.05
New Jersey	60.00	60.00
New Mexico	65.00	72.01
New York	60.00	60.00
North Carolina	65.00	70.01
North Dakota	65.00	70.12
Ohio	60.00	53.69
Oklahoma	64.52	68.07
Oregon	54.88	59.40
Pennsylvania	60.16	55.14
Puerto Rico	60.00	60.00
Rhode Island	60.41	65.37
South Carolina	65.00	75.00
South Dakota	65.00	70.25
Tennessee	65.00	72.28
Texas	59.47	63.53
Utah	65.00	69.95
Vermont	61.63	65.38
Virgin Islands	60.00	60.00
Virginia	57.22	61.68
Washington	60.00	53.13
West Virginia	65.00	73.52
Wisconsin	55.28	60.02
Wyoming	56.65	60.99

Dated: August 31, 1972.

P. J. RUTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

[FR Doc.72-15091 Filed 9-6-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24072; Order 72-9-2]

AMERICAN AIRLINES, INC. ET AL.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the first day of September 1972.

By petition filed June 1, 1972, Trans World Airlines, Inc., asks the Board to reconsider and to rescind Order 72-5-79, dated May 5, 1972. The Board therein, pursuant to section 1002(j) (2) of the Federal Aviation Act of 1958, instituted an investigation of and suspended fares of American Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., insofar as they applied to foreign air transportation. These fares would permit employees of the Army and Air Force Exchange System (AAFES) to travel on official business at category Z fares, rather than at the normal fares. Prior to this order, the Board had, by Orders 72-1-10 and 72-3-19, dated January 6 and March 9, 1972, suspended the proposed fares insofar as they applied to interstate and overseas air transportation and ordered an investigation of the fares in interstate, overseas, and foreign air transportation.¹

In its petition for reconsideration, TWA states that it continues to be opposed to the fares in question. However, it believes that the Board's use of its suspension power under section 1002(j) of the Act in this case was a misuse of that authority.² TWA argues that section 1002(j) was designed solely to be utilized in extreme emergency situations such as the threatened open-rate situation on the North Atlantic at the time the legislation was pending, and that Congress did not intend it would be used in unjust discrimination cases such as the present one, which traditionally have been dealt with under section 1002(f) of the Act. TWA argues further that, even if the Board has the authority to suspend the fares in foreign air transportation, it should not exercise that authority, since an adequate remedy already exists in section 1002(f).

TWA's petition for reconsideration will be denied. There is nothing in the legislative history of section 1002(j) that would indicate a congressional intention to limit the section as TWA suggests. The authority granted to the Board by

section 1002(j) is not contingent upon the failure of IATA carriers to reach agreement on fares in the North Atlantic or elsewhere. The section authorizes the Board to investigate tariffs in foreign air transportation, and to suspend such tariffs pending investigation, with no limitation other than the President's authority to disapprove a proposed suspension for reasons of national defense or foreign policy.³ Further, section 1002(j) is not limited to investigation of reasonableness of rates but specifically includes unjust discrimination and undue preference and prejudice. Indeed, the legislative history includes numerous references to discriminatory fares, such as student and youth fares, as a basis for enactment of section 1002(j).

Furthermore, we find no merit in the contention of TWA that we should not invoke section 1002(j) in this case since section 1002(f) provides a remedy for removing unjust discrimination after investigation. As noted previously, an investigation of the fares in interstate, overseas, and foreign air transportation was originally instituted under authority of section 1002(f), but the fares were suspended in interstate and overseas air transportation only, because at that time we did not have the authority to suspend the fares in foreign air transportation. Thus, we found that the fares, regardless of where applicable, raised sufficient questions of lawfulness to justify investigation and exercise of the suspension power that we had at the time. Subsequently we were granted additional authority over foreign tariffs by enactment of section 1002(j). We then instituted an investigation of these fares under that section, suspended them pending investigation, and consolidated the two investigations. Our use of the authority Congress has granted us was clearly appropriate in this case.

Accordingly, *It is ordered*, That the petition for reconsideration filed by Trans World Airlines, Inc., in Docket 24072 is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-15181 Filed 9-6-72;8:52 am]

[Docket No. 24629]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Notice of Prehearing Conference and Hearing

Trans-Mediterranean Airways, S.A.L., amendment of foreign air carrier permit (Lebanon-New York and beyond via Basel, Amsterdam, Copenhagen, and Stockholm).

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September

³ Section 801(b) of the Act.

15, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 12, 1972.

Dated at Washington, D.C., September 1, 1972.

[SEAL] ROBERT L. PARK,
Associate Chief
Administrative Law Judge.

[FR Doc.72-15183 Filed 9-6-72;8:52 am]

[Docket No. 24717; Order 72-9-1]

U.S. CERTIFICATED CARRIERS

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of September 1972.

By tariffs¹ marked to become effective August 26, 1972, all trunkline and local service carriers, Pan American World Airways, Inc. (Pan American), Alaska Airlines, Inc. (Alaska), Wien Consolidated Airlines, Inc. (Wien), and Reeve Aleutian Airways, Inc. (Reeve), have filed provisions covering their interrupted-trip procedures, setting forth the complimentary services they will provide, as well as the conditions under which these services will be made available. Similar tariffs covering international services have been filed by all carriers except Hughes Air Corp. (Air West), and Texas International Airlines, Inc. (Texas), in connection with their Mexico services, Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), and Caribbean Atlantic Airlines, Inc. (Caribair).

The tariffs were filed as a result of the Board's disposition of an enforcement proceeding (Aldo Del Noce v. American Airlines, Inc.—Order 72-6-49, June 12, 1972) wherein the Board clarified its reading of Part 221 of its economic regulations as requiring the filing of tariffs covering courtesy services, and stated its expectation that such filings would be made by all certificated carriers for effect not later than August 26, 1972.

Generally speaking, the tariffs provide that passengers will be provided certain amenities when the passenger holds a confirmed reservation and the delay exceeds 4 hours. Six carriers do not specify the exact extent of the delay required

¹ Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB No. 142; Allegheny Airlines, Inc., Tariff CAB No. 23; American Airlines, Inc., Tariff CAB Nos. 70 and 269; Eastern Air Lines, Inc., Tariff CAB Nos. 58 and 347; Northwest Airlines, Inc., Tariff CAB No. 499; Southern Airways, Inc., Tariff CAB No. 38; Trans World Airlines, Inc., Tariff CAB No. 17; and International Air Traffic Tariffs Corp., agent, CAB No. 191.

¹ At that time, we did not have the authority to suspend fares applicable to foreign air transportation.

² Section 1002(j) was enacted by Public Law 92-259, and signed into law by the President on Mar. 22, 1972. It gives the Board the power to investigate and to suspend, pending investigation, tariffs in foreign air transportation.

to invoke the provision of complimentary services. The amenities provided are generally meals during normal meal hours, one long-distance telephone call or telegram, hotel accommodations when the flight in question is scheduled to depart between 10 p.m. and 6 a.m.² and ground transportation to the hotel or city center.

Most carriers provide the same amenities to all passengers regardless of class of service, except in the case of standby passengers who receive none. Braniff Airways, Inc. (Braniff), Continental, and Western Air Lines, Inc. (Western), on the other hand, provide for various exclusions. For example, on flights operating within the continental United States, Braniff provides hotel accommodations and a \$5 dinner to first-class passengers, as compared with coach passengers who are not provided hotel accommodations and are entitled to a \$3 dinner. Between the mainland and Hawaii, however, Braniff will provide hotel, meals, ground transportation, and communication facilities to all passengers, except those traveling on a standby basis or on fares where the discount exceeds 50 percent. Continental provides no complimentary services to economy, military, and youth standby/reservation, and adult standby passengers except "when an emergency situation exists," but does not distinguish in its treatment of first-class and coach passengers paying normal fares. Western will provide hotel accommodations, meals, ground transportation, and communication facilities to all passengers as appropriate, but will exclude meals to commuter and economy passengers "unless there is an obvious hardship." In addition, Western will provide complimentary cocktails to first-class passengers only.

Delta, Eastern Air Lines, Inc. (Eastern), Western, and Wien indicate that they will take the initiative in informing the passenger of services and amenities available in case of flight delay or cancellation. All other carriers will provide information as to services available only upon the passenger's request.

No complaints have been filed.

Upon consideration of the tariff filings, and all other relevant matters the Board finds that the proposed tariffs, insofar as they provide for availability of complimentary services upon request of the passenger and distinguish between classes of service or type of fare paid in the courtesy services made available, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board will not suspend the proposed tariffs pending completion of the investigation, since these are the first tariffs to be filed covering the provision of courtesy services and to do so would therefore have no practical effect.

With few exceptions, the availability of complimentary services is left to the

initiative of those passengers who are knowledgeable enough to request them. In our opinion, the carriers have a public interest responsibility to advise travelers whose trips have been interrupted that various services are made available to them, since it is not unreasonable to assume that many are unaware that any services are provided, let alone what they may be in given circumstances. Most importantly, in the absence of such general notice, the opportunity for discriminatory treatment as between passengers (including those traveling in the same class of service) is very real.

Several carriers distinguish between first-class and coach passengers in the courtesy services made available, some provide no such amenities or make them available on a very limited basis to lower-fare categories of travel, and none offer courtesy services to standby travel. The carriers state that the distinctions drawn between amenities provided the respective classes of service are closely analogous to the differences in cabin services in flight, and are justifiable on this basis. On the other hand, the relative value of the various classes of service is presumably reflected in the fare, which has been selected at the passenger's discretion, whereas an interrupted trip is clearly an occurrence beyond his control. Here, all reserved-space passengers at least are similarly inconvenienced, regardless of the class of service in which they are traveling, and we are not persuaded by the information before us that all should not be provided the same courtesy services. Indeed, it is our opinion at this time that complimentary services should likewise be extended to those standby passengers who have been cleared to board the aircraft, since at that point their travel status is substantially akin to that of those who had previously reserved space. In short, we believe the provision of complimentary amenities on other than a uniform basis to all travelers, regardless of personal need or fare paid, raises sufficient question of discrimination to warrant investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described in Appendix A hereto,³ insofar as they provide for availability of complimentary services upon request of the passenger and distinguish between classes of service or type of fare paid in the courtesy services made available, and rules, regulations, or practices affecting such provisions, including subsequent revisions and reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. The proceeding ordered herein be assigned for hearing before an admin-

³ Appendix A filed as part of the original document.

istrative law judge of the Board at a time and place hereafter to be designated; and

3. Copies of this order will be served upon Hughes Air Corp., doing business as, Air West, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean Atlantic Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Reeve Aleutian Airways, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Wien Consolidated Airlines, Inc., which are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.72-15182 Filed 9-6-72;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from August 1, 1972, to August 15, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: August 24, 1972.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

² There is some variance among the carriers as to the amount of delay for which hotel accommodations will be provided—ranging from as little as 3 hours to as long as 8 hours although the general rule is 4 hours, and the time frame considered to involve night departures.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN AUG. 1, 1972 AND AUG. 15, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
Do.	D-AEC-00058-20: Hatch Nuclear Plant Units 1 and 2, Ga.	2	A
Do.	D-AEC-00060-27: Commonwealth Edison Co.'s Zion Station, Ill.	2	A
Do.	D-AEC-06010-01: Maine Yankee Nuclear Plant, No. 2518, Maine.	2	B
Corps of Engineers:			
Do.	D-COE-05388-04: Addition Salem Harbor Electric Generating Station, Salem, Mass.	3	B
Do.	D-COE-41392-01: Dredging Jonesport Harbor, Jonesport, Maine.	3	B
Do.	D-COE-32373-07: Operation and maintenance of East River, N.Y.	1	C
Do.	D-COE-35029-12: Nanticoke River Maintenance and Dredging, Md.	1	D
Do.	D-COE-32374-55: South Umpqua River, Oreg.	3	K
Department of Agriculture:			
Do.	D-DOA-05399-18: Blue Ridge Electric Membership North Wilkesboro to Horse Gap, Lenoir, N.C.	2	E
Do.	D-DOA-36147-39: Lost Creek Watershed, Newton County Mo.	1	H
Do.	D-DOA-89095-40: Crystal Lake Plan Unit, Mont.	1	I
Department of Defense:			
Do.	D-DOD-85092-46: Construction of Navy Family Housing and Lower Reservation Consolidations, Fort MacArthur, Calif.	1	J
Do.	D-DOD-85093-46: Armed Forces Reserve Center, Los Alamitos, Calif.	3	J
Do.	D-DOD-61065-49: Armed Forces Recreation Center, Fort De Russy, Hawaii.	1	J
Department of the Interior:			
Do.	D-DOI-01015-34: Termination of Helium Purchase Contracts, Texas.	1	A
Do.	D-DOI-61068-31: Bandelier National Monument, N. Mex.	1	G
Department of Transportation:			
Do.	D-DOT-52027-05: Development at Bradley International Airport, Conn.	3	B
Do.	D-DOT-41396-21: State Road 44, Volusia County, Fla.	2	E
Do.	D-DOT-50105-18: Proposed Bridge Across Atlantic Intracoastal Waterway and Elizabeth Road, Yaupon Beach, N.C.	2	E
Do.	D-DOT-41332-27: FAP-Route 412 (U.S. 51), Marion County, Ill.	1	F
Do.	D-DOT-41404-34: U.S. Highway 190, Farm Road 1.4, Northwest of Nolanville, Tex.	2	G
Do.	D-DOT-40947-38: U.S. 69 Switzer Bypass, Johnson County, Kans.	2	H
Do.	D-DOT-50103-35: Intracoastal Waterway Bridge and approaches, Louisiana.	1	G
Do.	D-DOT-41400-39: Route 7, Platte County, Mo.	2	H
Do.	D-DOT-41402-40: Highway Project Helena West, Mont.	2	I
Do.	D-DOT-41354-41: Cole Harbor Highway, N. Dak. and S. Dak.	1	I
Do.	D-DOT-41371-48: Flagstaff Holbrook Highway and U.S. 66, Butler Avenue, Cochise County, Phoenix, Ariz.	1	J
Do.	D-DOT-54012-54: Proposed Metropolitan Area Transit Plan, Washington.	2	K
Do.	D-DOT-41374-56: Coeur D'Alene to Wolf Lodge Bay, Keaton County, Idaho.	2	K
Federal Power Commission:			
Do.	D-FPC-05303-18: Green River Project, No. 2563, N.C.	2	E
Do.	D-FPC-05398-20: Wallace Dam Laurens Shoals Project, Georgia Power Co., Ga.	2	E
General Services Administration:			
Do.	D-GSA-60054-07: Disposal of Land, Mitchell Air Force Base, Hempstead, N.Y.	1	C
Department of Housing and Urban Development:			
Do.	D-HUD-85094-07: Fort Lincoln Urban Renewal, N.Y.	2	D

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) General agreement/lack of objections. The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) Inadequate information. The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call

for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) Major changes necessary. The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) Unsatisfactory. The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from

this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region IX, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-15052 Filed 9-6-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 611]

COMMON CARRIER SERVICES INFORMATION¹Domestic Public Radio Services Applications Accepted for Filing²

August 28, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier; (a) The close of business 1 business day preceding the day on which the

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the Appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

- 1098-C2-P-73—Telephone Answering Service (KSV963), replace transmitter operating on 158.700 MHz and relocate facilities to 120 West Michigan Avenue, Jackson, MI.
- 1099-C2-P-73—Contact, Inc. (KGA907), change the antenna system operating on 35.58 MHz located at 4338 Park Heights Avenue, Baltimore, MD, location No. 2.
- 1100-C2-P-73—Tri-State Communications Co. (KDT215), change the antenna system operating on 152.150 MHz located near the intersection of Highway 83 and 15th Street, Liberal, Kans.
- 1101-C2-P-73—Empire Communications Co. (KLF534), relocate control facilities operating on 158.520 MHz at location No. 3 to: 2241 Northeast Stephens Street, Roseburg, OR.
- 1102-C2-P-73—Telephone Answering Service (KLF647), change the antenna system and relocate facilities operating on 152.210 MHz to 3050 South Sandstone, Jackson, MI.
- 1103-C2-P-73—Gerard T. Unt (KTS238), for additional facilities to operate on 158.700 MHz at a new site described as location No. 2: Corner of Main and Locust Streets, Lockport, N.Y.
- 1113-C2-P-73—Polar Rural Telephone Mutual Aid Corp. (KRS699), for additional facilities to operate on 152.750 MHz located at 0.8 mile west of Akra, N. Dak.
- 3866-C2-R-73—The Bell Telephone Co. of Pennsylvania (KC7944), for renewal of license (Developmental). Term: September 7, 1972 to September 7, 1973.

Correction

737-C2-P-73—K & M Management Co. (KGA805), correct call sign to read: KGA804. See Report No. 609, dated August 14, 1972.

RURAL RADIO SERVICE

- 983-C1-P/L-73—The Chesapeake and Potomac Telephone Co. of Va. (New), for a new central office fixed station to be located in any temporary location within the territory of the grantee to operate on frequencies 152.51, 152.53, 152.57, 152.60, 152.63, 152.66, 152.69, 152.72, 152.75, 152.78, 152.81, 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, and 454.650 MHz with (20 Units).
- 987-C2-P/L-73—Same (New), for a new Interoffice fixed station, same as above except for the following additional frequencies: 157.77, 157.80, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, 158.07, 158.10, 158.13, 158.16, 158.19, 158.22, 158.25, 158.28, 158.31, 158.34, 158.37, 158.40, 158.43, 158.46, 158.49, 158.52, 158.55, 158.58, 158.61, 158.64, 158.67, 158.70, 158.73, 158.76, 158.79, 158.82, 158.85, 158.88, 158.91, 158.94, 158.97, 159.00, 159.03, 159.06, 159.09, 159.12, 159.15, 159.18, 159.21, 159.24, 159.27, 159.30, 159.33, 159.36, 159.39, 159.42, 159.45, 159.48, 159.51, 159.54, 159.57, 159.60, 159.63, 159.66, 159.69, 159.72, 159.75, 159.78, 159.81, 159.84, 159.87, 159.90, 159.93, 159.96, 159.99, 160.02, 160.05, 160.08, 160.11, 160.14, 160.17, 160.20, 160.23, 160.26, 160.29, 160.32, 160.35, 160.38, 160.41, 160.44, 160.47, 160.50, 160.53, 160.56, 160.59, 160.62, 160.65, 160.68, 160.71, 160.74, 160.77, 160.80, 160.83, 160.86, 160.89, 160.92, 160.95, 160.98, 161.01, 161.04, 161.07, 161.10, 161.13, 161.16, 161.19, 161.22, 161.25, 161.28, 161.31, 161.34, 161.37, 161.40, 161.43, 161.46, 161.49, 161.52, 161.55, 161.58, 161.61, 161.64, 161.67, 161.70, 161.73, 161.76, 161.79, 161.82, 161.85, 161.88, 161.91, 161.94, 161.97, 162.00, 162.03, 162.06, 162.09, 162.12, 162.15, 162.18, 162.21, 162.24, 162.27, 162.30, 162.33, 162.36, 162.39, 162.42, 162.45, 162.48, 162.51, 162.54, 162.57, 162.60, 162.63, 162.66, 162.69, 162.72, 162.75, 162.78, 162.81, 162.84, 162.87, 162.90, 162.93, 162.96, 162.99, 163.02, 163.05, 163.08, 163.11, 163.14, 163.17, 163.20, 163.23, 163.26, 163.29, 163.32, 163.35, 163.38, 163.41, 163.44, 163.47, 163.50, 163.53, 163.56, 163.59, 163.62, 163.65, 163.68, 163.71, 163.74, 163.77, 163.80, 163.83, 163.86, 163.89, 163.92, 163.95, 163.98, 164.01, 164.04, 164.07, 164.10, 164.13, 164.16, 164.19, 164.22, 164.25, 164.28, 164.31, 164.34, 164.37, 164.40, 164.43, 164.46, 164.49, 164.52, 164.55, 164.58, 164.61, 164.64, 164.67, 164.70, 164.73, 164.76, 164.79, 164.82, 164.85, 164.88, 164.91, 164.94, 164.97, 165.00, 165.03, 165.06, 165.09, 165.12, 165.15, 165.18, 165.21, 165.24, 165.27, 165.30, 165.33, 165.36, 165.39, 165.42, 165.45, 165.48, 165.51, 165.54, 165.57, 165.60, 165.63, 165.66, 165.69, 165.72, 165.75, 165.78, 165.81, 165.84, 165.87, 165.90, 165.93, 165.96, 165.99, 166.02, 166.05, 166.08, 166.11, 166.14, 166.17, 166.20, 166.23, 166.26, 166.29, 166.32, 166.35, 166.38, 166.41, 166.44, 166.47, 166.50, 166.53, 166.56, 166.59, 166.62, 166.65, 166.68, 166.71, 166.74, 166.77, 166.80, 166.83, 166.86, 166.89, 166.92, 166.95, 166.98, 167.01, 167.04, 167.07, 167.10, 167.13, 167.16, 167.19, 167.22, 167.25, 167.28, 167.31, 167.34, 167.37, 167.40, 167.43, 167.46, 167.49, 167.52, 167.55, 167.58, 167.61, 167.64, 167.67, 167.70, 167.73, 167.76, 167.79, 167.82, 167.85, 167.88, 167.91, 167.94, 167.97, 168.00, 168.03, 168.06, 168.09, 168.12, 168.15, 168.18, 168.21, 168.24, 168.27, 168.30, 168.33, 168.36, 168.39, 168.42, 168.45, 168.48, 168.51, 168.54, 168.57, 168.60, 168.63, 168.66, 168.69, 168.72, 168.75, 168.78, 168.81, 168.84, 168.87, 168.90, 168.93, 168.96, 168.99, 169.02, 169.05, 169.08, 169.11, 169.14, 169.17, 169.20, 169.23, 169.26, 169.29, 169.32, 169.35, 169.38, 169.41, 169.44, 169.47, 169.50, 169.53, 169.56, 169.59, 169.62, 169.65, 169.68, 169.71, 169.74, 169.77, 169.80, 169.83, 169.86, 169.89, 169.92, 169.95, 169.98, 170.01, 170.04, 170.07, 170.10, 170.13, 170.16, 170.19, 170.22, 170.25, 170.28, 170.31, 170.34, 170.37, 170.40, 170.43, 170.46, 170.49, 170.52, 170.55, 170.58, 170.61, 170.64, 170.67, 170.70, 170.73, 170.76, 170.79, 170.82, 170.85, 170.88, 170.91, 170.94, 170.97, 171.00, 171.03, 171.06, 171.09, 171.12, 171.15, 171.18, 171.21, 171.24, 171.27, 171.30, 171.33, 171.36, 171.39, 171.42, 171.45, 171.48, 171.51, 171.54, 171.57, 171.60, 171.63, 171.66, 171.69, 171.72, 171.75, 171.78, 171.81, 171.84, 171.87, 171.90, 171.93, 171.96, 171.99, 172.02, 172.05, 172.08, 172.11, 172.14, 172.17, 172.20, 172.23, 172.26, 172.29, 172.32, 172.35, 172.38, 172.41, 172.44, 172.47, 172.50, 172.53, 172.56, 172.59, 172.62, 172.65, 172.68, 172.71, 172.74, 172.77, 172.80, 172.83, 172.86, 172.89, 172.92, 172.95, 172.98, 173.01, 173.04, 173.07, 173.10, 173.13, 173.16, 173.19, 173.22, 173.25, 173.28, 173.31, 173.34, 173.37, 173.40, 173.43, 173.46, 173.49, 173.52, 173.55, 173.58, 173.61, 173.64, 173.67, 173.70, 173.73, 173.76, 173.79, 173.82, 173.85, 173.88, 173.91, 173.94, 173.97, 174.00, 174.03, 174.06, 174.09, 174.12, 174.15, 174.18, 174.21, 174.24, 174.27, 174.30, 174.33, 174.36, 174.39, 174.42, 174.45, 174.48, 174.51, 174.54, 174.57, 174.60, 174.63, 174.66, 174.69, 174.72, 174.75, 174.78, 174.81, 174.84, 174.87, 174.90, 174.93, 174.96, 174.99, 175.02, 175.05, 175.08, 175.11, 175.14, 175.17, 175.20, 175.23, 175.26, 175.29, 175.32, 175.35, 175.38, 175.41, 175.44, 175.47, 175.50, 175.53, 175.56, 175.59, 175.62, 175.65, 175.68, 175.71, 175.74, 175.77, 175.80, 175.83, 175.86, 175.89, 175.92, 175.95, 175.98, 176.01, 176.04, 176.07, 176.10, 176.13, 176.16, 176.19, 176.22, 176.25, 176.28, 176.31, 176.34, 176.37, 176.40, 176.43, 176.46, 176.49, 176.52, 176.55, 176.58, 176.61, 176.64, 176.67, 176.70, 176.73, 176.76, 176.79, 176.82, 176.85, 176.88, 176.91, 176.94, 176.97, 177.00, 177.03, 177.06, 177.09, 177.12, 177.15, 177.18, 177.21, 177.24, 177.27, 177.30, 177.33, 177.36, 177.39, 177.42, 177.45, 177.48, 177.51, 177.54, 177.57, 177.60, 177.63, 177.66, 177.69, 177.72, 177.75, 177.78, 177.81, 177.84, 177.87, 177.90, 177.93, 177.96, 177.99, 178.02, 178.05, 178.08, 178.11, 178.14, 178.17, 178.20, 178.23, 178.26, 178.29, 178.32, 178.35, 178.38, 178.41, 178.44, 178.47, 178.50, 178.53, 178.56, 178.59, 178.62, 178.65, 178.68, 178.71, 178.74, 178.77, 178.80, 178.83, 178.86, 178.89, 178.92, 178.95, 178.98, 179.01, 179.04, 179.07, 179.10, 179.13, 179.16, 179.19, 179.22, 179.25, 179.28, 179.31, 179.34, 179.37, 179.40, 179.43, 179.46, 179.49, 179.52, 179.55, 179.58, 179.61, 179.64, 179.67, 179.70, 179.73, 179.76, 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191.04, 191.07, 191.10, 191.13, 191.16, 191.19, 191.22, 191.25, 191.28, 191.31, 191.34, 191.37, 191.40, 191.43, 191.46, 191.49, 191.52, 191.55, 191.58, 191.61, 191.64, 191.67, 191.70, 191.73, 191.76, 191.79, 191.82, 191.85, 191.88, 191.91, 191.94, 191.97, 192.00, 192.03, 192.06, 192.09, 192.12, 192.15, 192.18, 192.21, 192.24, 192.27, 192.30, 192.33, 192.36, 192.39, 192.42, 192.45, 192.48, 192.51, 192.54, 192.57, 192.60, 192.63, 192.66, 192.69, 192.72, 192.75, 192.78, 192.81, 192.84, 192.87, 192.90, 192.93, 192.96, 192.99, 193.02, 193.05, 193.08, 193.11, 193.14, 193.17, 193.20, 193.23, 193.26, 193.29, 193.32, 193.35, 193.38, 193.41, 193.44, 193.47, 193.50, 193.53, 193.56, 193.59, 193.62, 193.65, 193.68, 193.71, 193.74, 193.77, 193.80, 193.83, 193.86, 193.89, 193.92, 193.95, 193.98, 194.01, 194.04, 194.07, 194.10, 194.13, 194.16, 194.19, 194.22, 194.25, 194.28, 194.31, 194.34, 194.37, 194.40, 194.43, 194.46, 194.49, 194.52, 194.55, 194.58, 194.61, 194.64, 194.67, 194.70, 194.73, 194.76, 194.79, 194.82, 194.85, 194.88, 194.91, 194.94, 194.97, 195.00, 195.03, 195.06, 195.09, 195.12, 195.15, 195.18, 195.21, 195.24, 195.27, 195.30, 195.33, 195.36, 195.39, 195.42, 195.45, 195.48, 195.51, 195.54, 195.57, 195.60, 195.63, 195.66, 195.69, 195.72, 195.75, 195.78, 195.81, 195.84, 195.87, 195.90, 195.93, 195.96, 195.99, 196.02, 196.05, 196.08, 196.11, 196.14, 196.17, 196.20, 196.23, 196.26, 196.29, 196.32, 196.35, 196.38, 196.41, 196.44, 196.47, 196.50, 196.53, 196.56, 196.59, 196.62, 196.65, 196.68, 196.71, 196.74, 196.77, 196.80, 196.83, 196.86, 196.89, 196.92, 196.95, 196.98, 197.01, 197.04, 197.07, 197.10, 197.13, 197.16, 197.19, 197.22, 197.25, 197.28, 197.31, 197.34, 197.37, 197.40, 197.43, 197.46, 197.49, 197.52, 197.55, 197.58, 197.61, 197.64, 197.67, 197.70, 197.73, 197.76, 197.79, 197.82, 197.85, 197.88, 197.91, 197.94, 197.97, 198.00, 198.03, 198.06, 198.09, 198.12, 198.15, 198.18, 198.21, 198.24, 198.27, 198.30, 198.33, 198.36, 198.39, 198.42, 198.45, 198.48, 198.51, 198.54, 198.57, 198.60, 198.63, 198.66, 198.69, 198.72, 198.75, 198.78, 198.81, 198.84, 198.87, 198.90, 198.93, 198.96, 198.99, 199.02, 199.05, 199.08, 199.11, 199.14, 199.17, 199.20, 199.23, 199.26, 199.29, 199.32, 199.35, 199.38, 199.41, 199.44, 199.47, 199.50, 199.53, 199.56, 199.59, 199.62, 199.65, 199.68, 199.71, 199.74, 199.77, 199.80, 199.83, 199.86, 199.89, 199.92, 199.95, 199.98,

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

967-C1-P-73—Same (KAC70), 1 mile south of Halls Summit, Kans. Latitude 38°20'19" N., longitude 95°40'21" W. C.P. to add frequency 4198H MHz toward Worden, Kans.; 4198H MHz toward Matfield Green, Kans.

968-C1-P-73—Same (KAC69), 7 miles east of Matfield Green, Kans. Latitude 38°08'53" N., longitude 96°26'06" W. C.P. to add frequency 4190H MHz toward Halls Summit, Kans.; 4190H MHz toward El Dorado, Kans.

969-C1-P-73—Same (KAC68), 6.5 miles northwest of El Dorado, Kans. Latitude 37°53'57" N., longitude 96°55'56" W. C.P. to add frequency 4198H MHz toward Matfield Green, Kans.; 4198H MHz toward Wichita Junction, Kans.

970-C1-P-73—Same (KAC67), Murdock and Mathewson Streets, Wichita Junction, Kans. Latitude 37°41'53" N., longitude 97°19'10" W. C.P. to add frequency 4190H MHz toward El Dorado, Kans.; 4190H MHz toward Dalton, Kans.

971-C1-P-73—Same (KAC66), 2 miles north of Dalton, Kans. Latitude 37°17'31" N., longitude 97°16'27" W. C.P. to add frequency 4198H MHz toward Wichita Junction, Kans.; 4198H MHz toward Hardy, Okla.

972-C1-P-73—Same (KKC97), 3.5 miles west-northwest of Hardy, Okla. Latitude 38°58'27" N., longitude 96°52'00" W. C.P. to add frequency 4190H MHz toward Dalton, Kans.; 4190V MHz toward Ponca City, Okla.

973-C1-P-73—Same (KKC96), 7 miles east-southeast of Ponca City, Okla. Latitude 38°39'11" N., longitude 96°57'00" W. C.P. to add frequency 4198V MHz toward Hardy, Okla.; 4198H MHz toward Glencoe, Okla.

974-C1-P-73—Same (KKC95), 2 miles south of Glencoe, Okla. Latitude 36°11'52" N., longitude 96°55'27" W. C.P. to add frequency 4190H MHz toward Ponca City, Okla.; 4190H MHz toward Guthrie, Okla.

975-C1-P-73—Same (KKC98), 9 miles southeast of Guthrie, Okla. Latitude 35°47'19" N., longitude 97°16'22" W. C.P. to add frequency 4198H MHz toward Glencoe, Okla.; 4198H MHz toward Oklahoma City, Okla.

976-C1-P-73—American Telephone & Telegraph Co. (KKH72), 405 North Broadway, Oklahoma City, Ok. Latitude 35°28'16" N., longitude 97°30'53" W. C.P. to add frequency 4190H MHz toward Guthrie, Okla.; 4190H MHz toward Norman, Okla.

977-C1-P-73—Same (KKH71), 8 miles west of Norman, Okla. Latitude 35°12'07" N., longitude 97°35'55" W. C.P. to add frequency 4198H MHz toward Oklahoma City, Okla.; 4198H MHz toward Wayne, Okla.

978-C1-P-73—Same (KKH70), 3 miles west-northwest of Wayne, Okla. Latitude 34°55'52" N., longitude 97°22'12" W. C.P. to add frequency 4190H MHz toward Norman, Okla.; 4190H MHz toward Davis, Okla.

979-C1-P-73—Same (KKH69), 6 miles southwest of Davis, Okla. Latitude 34°25'04" N., longitude 97°08'56" W. C.P. to add frequency 4198H MHz toward Wayne, Okla.; 4198H MHz toward Marietta, Okla.

980-C1-P-73—Same (KKH68), C.P. to add frequency 4190H MHz toward Davis, Okla.; 4190H MHz toward Marietta, Tex.; 1.5 miles southeast of Marietta, Okla. Latitude 33°55'25" N., longitude 97°05'40" W.

981-C1-P-73—Same (KKH67), 5 miles east of Gainesville, Tex. Latitude 33°38'44" N., longitude 97°03'24" W. C.P. to add frequency 4198H MHz toward Marietta, Okla.; 4198H MHz toward Adams, Tex.

982-C1-P-73—Same (KKH66), 3.5 miles northeast of Frisco, Tex. Latitude 33°10'31" N., longitude 96°46'18" W. C.P. to add frequency 4190H MHz toward Gainesville, Tex.

984-C1-P-73—The Bell Telephone Company of Pennsylvania (KGP81), Lamb's Gap, 3.5 miles northwest of Enola, Pa. Latitude 40°18'19" N., longitude 77°00'23" W. C.P. to change antenna system and change polarization from V to H on frequency 10995.0H MHz toward Big Knob, Pa.

986-C1-ML-73—Same (KGP79), Big Knob, 2.1 miles northwest of Blain, Pa. Latitude 40°21'30" N., longitude 77°32'47" W. Modification of license to provide more efficient usage of the radio spectrum by reducing interference to other stations in this service.

985-C1-P-73—The Pacific Telephone & Telegraph Co. (KMA38), 434 South Grand Avenue, Los Angeles, Calif. Latitude 34°03'02" N., longitude 118°15'08" W. C.P. to replace transmitters and increase power output on frequencies 3750V, 3830V, 3910V, 3990V, 4070V, and 4150V MHz toward Mount Gleason, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1013-C1-P-73—The North-Eastern Pennsylvania Telephone Co. (New), 720 Main Street, Forest City, Pa. Latitude 41°39'09" N., longitude 75°27'58" W. C.P. to add frequency 11,245.0VH (Dual Polarization) toward Elk Hill, Pa., via passive reflector.

1014-C1-P-73—Same (New), 2.3 miles north of Elk Dale, Pa. Latitude 41°42'54" N., longitude 75°33'40" W. C.P. to add frequency 11,035.0VH (Dual Polarization) MHz toward Forest City, Pa., via passive reflector; 11,075.0VH (Dual Polarization) MHz toward New Milford, Pa., via passive reflector.

1015-C1-P-73—Same (New), New Milford, Pa. Latitude 41°52'38" N., longitude 75°43'40" W. C.P. to add frequency 11,365.0VH (Dual Polarization) MHz toward Elk Hill, Pa., via passive reflector.

1016-C1-P-73—Central Telephone Co. (WAN58), 4996 Swenson Street, Las Vegas, NV. Latitude 36°05'57" N., longitude 115°08'45" W. C.P. to change existing facilities 6050.0 and 6150.0 MHz toward Southern Nevada Vocational Technical Center, Las Vegas, Nev.

1060-C1-P-73—Microwave Service Company of Florida, Inc. (New), Site 8, East Williston, Fla. C.P. for a new station 2.0 miles south of East Williston, Fla., at latitude 29°21'44" N., longitude 82°24'37" W. Frequencies 3770.0V and 3850.0V MHz toward Paradise, Fla.; 3770.0V, 3850.0V, 3930.0V, 4010.0V, and 4090.0V MHz toward Ocala, Fla.

1061-C1-P-73—Same (New), Site 9, Ocala, Fla. C.P. for a new station at Marion Hotel, 108 North Magnolia Street, Ocala, FL, at latitude 29°11'15" N., longitude 82°08'18" W. Frequencies 3730.0V and 3810.0V MHz toward East Williston, Fla.; 3730.0H, 3810.0H, 3890.0H, 3970.0H, and 4050.0H MHz toward Wildwood, Fla.

1062-C1-P-73—Same (New), Site 10, Wildwood, Fla. C.P. for a new station 2.3 miles west of Wildwood, Fla. at latitude 28°51'12" N., longitude 82°05'00" W. Frequencies 3770.0H, 3850.0H, 3930.0H, 4010.0H, and 4090.0H MHz toward Ferndale, Fla.

1063-C1-P-73—Same (New), Site 13, Eva, Fla. C.P. for a new station 0.3 mile west of Eva, Fla., at latitude 28°19'34" N., longitude 81°50'20" W. Frequencies 3750.0V, 3830.0V, 3910.0V, 3990.0V, and 4070.0V MHz toward Lakeland, Fla.; 3750.0H and 3830.0H MHz toward Ferndale, Fla.

1064-C1-P-73—Same (New), Site 20, Limestone, Fla. C.P. for a new station 1.7 miles north-west of Limestone, Fla., at latitude 27°23'10" N., longitude 81°55'00" W. Frequencies 3730.0H and 3810.0H MHz toward Sebring, Fla.; 3730.0V, 3810.0V, and 3890.0V MHz toward Port Charlotte, Fla.

1065-C1-P-73—Microwave Service Company of Florida, Inc. (New), Site 21, Port Charlotte, Fla. C.P. for a new station 4.0 miles northeast of Port Charlotte, Fla. Latitude 27°01'03" N., longitude 82°02'52" W. Frequencies 3770.0V and 3850.0V MHz toward Limestone, Fla.; 3770.0V, 3850.0V, and 3930.0V MHz toward Bayshore, Fla.

1066-C1-P-73—Same (New), Site 22, Bayshore, Fla. C.P. for a new station 0.7 mile south-west of Bayshore, Fla., at latitude 26°42'30" N., longitude 81°50'00" W. Frequencies 3730.0V and 3810.0V MHz toward Port Charlotte, Fla.; 3710.0H MHz toward WINK-TV, Fort Myers, Fla.; 3790.0H MHz toward WBBH-TV, Fort Myers, Fla.

1067-C1-P-73—Same (New), Site 23, Cornwell, Fla. C.P. for a new station 3.0 miles north-east of Cornwell, Fla., at latitude 27°25'09" N., longitude 81°04'10" W. Frequencies 3730.0V and 3810.0V MHz toward Sebring, Fla.; 3730.0V, 3810.0V, 3890.0V, 3970.0V, and 4050.0V MHz toward Sherman, Fla.

1068-C1-P-73—Same (New), Site 24, Sherman, Fla. C.P. for a new station 3.8 miles north-east of Sherman, Fla., at latitude 27°15'50" N., longitude 80°44'32" W. Frequencies 3770.0V and 3850.0V MHz toward Cornwell, Fla.; 3770.0H, 3850.0H, 3930.0H, 4010.0H, and 4090.0H MHz toward Indiantown, Fla.

1069-C1-P-73—Same (New), Site 25, Indiantown, Fla. C.P. for a new station 4.8 miles west of Indiantown, Fla., at latitude 27°00'46" N., longitude 80°32'54" W. Frequencies 3730.0H and 3810.0H MHz toward Sherman, Fla.; 3730.0H, 3810.0H, 3890.0H, 3970.0H, and 4050.0H MHz toward Royal Palm Beach, Fla.

1107-C1-MP-73—Western Tele-Communication, Inc. (WOI52), 449 Broadway, El Centro, CA, at latitude 32°47'36" N., longitude 115°33'13" W. Modification of C.P. (6777-C1-P-70) to change polarization of frequencies 3810 and 3890 MHz to vertical and replace Ogilby, Calif.; azimuth 88°14' with Midwell, Calif.; azimuth 101°19' as the points of communications for these frequencies.

1109-C1-MP-73—Same (WO153), Midway Well, 19 miles southeast of Holtville, Calif., at latitude 32°42'35" N., longitude 115°03'53" W. Modification of C.P. (6778-C1-P-70) to relocate station from Ogilby, Calif., to Midway Well and to change polarization of frequencies 3990 and 4070 MHz toward El Centro, Calif.; 4070 and 4150 MHz toward Telegraph Pass, Calif.

1109-C1-MP-73—Same (WO154), Telegraph Pass, 16.5 miles east-southeast of Yuma, Ariz., at latitude 32°40'22" N., longitude 114°20'14" W. Modification of C.P. (6779-C1-P-70) to change polarization of frequencies 3990 and 3970 MHz to vertical and to replace Ogilby, Calif., with Midway Well, Calif., as points of communication for these frequencies.

1114-C1-P-73—West Texas Microwave Co. (WHB26), Amarillo, Tex. (latitude 35°11'28" N., longitude 101°51'48" W.); C.P. to add frequency 11,055V MHz toward Purvines, Tex., on azimuth 47°23'.

1115-C1-P-73—Same (WHB27), Purvines, 10.5 miles northwest of Panhandle, Tex. (latitude 35°25'37" N., longitude 101°32'59" W.); C.P. to add frequency 11,055H MHz toward Community Center, Tex., on azimuth 62°32'.

1116-C1-P-73—Same (WHB28), 6 miles northwest of Community Center, Tex. (latitude 35°40'46" N., longitude 100°57'04" W.); C.P. to add frequency 11,055H MHz toward Pampa, Tex. (latitude 35°32'46" N., longitude 101°00'02" W.), on azimuth 198°58'. (*Informative:* West Texas proposes to provide the signal of station KERA-TV, Dallas, Tex., to its customer, Pampa Cable TV, Inc., in Pampa, Tex.).

1117-C1-P-73—TelePrompTer Transmission of Kansas, Inc. (KPB51), Mount Royal, 28 miles north-northwest of Chester, Mont. (latitude 49°51'18" N., longitude 111°08'33" W.); C.P. to add frequency 6078.6V MHz toward Havre, Mont. (latitude 48°32'01" N., longitude 109°42'21" W.), on azimuth 180°6'. (*Informative:* Applicant proposes to provide the signal of station KHQ-TV, Spokane, Wash., to its customer, Community TV Association of Havre, in Havre, Mont.).

1118-C1-P-73—United Video, Inc. (New), Union Star, 4.20 miles west-southwest of Union Star, Mo. (latitude 39°57'54" N., longitude 94°31'06" W.); C.P. for a new station—using frequency 6197.2V MHz toward Gentry, Mo., on azimuth 5°23'.

1119-C1-P-73—Same (New), Gentry, 2.30 miles west of Gentry, Mo. (latitude 40°20'14" N., longitude 94°28'21" W.); C.P. for a new station—using frequency 5974.8H MHz toward Benton, Iowa, on azimuth 9°30'.

1120-C1-P-73—Same (New), Benton, 5 miles west of Benton, Mo. (latitude 40°41'55" N., longitude 94°28'35" W.); C.P. for a new station—using frequency 6226.9V MHz toward Creston, Iowa, on azimuth 1°53'.

1121-C1-P-73—Same (New), Creston, 2 miles northwest of Creston, Iowa (latitude 41°04'48" N., longitude 94°22'35" W.); C.P. for a new station—using frequency 5745.2V MHz toward Winterset, Iowa, on azimuth 45°15'.

1122-C1-P-73—Same (New), Winterset, 0.2 mile northwest of Winterset, Iowa (latitude 41°20'35" N., longitude 94°01'25" W.); C.P. for a new station—using frequency 6226.9V MHz toward Urbandale, Iowa (latitude 41°38'15" N., longitude 93°42'55" W.), on azimuth 38°6'. (*Informative:* United proposes to provide the signal of station KMBE-TV, Kansas City, Mo., to its customers, True Vue, Inc., in Creston, Iowa, and Hawkeye Cablevision, Inc., in Urbandale, Iowa. United also requests waiver of Rule Section 21.701(1).)

1123-C1-P-73—American Television & Communications Corp. (New), Delray Beach, 2 miles west of Delray Beach, Fla. (latitude 26°27'41" N., longitude 80°06'21" W.). C.P. for a new station, using frequency 6197.2H MHz toward Lake Park, Fla., on azimuth 355°20'.

1124-C1-P-73—Same (New), Lake Park, 4 miles west of Lake Park, Fla. (latitude 26°48'32" N., longitude 80°08'15" W.). C.P. for a new station, using frequency 6226.9H MHz toward existing station at Stuart (KJE51), Fla., on azimuth 341°59'. (*Informative:* ATC proposes to relocate (from Stuart to Delray Beach) the pickup point for the signal of WCIX-TV of Miami, Fla. ATC's basic proposal concerning this signal is under files Nos. 6949 through 6953-C1-P-71 and 6167 and 6168-C1-P-72. Applicant also requests waiver of Rule Section 21.701(1).)

1125 through 1131-C1-ML-73—New York-Penn Microwave Corp. (WDD66, WDD70, WDD75, WDD76, WDD80, WDD84, and WDD88), New York and Pennsylvania. Applicant proposes to modify the licenses of these stations for purpose of providing, via audio subcarrier(s), certain two-way private line services between seven (7) existing New York/Pennsylvania ETV stations. This service has been requested by the Pennsylvania Public Television Network (PPTN).

No. 174—Pt. I—7

FEDERAL REGISTER, VOL. 37, NO. 174—THURSDAY, SEPTEMBER 7, 1972

NOTICES

18113

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1112-C1-MP-73—American Telephone & Telegraph Co. (WAD39), 6.2 miles northwest of Greer, Ariz. Latitude 34°02'57" N., longitude 109°34'00" W. C.P. and modification of license to change polarization of frequency authorized for transmission from Greer to Red Hill as 6004.5H in lieu of 6004.5V.

MULTIPOINT DISTRIBUTION SERVICE

1070-C1-P-73—Dayton Communications Corp. (New), Fort Wayne Bank Building, intersection of Berry and Calhoun Street, Fort Wayne, Ind. Latitude 41°04'46" N., longitude 85°08'25" W. C.P. for a new station on frequencies 2154.750 (Visual) and 2150.250 (Aural) toward various receiving points in the system.

1110-C1-P-73—Forward of Illinois, Inc. (New), 500 North Stewart Street, Creve Coeur, Ill., latitude 40°39'11" N., longitude 89°35'11" W. C.P. for a new station on frequencies 2152.325V (Visual), 2150.20V (Aural), 2155.50V (Visual), and 2154.00V (Aural) toward various receiving points in the system.

1111-C1-P-73—Same (New), Madison, Wis. Latitude 43°03'01" N., longitude 89°29'15" W. C.P. for a new station on frequencies 2152.325V (Visual), 2150.20V (Aural), 2158.50 (Visual), and 2154.00V (Aural) toward various receiving points in the system.

Informative: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

ILLINOIS—Creve Coeur

Chicago Communications Services, Inc. (New), 560-C1-P-73.

Forward of Illinois, Inc. (New), 1110-C1-P-73.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Major Amendments

2175-C1-P-72—Microwave Service Company of Florida, Inc. (New), Site 1, Jacksonville, Fla. C.P. for a new station at 841 Miami Road, Jacksonville, FL at latitude 30°19'02", longitude 81°39'49". Correct frequencies and azimuths to 11,175.0V MHz on azimuth 109°26' toward WJXT-TV, Florida, and 10,975.0H MHz on azimuth 114°54' toward WJKS-TV, Florida, 10,775.0V MHz on azimuth 72°55' toward WFGA-TV, Florida and 6197.2V, 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz on azimuth 200°04' toward Penny Farms, Fla. Delete Doctor's Inlet, Fla., as a point of communication. Delete frequencies 11,175.0 MHz on azimuth 327°57' and 10,775 MHz on azimuth 333°58', 10,975.0 MHz on azimuth 31°40' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 on azimuth 286°29'.

2172-C1-P-72—Same as above (New), Site 2, WJXT-TV, Florida. C.P. for a new station at 1851 South Hampton Road, Jacksonville, FL at latitude 30°18'47", longitude 81°39'00". Correct frequency and azimuth to 11,305.0V MHz on azimuth 289°26' toward Jacksonville, Fla. Delete frequency 11,305.0V MHz on azimuth 147°50'.

2174-C1-P-72—Same as above (New), Site 3, WJKS-TV, Florida. C.P. for a new station at 9117 Hogan Road, Jacksonville, FL at latitude 30°16'36", longitude 81°33'47". Correct frequency and azimuth to 11,665.0H MHz on azimuth 294°57' toward Jacksonville, Fla. Delete frequency 11,665.0 MHz on azimuth 211°41'.

2173-C1-P-72—Same as above (New), Site 4, WFGA-TV, Florida. C.P. for a new station at 1070 East Adams Street, Jacksonville, FL at latitude 30°19'22", longitude 81°38'34". Correct frequency and azimuth to 11,385.0V MHz on azimuth 252°55' toward Jacksonville, Fla. Delete frequency 11,385.0 MHz on azimuth 153°57'.

2176-C1-P-72—Same as above (New), Site 5, Penny Farms, Fla. C.P. for a new station 1.2 miles north-northeast of Penny Farms, Fla., at latitude 30°00'17", longitude 81°47'41". Correct frequencies and azimuths to 5945.2H, and 5974.8V MHz on azimuth 20°00' toward Jacksonville, Fla., and 5945.2H, 5974.8V, 6004.5H, 6063.8H, and 6123.1H MHz on azimuth 266°17' toward Starke, Fla. Delete Lawley, Fla., as a point of communication. Delete frequencies 3850.0 and 4170.0 MHz on azimuth 56°23' and 3770.0, 3850.0, 3930.0, 4010.0, and 4090.0 MHz on azimuth 239°31'.

Major Amendments—Continued

- 2177-C1-P-72—Same as above (New), Site 6, Starke, Fla. C.P. for a new station 2.9 miles northwest of Starke, Fla., at latitude 29°59'08", longitude 82°09'00". Correct frequencies and azimuths to 6197.2H and 6226.9V MHz on azimuth 86°07' toward Penney Farms, Fla., and 3770.0V, 3850.0V, 3930.0V, 4010.0V, and 4090.0V MHz on azimuth 218°06' toward Paradise, Fla. Delete Doctor's Inlet, Fla., as points of communication. Delete frequencies 4130.0, 3810.0, and 3890.0 MHz on azimuth 59°24' and 3730.0, 3810.0, 3970.0, and 4050.0 MHz on azimuth 246°45'.
- 2179-C1-P-72—Microwave Service Company of Florida, Inc. (New), Site 7, Paradise, Fla. C.P. for a new station 2.9 miles west-northwest of Paradise, Fla., at latitude 29°42'49", longitude 82°23'34". Correct frequencies and azimuths to 3730.0V and 3810.0V MHz on azimuth 37°58' toward Starke, Fla., and 3730.0V, 3810.0V, 3890.0V, 3970.0V, and 4050.0V MHz on azimuth 182°30' toward East Williston, Fla. Delete Brookier, Fla., and Micanopy, Fla., as points of communication. Delete frequencies 3810.0 and 4130.0 MHz on azimuth 19°09' and 3770.0, 3850.0, 3930.0, 4010.0, and 4090.0 MHz on azimuth 167°48'.
- 2185-C1-P-72—Same as above (New), Site 11, Ferndale, Fla. C.P. for a new station 2.3 miles northwest of Ferndale, Fla., at latitude 28°38'54", longitude 81°43'54". Correct frequencies and azimuths to 3730.0H and 3810.0H MHz on azimuth 308°34' toward Wildwood, Fla., and 3730.0V, 3810.0V, 3890.0V, 3970.0V, and 4050.0V MHz on azimuth 196°25' toward Eva, Fla., 5960.0V, 5989.7H, 6019.3V, 6078.6V, and 6137.9V on azimuth 97°59' toward Orlando, Fla. Delete Okahumpka, Fla., and Lockhart, Fla., as points of communication. Delete frequencies 3810.0 and 4130.0 MHz on azimuth 301°07' and 3710.0, 3790.0, 3870.0, 3950.0, and 4030.0 MHz on azimuth 97°59'.
- 2186-C1-P-72—Same as above (New), Site 12, Orlando, Fla. C.P. for a new station 0.8 mile southeast of Lockhart, Fla., at latitude 28°36'41", longitude 81°26'08". Correct frequencies and azimuths to 6212.0V and 6241.7H MHz on azimuth 278°07' toward Ferndale, Fla., and 11.175.0V MHz on azimuth 149°10' toward WFTV-TV, Orlando, Fla., and 10.775.0V on azimuth 159°56' toward WDBO-TV, Fla. Delete frequencies 5989.7 and 6108.3 MHz on azimuth 111°43' and 11.425.0 MHz on azimuth 159°56' and 11.665.0 MHz on azimuth 149°10'.
- 2189-C1-P-72—Same as above (New), Site 14, Lakeland, Fla. C.P. for a new station at 329 East Main Street, Lakeland, FL at latitude 28°02'40", longitude 81°57'17". Correct frequencies and azimuths to 3730.0V and 3810.0V MHz on azimuth 20°00' toward Eva, Fla., and 3710.0H, 3790.0H, 3870.0H, 3950.0H, and 4030.0H MHz on azimuth 246°38' toward Plant City, Fla., 3730.0V, 3810.0V, 3890.0V, 3970.0V, and 4050.0V on azimuth 119°41' toward Alturas, Fla. Delete Richland, Fla., as a point of communication. Delete frequencies 3730 and 3970 MHz on azimuth 345°48' and 3730, 3810, 3890, 3970, and 4050 MHz on azimuth 233°25'.
- 2190-C1-P-72—Microwave Service Company of Florida, Inc. (New), Site 15, Plant City, Fla. C.P. for a new station 4.4 miles south-southwest of Plant City, Fla., at latitude 27°58'01", longitude 82°09'23". Correct frequencies and azimuths to 3750.0H and 3830.0H MHz on azimuth 66°32' toward Lakeland, Fla., and 3750.0H, 3830.0H, 3910.0H, 3990.0H, and 4070.0H MHz on azimuth 266°49' toward Tampa, Fla. Delete frequencies 3850 and 4170 MHz on azimuth 53°20' and 3770, 3850, 3930, 4010, and 4090 MHz on azimuth 277°19'.
- 2191-C1-P-72—Same as above (New), Site 16, Tampa, Fla. C.P. for a new station at Florida Motor Hotel, 905 Florida Avenue, Tampa, FL, at latitude 27°57'06", longitude 82°27'30". Correct frequencies and azimuths to 3710.0H and 3790.0H MHz on azimuth 86°40' toward Plant City, Fla., and 10.775.0H MHz on azimuth 240°17' toward WLCY-TV, Florida, 11.175.0H MHz on azimuth 258°02' toward WTVT-TV, Florida. Delete frequencies 3810 and 4130 MHz on azimuth 97°10'.
- 2192-C1-P-72—Same as above (New), Site 17, Alturas, Fla. C.P. for a new station 3 miles southeast of Wahnetta, Fla., at latitude 27°55'07", longitude 81°42'24". Correct frequencies and azimuths to 3770.0V and 3850.0V MHz on azimuth 299°48' toward Lakeland, Fla., and 3750.0H, 3830.0H, 3910.0H, 3990.0H, and 4070.0H MHz on azimuth 131°29' toward Frostproof, Fla. Delete frequencies 4170 MHz on azimuth 299°48'.
- 2193-C1-P-72—Same as above (New), Site 18, Frostproof, Fla. C.P. for a new station 5.6 miles east-southeast of Frostproof, Fla., at latitude 27°43'56", longitude 81°28'12". Correct frequencies and azimuths to 3710.0H and 3790.0H MHz on azimuth 311°35' toward Alturas, Fla., and 3730.0H, 3810.0H, 3890.0H, 3970.0H, and 4050.0H MHz on azimuth 173°24' toward Sebring, Fla. Delete frequencies 4110.0 MHz on azimuth 311°35'.

Major Amendments—Continued

- 2194-C1-P-72—Same as above (New), Site 19, Sebring, Fla. C.P. for a new station 1.7 miles south of Sebring, Fla., at latitude 27°28'30", longitude 81°26'12". Correct frequencies and azimuths to 3770.0V and 3850.0V MHz on azimuth 353°25' toward Frostproof, Fla., and 3770.0H, 3850.0H, and 3930.0H MHz on azimuth 258°23' toward Limestone, Fla., 3770.0V, 3850.0V, 3930.0V, 4010.0V, and 4090.0V MHz on azimuth 99°35' toward Cornwell, Fla. Delete Lake Placid, Fla., as a point of communication. Delete frequencies 4170.0 MHz on azimuth 353°25' and 3750, 3830, 3910, 3990, and 4070 MHz on azimuth 136°11'.
- 2203-C1-P-72—Microwave Service Company of Florida, Inc. (New), Site 26, Royal Palm Beach, Fla. C.P. for a new station 1.5 miles northwest of Royal Palm Beach, Fla., at latitude 26°42'00", longitude 80°22'00". Correct frequencies and azimuths to 3770.0H and 3850.0H MHz on azimuth 332°31' toward Indiantown, Fla., and 3770.0V MHz on azimuth 103°04' toward WEAT-TV, Palm Beach, Fla., 3750.0V, 3830.0V, 3910.0V, 3990.0V, and 4070.0V MHz on azimuth 152°37' toward Boca Raton, Fla. Delete Pahokee, Fla., and Palm Beach, Fla., as points of communication. Delete frequencies 3770.0, 3930.0, 4010.0, 4090.0, and 4170.0 MHz on azimuth 87°30' and 3850.0 and 4170.0 MHz on azimuth 296°45' and 3770.0, 3850.0, 3930.0, 4010.0, and 4090.0 MHz on azimuth 152°37'.
- 2205-C1-P-72—Same as above (New), Site 27, Boca Raton, Fla. C.P. for a new station 3 miles northwest of Boca Raton, Fla., at latitude 26°24'56", longitude 80°12'11". Correct frequencies and azimuths to 3730.0V and 3810.0V MHz on azimuth 332°41' toward Royal Palm Beach, Fla., and 3730.0V, 3810.0V, 3890.0V, and 4050.0V MHz on azimuth 163°50' toward Fort Lauderdale, Fla. Delete frequency 4130.0 MHz on azimuth 332°41'.
- 2206-C1-P-72—Same as above (New), Site 28, Fort Lauderdale, Fla. C.P. for a new station at 2455 Sunrise Boulevard, Fort Lauderdale, FL, at latitude 26°08'18", longitude 80°06'50". Correct frequencies and azimuths to 3770.0V and 3850.0V MHz on azimuth 343°53' toward Boca Raton, Fla., and 3770.0V, 3850.0V, 3930.0V, 4010.0V, and 4090.0V MHz on azimuth 212°26' toward Carol City, Fla. Delete frequencies 4010.0 MHz on azimuth 343°53' and 3750.0, 3830.0, 3910.0, 3990.0, and 4070.0 MHz on azimuth 212°26'.
- 2207-C1-P-72—Same as above (New), Site 29, Carol City, Fla. C.P. for a new station 0.75 mile northwest of Carol City, Fla., at latitude 25°57'00", longitude 80°14'45". Correct frequencies and azimuths to 3710.0V and 3790.0V MHz on azimuth 32°23' toward Fort Lauderdale, Fla., and 4190.0H MHz on azimuth 160°44' toward WFLG-TV, Miami, Fla., 3710.0H MHz on azimuth 140°44' toward WCKT-TV, Miami, Fla., and 10.775.0V MHz on azimuth 164°43' toward WTVJ-TV, Miami, Fla. Delete Miami, Fla., as a point of communication. Delete frequencies 4110.0 MHz on azimuth 32°23' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 175°42'.
- 5639-C1-P-72—American Telephone & Telegraph Co. (KVD84), change frequency 6034.2V MHz toward Tallahassee, Fla., to read 6093.5V MHz. All other particulars to remain the same as reported on Public Notice, dated March 6, 1972, Report No. 586.
- 5807-C1-P-70—United Video, Inc. (New), station location, 520 East Fifth Street, Tulsa, Okla. Correct geographic coordinates to latitude 36°09'06" N, longitude 95°29'20" W.
- 5808-C1-P-70—Same (New), station location, Sand Springs, 2.5 miles north of Tulsa, Okla. Change radio path azimuth toward Shamrock to 237°21'.
- 5809-C1-P-70—Same (New), station location, 3.2 miles north-northeast of Shamrock, Okla. Correct geographic coordinates to latitude 35°57'02" N, longitude 96°33'20" W. Change radio path azimuth toward Sand Springs to 57°55' and to 248°31' toward Carney.
- 5810-C1-P-70—Same (New), station location, Carney, 4 miles south of Vinco, Okla. Change radio path azimuth toward Shamrock to 68°15'.
- 5811-C1-P-70—Same (New), change station location to Broadway and Park Avenue, Oklahoma City, Okla. Latitude 35°28'06" N, longitude 97°30'54" W. Delete frequencies 6004.5 and 6093.5 MHz and delete Carney and Norman as points of communication. Add frequency 11.625V MHz toward new point of communication at Woods.
- 5812-C1-P-70—Same (New), station location, 2.7 miles southeast of Woods, Okla. Add frequency 10.975V MHz toward new point of communication at Oklahoma City.
- 5814-C1-P-70—Same (New), station location, 1 mile north of Scullin, Okla. Correct geographic coordinates to latitude 34°32'09" N, longitude 96°51'40" W.
- 5818-C1-P-70—Same (New), station location, 3 miles east of Lewisville, Tex. Change radio path azimuth toward Dallas to 170°27'.
- 5819-C1-P-70—Same (New), change station location to Jim Miller Road and Tillman Street, Dallas, Tex. Latitude 32°46'49" N, longitude 96°48'07" W. Change radio path azimuth toward Lewisville to 350°28'.

Major Amendments—Continued

All other particulars same as reported on Public Notices dated April 13, 1970, July 12, 1971, and July 10, 1972.

8521-C1-P-72—Continental Telephone Company of Maine (KCK69), C.P. to change frequency from 2195H to 2115H MHz.

8522-C1-P-72—Same (KCK68), C.P. to change frequency 2115H to 2165H MHz.

All other particulars the same as reported in Public Notice, Report No. 599, Dated June 5, 1972.

Local Television Transmission Service

1017-C1-P/ML-73—The Chesapeake & Potomac Telephone Company of Virginia (KB9803), mobile station operating within the territory of the grantee. C.P. and modification of license to add frequency band 11,700–12,200 MHz and 10 mobile units.

[FR Doc.72-15055 Filed 9-6-72;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 134]

SOUTHERN FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control

SEPTEMBER 1, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from Southern Financial Corp., Dallas, Tex., for approval of acquisition of control of the Trinity Savings & Loan Association, Dallas, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the purchase for cash by Southern Financial Corp. of the outstanding stock of Trinity Savings & Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-15194 Filed 9-6-72;8:51 am]

[H.C. No. 133]

UNION FINANCIAL CORP.

Notice of Receipt of Applications for Approval of Acquisition of Control

SEPTEMBER 1, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received applications from Union Financial Corp., Cleveland, Ohio, a savings and loan and bank holding company, for approval of its acquisition of control of the Union Savings & Loan Co., St. Marys, Ohio, and The Seneca County Building & Loan Co., Cleveland, Ohio, insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisitions to be effected by the exchange of stock of Union Financial Corp. for the stock of Union Savings & Loan

Co. and The Seneca County Building & Loan Co. Following the acquisitions it is proposed that said associations be merged into the Union Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-15354 Filed 9-6-72;8:51 am]

FEDERAL MARITIME COMMISSION

ALASKA PACKERS ASSOCIATION, INC. AND ENCINAL TERMINALS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and

the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, Attorneys at Law, 311 California Street, San Francisco, CA. 94104.

Agreement No. T-2680, between Alaska Packers Association, Inc. (APA) and Encinal Terminals (ET), is a consolidating lease and sublease providing for the 20-year lease to ET of various properties, including marine terminal facilities, located at Alameda, Calif. As compensation, APA is to receive 75 percent of its annual cash flow in excess of \$950,000. ET will also pay all rent due to the city of Alameda pursuant to an earlier lease between APA and the city, which is incorporated into Agreement No. T-2680. The agreement further provides that ET will file its tariffs with the Commission. Both APA and ET are wholly-owned subsidiaries of Del Monte Corp.

By order of the Federal Maritime Commission.

Dated: September 1, 1972.

Joseph C. Polking,
Assistant Secretary.

[FR Doc.72-15165 Filed 9-6-72;8:49 am]

CANALES INTERNATIONAL SERVICES, ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Leo Canales, doing business as Canales International Services, 421 Prospect Avenue, Cleveland, OH 44115.

Charles Pagan, 606 Northwest 57th Avenue, Miami, FL 33126.

Allen Frank Labay, doing business as Labay International, 617 Caroline Street, Suite 307, Houston, TX 77002.

Donald K. Bollhorst, doing business as Anchor International, 17 Commerce Street, Baltimore, MD 21202.

BA-CEN-CAR Freight Forwarding, Inc., 2659 Northwest 36th Street, Miami, FL 33142.

Officers

Ballard Jones, Jr., President.
Manuel Zalac, Secretary.
Ada Armand, Treasurer.

By the Commission.

Dated: September 1, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15163 Filed 9-6-72;8:49 am]

GLOBAL TERMINAL & CONTAINER SERVICES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha.
Yamashita Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash,
26 Broadway, New York, NY 10004.

Agreement No. T-2682, between Global Terminal & Container Services, Inc. (Global) and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita Shinnihon Steamship Co., Ltd. (Lines), provides for the 3-year operation (with renewal options) of a container chassis management service by Global at its marine terminal facility located at New York harbor. The Lines are to furnish Global a fleet of container chassis adequate to handle the number of containers they anticipate to put through the Global facility for the current calendar year. These chassis are to be utilized by Global in a common pool, together with chassis supplied by other users of Global's facility. Global will provide the necessary management services for the movement and control of the chassis as well as: (1) Reporting services; (2) repair services; (3) per

diem chassis rental billing and collection services; and (4) accounting services. As compensation, Global is to receive: (1) A fee for the management services as agreed upon by the parties; (2) all per diem charges for chassis rentals which will be billed and collected directly from the users of the chassis; (3) the costs for the inland positioning of the chassis; and (4) the Lines' share of the common pool's total chassis operating costs, such share to be computed in accordance with a formula set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: September 1, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15166 Filed 9-6-72; 8:49 am]

MATSON NAVIGATION COMPANY AND NIPPON YUSEN KAISHA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105.

Agreement No. 9995 is an agreement between Matson Navigation Co. and Nippon Yusen Kaisha permitting Matson to lease NYK containers and container

equipment used to transport cargoes moving pursuant to transshipping agreements between the parties.

By Order of the Federal Maritime Commission.

Dated: September 1, 1972.

JOSEPH C. POLLING,
Assistant Secretary.

[FR Doc.72-15168 Filed 9-6-72; 8:49 am]

MATSON NAVIGATION COMPANY AND SHOWA SHIPPING COMPANY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Peter P. Wilson, Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, CA 94105

Agreement No. 9994 is an agreement between Matson Navigation Co., and Showa Shipping Co., permitting Matson to lease Showa containers and container equipment used to transport cargoes moving pursuant to transshipping agreements between the parties.

By Order of the Federal Maritime Commission.

Dated: September 1, 1972.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15167 Filed 9-6-72; 8:49 a.m.]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01426---	Kuwait Shipping Co. (S.A.K.): Al Solabiah. Al Farwanlah.
01458---	St. Vincent Shipping Co., Ltd.: Susan Miller.
01847---	Bahamas Shipping Corporation: Bahama Star.
01939---	Maersk McKinney Moller, Aktieselskabet Dampskibsselskabet Svendborg, Dampskibsselskabet As 1912 Aktieselskab: Roy Maersk.
02396---	Orchid Maritime Corp. Kismet II.
02719---	Berwick Bay Transportation Co., Inc.: Bollinger No. 5. Bollinger No. 9.
02835---	Hongkong Shipowners & Managers Co., Ltd.: Jessica.
03508---	Taiyo Gyogyo K.K.: Tenyo Maru No. 2.
03841---	American Export Lines, Inc.: Export Freedom. Constitution. Independence. Exbrook. Exchester. Executor. Exford. C. V. Seawitch. C. V. Lightning. C. V. Staghound. Export Ambassador. Export Adventurer. Export Agent. Export Aide. Export Banner. Export Challenger. Export Champion. Export Commerce. Export Courier. Export Builder. Export Bay. Export Buyer.
04042---	Companhia De Navegacao Maritima Netumar: Zeus.
04113---	Mon River Towing, Inc.: MRT 15. MRT 18.
04178---	Canada Steamship Lines, Ltd.: Saguenay.
04276---	Rivtow Straits, Ltd.: Gibraltar Straits. Straits Logger.
04287---	Monsanto Co.: Chem-9.
04623---	Seaspan International Ltd.: Seaspan 860. Seaspan 222. Seaspan 221. Seaspan 220. Seaspan 850. Seaspan 851. Seaspan 820.

Certificate No.	Owner/Operator and Vessels
04750---	Tosui Enyo Gyogyo Kabushiki Kaisha: Tosulmaru No. 21.
04767---	Texaco Inc.: Cote Blanche Island. Pontchartrain. Garden Is. Bay. Chenier. Dog Lake. Barre. Teche. East Bay. Borgne. Red Fish. Lacassine. Bayou Boeuf. Bastian Bay. Texaco No. 157.
05278---	Twin City Barge and Towing Co.: TCB 71. TCB 72. North Star.
05549---	Polska Zegluga Morska: Ziemia Lubelska.
06384---	Mercury Shipping Co., Ltd.: Mercury Gulf. Mercury River. Mercury Cove.
06488---	Snabell Co., Ltd.: Snabell.
06773---	Kaga Gyogyo: Kajinmaru No. 8.
06775---	Whitco (Marine Services) Ltd.: Labrador Clipper.
06972---	Sarbo Compania Maritima S.A.: Sarbo.
07042---	Mundial Compania Naviera S.A.: Adelfotis.
07112---	Dampskibsselskabet Den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsselskabet, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skips A/S Triton, Skips A/S Todor: Takasago.
07172---	Astrovista Armadora S.A. Panama: Joanna.
07175---	I/S Finship: Binship.
07177---	Amelia Shipping Co. S.A.: Aristidis.
07178---	Water Tunnel Contractors: Moran 104. Moran 106. Moran 110. Moran 112.
07180---	Asia Navigation Co. Inc.: Van Triumph.
07181---	The Duke Shipping Co., S.A.: Edinburgh.
07183---	Elenmaris Shipping Co., Ltd.: Eleni M.
07185---	Seabird Shipping Co., Ltd.: Elthina.
07188---	Maritime Reefer Service, Inc.: Sol Reefer.
07189---	Etesien Shipping Ltd.: Panormos.
07190---	Star Light Shipping Co. Ltd.: Irene's Luck.
07191---	Barada Shipping & Trading Co. Ltd.: Irene's Grace.

Certificate No.	Owner/Operator and Vessels
07192---	Naxos Shipping Co., Ltd.: Santa Elrini.
07194---	Partenreederei MS "Valdivia": Valdivia.
07195---	Lindinger Coral K/S: Lindinger Coral.
07196---	Pandora Shipping Co.: Pandora.
07197---	ITSE-International Trade Shipping Establishment: Azalea.
07200---	Egatina Naviera S.A.: Pindar.
07201---	Coast Marine Construction, Inc.: Barge No. 530.
07202---	Lindinger Brilliant K/S: Lindinger Brilliant.
07204---	Zensel Gyogyo Yugen-Kaisha: Zensel Maru No. 11.
07205---	Mist Corp.: American Mist.
07206---	Australian Coastal Shipping Commission: Australian Exporter.
07208---	Iraqi Maritime Transport Co., Ltd. Baghdad: 14 July. Baghdad. Basrah.
07210---	Inter Ocean Carriers, Inc.: Chemie Carrier.
07211---	Maruel Kisen K.K.: Nittou Maru.
07212---	Euterpe (Panama) S.A.: Grand Apollo.
207213---	Compania Antiklia S.A.: Antiklia.
07214---	Kitsa Shipping Co., Ltd.: "Kitsa S."
07215---	Iwate-Perfectural Government: Riasu Maru No. 2.
07216---	Kabushiki Kaisha Nagasaki-Ken Gyogyo Kosha: Ozuru Maru No. 28.
07219---	Esterella Vallente Navegacion S.A.: Ernis.
07220---	Oceanic Navigation Corp.: Andros Atlas.
07221---	General Sea Transport Corp.: Andros Storm.
07222---	Gulf Transport Corp.: Andros Aries.
07223---	Atlantic Star Navigation Corp.: Andros Transport.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.72-15164 Filed 9-6-72; 8:49 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP70-25, RP72-144]

FLORIDA GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Tariff Change, Consolidating Proceedings and Permitting Intervention; Correction

AUGUST 22, 1972.

In the order accepting for filing and suspending proposed tariff changes, consolidating proceedings and permitting interventions, issued July 31, 1972 and published in the FEDERAL REGISTER, August 5, 1972 (37 F.R. 15892); Second paragraph, line 13, change "FPL" to "Florida Power."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15184 Filed 9-6-72; 8:50 am]

[Dockets Nos. CP73-45, CP73-49]

**MICHIGAN WISCONSIN PIPE LINE CO.
AND SOUTHERN NATURAL GAS CO.****Notice of Applications**

AUGUST 30, 1972.

Take notice that on August 14, 1972, Michigan Wisconsin Pipe Line Co. (Mich-Wis), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP73-45 and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-49 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing a deferred exchange of natural gas between them, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Mich-Wis states that in order to permit the installation of facilities authorized by order of the Commission on May 22, 1972 (47 FPC —), in Docket No. CP72-87, it will be necessary during the current construction season for it to take out of service from time to time for varying periods of duration various segments of its east offshore system in the Gulf of Mexico. During such periods, Mich-Wis states that the normal 900,000 Mcf per day throughput of this system will decline as much as 730,000 Mcf per day. To offset this decline in part, applicants have entered an agreement to exchange on a deferred basis 3,600,000 Mcf of natural gas. Pursuant to the agreement, Southern will deliver gas to Mich-Wis on a best efforts basis, during the period July 1, 1972, to December 1, 1972, on such days as the latter may have a requirement therefor. Southern's deliveries will be made at existing points of receipt of gas at the Garden City and Patterson Gas Processing Plants in St. Mary Parish, La. In order to effectuate in part the delivery to Mich-Wis, Southern may cause Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), to divert to Mich-Wis all or a portion of the gas which Tennessee currently delivers to Southern at the Patterson Plant. Mich-Wis will redeliver the gas to Southern at Southern's existing point of receipt at the Patterson Plant and such other points as are mutually agreeable one quarter of the total volume during the period December 1, 1973, through March 31, 1974, and the balance during the period December 1, 1974, through March 31, 1975.

Southern states that it commenced deliveries to Mich-Wis on July 28, 1972, pursuant to the exchange agreement and within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22).

Applicants state that no new facilities will be necessary to carry out the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September

25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications 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 certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15186 Filed 9-6-72; 8:50 am]

[Docket No. E-7723]

POTOMAC EDISON CO.**Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing, Establishing Procedures, and Denying Request for Waiver; Correction**

AUGUST 22, 1972.

In the order accepting for filing and suspending proposed tariff changes, providing for hearing, establishing procedures, and denying request for waiver, issued July 11, 1972 and published in the FEDERAL REGISTER, July 19, 1972 (37 F.R. 14337): Line 12: Add "1" after "changes" and add footnote at bottom of page as follows:

1 First Revised Sheet Nos. 4, 4a, 5, 5a, 6, and 6a, original sheet Nos. 4b, 5b, and 6b, third revised sheet No. 8 under FPC Electric Tariff, original volume No. 2; Supplement No. 3 to Rate Schedule FPC No. 30.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15185 Filed 9-6-72; 8:50 am]

[Docket No. E-7723]

POTOMAC EDISON CO.**Notice of Extension of Time and Postponement of Hearing**

SEPTEMBER 1, 1972.

On August 28, 1972, The Potomac Edison Co. filed a motion for extension of time to file updated cost evidence and exhibits in the above matter as required by the Commission's order issued July 11, 1972.

Upon consideration, notice is hereby given that the date for filing updated cost of service statements and related prepared testimony and exhibits constituting the company's case-in-chief is postponed until November 1, 1972. The other dates are postponed accordingly as follows:

February 1, 1973, prepared testimony and exhibits of staff.

March 1, 1973, rebuttal evidence if any of The Potomac Edison Co.

March 15, 1973, cross-examination of evidence.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-15230 Filed 9-6-72; 8:53 am]

[Docket No. E-7759]

PUBLIC SERVICE CO. OF COLORADO**Order Accepting Filing, Suspending Tariff Sheets and Providing for Hearing**

AUGUST 30, 1972.

On July 31, 1972, Public Service Co. of Colorado (Colorado) tendered for filing proposed supplements to its FPC Rate Schedules Nos. 3, 6, 9, 11, and 12 in the form of five modification agreements for wholesale electric service to become effective on August 31, 1972.

Colorado states that the principal reasons for its increases are: (1) To produce an estimated 4.5 percent return in its jurisdictional rate base, and (2) to combat increased costs due to inflation and environmental requirements. Colorado further states that no facilities will be installed or modified in conjunction with the change in rates tendered for filing.

In addition, Colorado requests waiver of the requirements of § 35.13(b) (4) (i) and (5) (i) of our regulations, which require the filing of certain data 60 days before the proposed effective date of increased rates.

Review of rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Colorado tariff sheets filed on July 31, 1972, should be accepted for filing as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Colorado's rates as proposed to be amended in this docket, and that the tendered Rate Schedule be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(5) Colorado's request for waiver of § 35.13(b) (4) (i) and (5) (i) of our regulations should be denied.

The Commission orders:

(A) Colorado's tariff sheets in this docket are accepted for filing.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on February 13, 1973, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado's wholesale electric rates as proposed to be revised herein.

(C) At the prehearing conference on February 13, 1973, Colorado's prepared testimony (Statement F), together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before January 28, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all interveners shall be served on or before February 8, 1973. Any rebuttal evidence by Colorado shall be served on or before February 15, 1973, cross-examination of the evidence filed will commence February 27, 1973.

(E) A presiding examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a final decision in this proceeding, Colorado's proposed tariff sheets tendered on July 31,

1972, are suspended for the full statutory 5-month period and the use of such tariff sheets deferred until March 1, 1973.

(G) Waiver of § 35.13(b) (4) (i) and (5) (i) of the regulations is hereby denied.

By the Commission.¹

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-15187 Filed 9-6-72; 8:50 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Peninsula State Bank, Tampa, 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 September 20, 1972.

Board of Governors of the Federal Reserve System, August 28, 1972.

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

[FR Doc. 72-15119 Filed 9-6-72; 8:46 am]

BENEFICIAL CORP.

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

Beneficial Corp., Wilmington, Del., a bank holding company within the meaning of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by virtue of ownership of 73.3 percent of the voting shares of Peoples Bank and Trust Co., Wilmington, Del. (Bank), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application was published in the FEDERAL REGISTER on June 14, 1972 (37 F.R. 11804). Time for filing comments and views has expired. No request for a hearing has been received.

Section 4(d) of the Act provides that to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary

¹ Commissioner Moody dissenting and issuing a statement filed as part of the original document.

to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to certain one-bank holding companies in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application and all comments received in the light of the factors set forth in section 4(d) of the Act and finds that:

Beneficial Corp. is a diversified holding company that operates the sixth largest consumer finance company in the country, and owns Spiegel, Inc., Western Auto Supply Co., and over 60 other firms. The record shows that, in the early 1920's Beneficial organized Bank (under another name), but Bank did not open for business until December 1952. As of December 20, 1971, Beneficial owned 73.3 percent of Bank's outstanding voting shares; and the remaining shares are owned by present or former directors, officers, or employees of Beneficial or of its subsidiaries (25.2 percent), and by individuals residing in the Wilmington area. Furthermore, it appears that, as of February 29, 1972, approximately one-third of Bank's demand deposits represent deposits on behalf of Beneficial or its subsidiaries, or their directors, officers, or employees; and 17.6 percent of Bank's total loans represent loans to directors, officers, or employees of Beneficial or its subsidiaries. The record contains nothing to suggest that permitting Bank's affiliation with Applicant to continue indefinitely will adversely affect either the Bank or the community of Wilmington.

Bank's total assets (\$20.4 million) at year-end 1971 were about 0.7 percent of the total assets of Applicant and all of its subsidiaries (\$2.8 billion). Applicant indicates that neither Beneficial nor any of its subsidiaries has borrowed from Bank. During 1971, Beneficial had short-term borrowings of \$275.7 million and long-term borrowings of \$995 million. In contrast, Bank's total of loans outstanding as of February 29, 1972, amounted to \$5.3 million, with a statutorily imposed lending limit of \$200,000 to any one affiliate of Bank and \$400,000 in aggregate to all such affiliates. The record contains nothing to suggest that Beneficial has misused Bank's services for the benefit of Applicant's other interests and, in view of the size disparity between Bank and Applicant, and the small size of Bank in relation to the surrounding banking market and to the credit needs of Beneficial, future misuse of Bank by Beneficial seems unlikely.

Bank (\$16.3 million in deposits) operates in the Wilmington banking market

where it is the fifth largest of eight banks in the market and controls about 1.2 percent of total deposits in the market. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through July 7, 1972.) Each of the four larger banks in the market has deposits in excess of \$245 million. There are at least four other subsidiaries of large consumer finance companies and seven other commercial banks in the same market. It does not appear that there would be any adverse competitive effects from permitting Beneficial to continue its ownership of Bank.

Based on the foregoing and other considerations reflected in the record, the Board concludes that the facts of record do not warrant disrupting a business relationship that has existed over a long period of years without adversely affecting the banks of the community involved; and that Bank is so small in relation to the total interests of Beneficial and so small in relation to the banking market served by Bank as to minimize the likelihood that Bank's powers to grant or deny credit may be influenced by a desire to further Beneficial's other interests. Accordingly, an exemption pursuant to section 4(d) of the Act is hereby granted; provided, however, that this determination is subject to revocation if the facts upon which it is based change in any material respect.

By order of the Board of Governors,¹ effective August 29, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-15155 Filed 9-6-72;8:48 am]

COMMUNITY BANKS OF FLORIDA, INC.

Order Approving Formation of Bank Holding Company

Community Banks of Florida, Inc., Seminole, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Seminole, Seminole (Post Office Largo) (Seminole Bank); First Commercial Bank, St. Petersburg (Commercial Bank); First Community Bank, Largo (Largo Bank); First Bank of West Pasco, Pasco County (Pasco Bank), and Northside Community Bank, St. Petersburg (Northside Bank), all located in Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all com-

ments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was formed for the purpose of acquiring the five proposed subsidiary banks, all of which were organized by the same individuals and have functioned as a group since their establishment. Upon the acquisition of Seminole Bank (deposits of \$42.6 million); Commercial Bank (deposits of \$11.7 million); Largo Bank (deposits of \$5.9 million); and the Pasco and Northside Banks which were recently opened, applicant would control aggregate deposits of \$60.2 million among commercial banks in Florida and would rank as the State's 26th largest banking organization, with 0.37 percent of total State deposits. The proposal would represent no significant increase in the concentration of banking resources in the local markets or on a statewide basis.

Seminole, Commercial, Largo, and Northside Banks are located in Pinellas County in the South Pinellas Banking Market were the four banks control 6.14 percent of total deposits as the sixth largest of the 15 banking organizations represented in the market. Six multi-bank holding companies hold 49.62 percent of deposits in this market. The fifth proposed acquisition, Pasco Bank, is located in Pasco County, some 20 miles to the north. It was opened for business in late January of this year and ranks as the smallest bank in the county. It appears that the change in corporate structure for the group represented by this application would have no adverse effects on any of the competing banks in the relevant market areas.

The Seminole and Largo Banks are located approximately 3 miles apart, but their service areas do not overlap, and there is no significant present competition between them. The remaining three banks are located from 6 to 26 miles apart. There is no meaningful intergroup competition that would be eliminated between any of the subject banks by the proposed formation. All five banks have been closely affiliated since their inception. Senior management of each bank is vested in the same individuals and banking services are interchanged. It appears that this dependence within the group is permanently established, and there exists little likelihood for disaffiliation. Competitive considerations are consistent with approval of the application.

Although Applicant was recently organized and has no operating history, its financial structure and proposed management are deemed to be generally satisfactory. The subject banks have capable managements and their financial conditions are deemed satisfactory except for needed improvement in the capital account of Seminole Bank which Applicant has agreed to provide. Banking factors are consistent with approval of the application, and prospects for Applicant and the group of banks appear favorable. The primary banking needs of both market areas are served by existing financial institutions; however, it appears that efficiencies of operation would

result from the corporate structure, and the public would derive benefits from trust services proposed to be offered at each bank. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,² effective August 29, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-15156 Filed 9-6-72;8:48 am]

FINANCIAL SECURITIES CORP.

Order Denying Applications To Re- main a Bank Holding Company and To Retain Shares of Banks

Financial Securities Corp., Lake City, Tenn., 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 remain a bank holding company through the retention of 65.12 percent of the voting shares of First Farmers Bank, Athens, Tenn., and of 50.56 percent of the voting shares of First National Bank of Anderson County, Lake City, Tenn. Financial Securities Corp. has also applied for the Board's approval under section 3(a)(3) of the Act to retain 31.6 percent (included in the above-mentioned 65.12 percent) of the voting shares of First Farmers Bank, Athens, Tenn.

Notice of receipt of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the applications are denied for the reasons set forth in the Board's statement¹ of this date. Applicant is directed to take appropriate measures to effect a divestiture of control of First Farmers Bank, Athens, Tenn., and

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

¹ Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

of First National Bank of Anderson County, Lake City, Tenn., and is granted until year-end 1972 to effect said divestiture, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta. No later than 2 months from the effective date of the order herein, Applicant is required to report to the Federal Reserve Bank of Atlanta on the progress of said divestiture. A reduction of share holdings to 5 percent or less of the outstanding voting shares of each of the banks involved would be regarded by the Board as appropriate in connection with such divestiture.

By order of the Board of Governors,²
effective August 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-15158 Filed 9-6-72; 8:48 am]

FIRST PENNSYLVANIA CORP.

Proposed Acquisition of Community Finance of Montgomery, Inc.

First Pennsylvania Corp., Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to purchase through its wholly-owned indirect subsidiary, Industrial Finance and Thrift Corp., all of the assets of Community Finance of Montgomery, Inc., Montgomery, Ala. Notice of the application was published on July 20, 1972, in *The Montgomery Independent*, a newspaper circulated in Montgomery, Ala.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring, and servicing loans or other extensions of credit for personal, family, or household purposes, including the sale of credit insurance (life, accident and health, and disability insurance), which is directly related to such consumer loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at

the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 28, 1972.

Board of Governors of the Federal Reserve System, August 29, 1972.

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

[FR Doc. 72-15157 Filed 9-6-72; 8:48 am]

LBE CO.

Formation of One-Bank Holding Company

LBE Co., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Lincoln Bank East, Lincoln, Nebr. 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 Reserve Bank to be received not later than September 22, 1972.

Board of Governors of the Federal Reserve System, August 29, 1972.

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

[FR Doc. 72-15159 Filed 9-6-72; 8:48 am]

MELLON NATIONAL CORP.

Formation of One-Bank Holding Company

Mellon National Corp., Pittsburgh, Pa., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Mellon National Bank and Trust Co., Pittsburgh, Pa. 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 Reserve Bank to be received not later than September 20, 1972.

Board of Governors of the Federal Reserve System, August 31, 1972.

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

[FR Doc. 72-15130 Filed 9-6-72; 8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, 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 at least 80 percent of the voting shares of Pan American Bank of West Dade, Miami, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 20, 1972.

Board of Governors of the Federal Reserve System, August 31, 1972.

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

[FR Doc. 72-15131 Filed 9-6-72; 8:45 am]

WELLS FARGO & CO.

Proposed Acquisition of Grayco Land Escrow, Ltd.

Wells Fargo & Co., San Francisco, Calif., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Grayco Land Escrow, Ltd., Pasadena, Calif. Notice of the application was published on June 13, 1972, in the *Los Angeles Daily Journal*, a newspaper circulated in Pasadena, Calif.

Applicant states that the proposed subsidiary would engage in the activities of acting as a trustee under subdivision trust agreements; providing to real estate developers a computerized accounting and collection system with reports on real estate contracts and notes receivable, commissions payable, sales analysis, and financial condition. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound

² Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Brimmer, and Bucher.

banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 29, 1972.

Board of Governors of the Federal Reserve System, August 30, 1972.

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

[FR Doc.72-15129 Filed 9-6-72;8:45 am]

ZIONS UTAH BANCORP.

Order Approving Acquisition of Bank

Zions Utah Bancorp, Salt Lake City, Utah, 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 all of the voting shares (less directors' qualifying shares) of Zions National Bank of Ogden, Ogden, Utah, a proposed new bank (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application, the recommendation of the Comptroller of the Currency that the application should be approved, and all other comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Utah, controls one bank which has total deposits of approximately \$339.2 million,¹ representing 16.1 percent of the total deposits in commercial banks in the State. Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Applicant's acquisition of Bank represents its initial commercial banking entry into the Ogden banking market. Applicant's subsidiary bank, whose nearest office is located 20 miles from Bank, is prohibited by State law from branching into the Ogden banking market. Applicant's acquisition of Bank would likely have a procompetitive effect by introducing a new competitor into the Ogden

market, where three of the six banks control over 90 percent of total market deposits. Applicant's entry into this market should stimulate competition without having adverse effects on any competing bank.

The financial and managerial resources of applicant and its subsidiaries are regarded as satisfactory and consistent with approval. Applicant has recently augmented the capital position of its lead bank by contributing a portion of the proceeds from a sale of applicant's stock. Applicant has indicated that this contribution is a permanent investment. Since Bank will be able to draw upon applicant's financial and managerial resources, its prospects seem favorable and the banking factors are consistent with approval. Applicant proposes to offer extended banking hours and to offer additional services, such as guaranteed student loans at Bank. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval since Bank will become an additional source of full banking services in a community that has a high ratio of population to banking offices. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

Applicant is engaged, either directly or through subsidiaries, in several nonbanking businesses. The approval herein neither provides authority to applicant to continue in the nonbank activities nor to retain nonbank shares nor requires the applicant to modify or terminate said activities or holdings. However, consummation of the proposal herein is subject to the continuing authority of the Board to require modification or termination of such activities or holdings (within a period no shorter than 2 years), if the Board determines that the continued combination of banking and nonbanking interests is likely to have an adverse effect on the public interest.

The provision of any credit, property, or services by the holding company or any affiliate thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Amendments of 1970. The nonbanking activities of applicant shall not be altered in any significant respect from those engaged in at the time of the filing of the application herein nor shall they be provided at any location other than as described in said application, except upon compliance with the procedures of § 225.4(b)(1) of Regulation Y; and no merger, or consolidation, or acquisition of assets other than in the regular course of business, to which applicant or any affiliate thereof is a party shall be consummated without prior Board approval.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date

of this order or (b) later than 3 months after that date, and (c) Zions National Bank of Ogden, Ogden, Utah, shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,² effective August 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-15160 Filed 9-6-72;8:49 am]

FEDERAL TRADE COMMISSION CARPET AND RUG FLAMMABILITY STANDARDS

Alternative Procedure for Washing Wool Flokati Rugs or Carpets

On June 19, 1972, the Commission tentatively approved an alternative procedure for washing wool flokati rugs and carpets subject to the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) and the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70) with the determination that before making a final decision on the procedure, any comments filed within 30 days after publication of notice in the FEDERAL REGISTER would be considered. The alternative procedure for washing rugs and carpets subject to the aforesaid flammability standards was published in the FEDERAL REGISTER on June 21, 1972, at 37 F.R. 12258.

The Commission has considered all comments submitted pursuant to such notice and has determined that the Notice as published is appropriate. Accordingly, the Notice as published in the FEDERAL REGISTER on June 21, 1972, is approved as an alternative procedure for washing wool flokati, carpets and rugs subject to the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) and the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70).

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-15161 Filed 9-6-72;8:52 am]

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governor Brimmer, on the basis of principles previously discussed in his dissenting statement in connection with the Board's order approving the application of First National City Corporation to acquire the successor by merger to The National Exchange Bank of Castleton-on-Hudson (37 F.R. 14259). Absent and not voting: Chairman Burns.

¹ Deposit data are as of December 31, 1971, and market data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions through June 30, 1972.

TENNESSEE VALLEY AUTHORITY **SUBSTATIONS AND TRANSMISSION** **LINE AND VECTOR CONTROL PRO-** **GRAMS**

Notice of Intent To Issue Draft **Environmental Statements**

Notice is hereby given that pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Tennessee Valley Authority is preparing to issue draft environmental statements dealing with (1) TVA's vector control program and (2) TVA's policies relating to the location, design, construction, and maintenance of transmission lines and substations.

Persons desiring copies of these statements when they are released should address requests to the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902.

Dated at Knoxville, Tenn., this the 29th day of August 1972, for the Tennessee Valley Authority.

LYNN SEEGER,
General Manager.

[FR Doc.72-15125 Filed 9-6-72; 8:46 am]

INTERSTATE COMMERCE **COMMISSION**

[Notice 69]

ASSIGNMENT OF HEARINGS

SEPTEMBER 1, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136163, Jerome Kelly, Jr., doing business as Jerome Kelly & Son, now assigned September 11, 1972, at Washington, D.C., is postponed indefinitely.

MC 113861 Sub 51, Wooten Transports, Inc., Extension Memphis, Tenn., now being assigned for continued hearing October 30, 1972 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 106644 Sub 121, Superior Trucking Co., Inc., MC 108676 Sub 39, A. J. Metter Hauling & Rigging, Inc., now being assigned November 1, 1972 (3 days), MC 127834 Sub 36, Cherokee Hauling & Rigging, Inc., now being assigned November 6, 1972 (1 week), at Memphis, Tenn., in hearing rooms to be later designated.

MC 263 Sub 199, Garrett Freight Lines, Inc.—Alternate Routes, now being assigned November 13, 1972 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-C-7346, Gulf Transport Co.—Investigation of Practices, now being assigned hearing November 1, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 73165 Sub 304, Eagle Motor Lines, Inc., now being assigned hearing November 2, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 73688 Sub 50, Southern Trucking Corp., now being assigned hearing November 6, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 107295 Sub 521, Pre-Fab Transit Co., now being assigned hearing November 7, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 119777 Sub 228, Ligon Specialized Hauler, Inc., now being assigned hearing November 8, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 61592 Sub 269, Jenkins Truck Line, Inc., now being assigned November 6, 1972 (1 day), MC 121060 Sub 17, Arrow Truck Lines, Inc., now being assigned November 7, 1972 (1 day), MC 115841 Sub 407, Colonial Refrigerated Transportation, Inc., now being assigned November 8, 1972 (3 days), MC 115826 Sub 215, W. J. Digby, Inc., now being assigned November 13, 1972 (1 week), at Atlanta, Ga., in hearing rooms to be later designated.

MC 115840 Sub 75, Colonial Fast Freight Lines, Inc., now being assigned hearing October 30, 1972 (2 days), at Birmingham, Ala., in a hearing room to be later designated.

MC 135274, Britton & Southern, Inc., now being assigned hearing November 3, 1972 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC-134040 Sub 3, Acme Transfer, Inc., now being assigned hearing November 6, 1972 (1 day), MC-127172 Sub 4, Francis Margolies, doing business as Marc Baggage Lines now being assigned hearing November 7, 1972 (2 days), MC-51146 Sub 268, Schneider Transport, Inc., now being assigned hearing November 9, 1972 (2 days), at Chicago, Ill., MC-128273 Sub 107, Midwestern Express, Inc., now being assigned continued hearing November 13, 1972 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC-C-7668, Georgia-Florida-Alabama Transportation Co. and Bay Transportation, Inc.—Investigation and Revocation of Certificates, now being assigned hearing November 9, 1972 (2 days), at Birmingham, Ala., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15177 Filed 9-6-72; 8:50 am]

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE **DEVIATION NOTICES**

SEPTEMBER 1, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons

is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-61616 (Deviation No. 40) (Cancels Deviation Nos. 25 and 35), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, AR 72114, filed August 24, 1972. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock AR 72203. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Fort Smith, Ark., over Interstate Highway 540 to junction Interstate Highway 40, thence over Interstate Highway 40 to North Little Rock, Ark., with the following access routes: (1) From junction Interstate Highway 40 and U.S. Highway 71 over U.S. Highway 71 to junction U.S. Highway 64, (2) from junction Interstate Highway 40 and unnumbered access road, over unnumbered access road to junction U.S. Highway 64 near Dyer, Ark., (3) from junction Interstate Highway 40 and Arkansas Highway 215 over Arkansas Highway 215 to junction U.S. Highway 64, (4) from junction Interstate Highway 40 and Arkansas Highway 23 to junction U.S. Highway 64, (5) from junction Interstate Highway 40 and Arkansas Highway 219 over Arkansas Highway 219 to junction U.S. Highway 64, (6) from junction Interstate Highway 40 and Arkansas Highway 186 over Arkansas Highway 186 to junction U.S. Highway 64, (7) from junction Interstate Highway 40 and Arkansas Highway 164 over Arkansas Highway 164 to junction U.S. Highway 64, (8) from junction Interstate Highway 40 and Arkansas Highway 103, over Arkansas Highway 103 to junction U.S. Highway 64, (9) from junction Interstate Highway 40 and Arkansas Highway 315 over Arkansas Highway 315 to junction U.S. Highway 64, (10) from junction Interstate Highway 40 and Arkansas Highway 333 over Arkansas Highway 333 to junction U.S. Highway 64, (11) from junction Interstate Highway 40 and Arkansas Highway 7 over Arkansas Highway 7 to junction U.S. Highway 64, (12) from junction Interstate Highway 40 and Arkansas Highway 331 over Arkansas Highway 331 to junction U.S. Highway 64, (13) from junction Interstate Highway 40 and Arkansas Highway 105 over

Arkansas Highway 105 to junction U.S. Highway 64, (14) from junction Interstate Highway 40 and unnumbered access road over unnumbered access road to junction U.S. Highway 64 at Blackwell, Ark., (15) from junction Interstate Highway 40 and Arkansas Highway 95 over Arkansas Highway 95 to junction U.S. Highway 64, (16) from junction Interstate Highway 40 and Arkansas Highway 9 over Arkansas Highway 9 to junction U.S. Highway 64, (17) from junction Interstate Highway 40 and Arkansas Highway 92 over Arkansas Highway 92 to junction U.S. Highway 64, (18) from junction Interstate Highway 40 and unnumbered access road over unnumbered access road to junction U.S. Highway 64 at Menifee, Ark., (19) from junction Interstate Highway 40 and U.S. Highway 64 each of Conway, Ark., over U.S. Highway 64 east to junction Arkansas Highway 365 (formerly U.S. Highway 65), (20) from junction Interstate Highway 40 and U.S. Highway 65-B over U.S. Highway 65-B to junction Arkansas Highway 365 (formerly U.S. Highway 65), and (21) from junction Interstate Highway 40 and Arkansas Highway 89 over Arkansas Highway 89 to junction Arkansas Highway 365 (formerly U.S. Highway 65), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

No. MC-109014 (Deviation No. 1), GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, AR 72401, filed July 27, 1972. Carrier's representative: Forrest P. Carson, 211 East Capitol Avenue, Jefferson City, MO 65101. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to St. Louis, Mo., with the following access roads: (1) From Perryville, Mo., over U.S. Highway 61 to junction Interstate Highway 55 near Brewer, Mo., (2) from Dexter, Mo., over U.S. Highway 60 to junction Interstate Highway 55, (3) from Malden, Mo., over U.S. Highway 62 to junction Interstate Highway 55, (4) from Kennett, Mo., over Missouri Highway 84 to junction Interstate Highway 55, and (5) from Blytheville, Ark., over Arkansas Highway 18 to junction Interstate Highway 55, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From West Memphis, Ark., over U.S. Highway 63 to Memphis, Tenn., (2) from West Memphis, Ark., over U.S. Highway 63 to junction

Arkansas Highway 77, thence over Arkansas Highway 77 via Jericho, Clarkdale, and Turrell, Ark., to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Arkansas Highway 135, thence over Arkansas Highway 135 via Lepanto, Ark., to junction Arkansas Highway 158, thence over Arkansas Highway 158 to Caraway, Ark., thence return over Arkansas Highway 158 to junction Arkansas Highway 135, thence over Arkansas Highway 135 to Black Oak, Ark., (3) from junction Arkansas Highways 135 and 18 and over Arkansas Highway 18 to junction Arkansas Highway 119, thence over Arkansas Highway 119 to Leachville, Ark., thence over Arkansas Highway 77 to junction Arkansas Highway 18, thence over Arkansas Highway 18 to Blytheville, Ark., (4) from Caruth, Mo., over unnumbered highway to junction Missouri Highway 28, thence over Missouri Highway 28 via Hollywood, Mo., to Arbyrd, Mo., thence over Missouri Highway 108 to the Missouri-Arkansas State line, thence over Arkansas Highway 77 to Leachville, Ark., (5) from Cape Girardeau, Mo., over Missouri Highway 74 to junction Missouri Highway 25, thence over Missouri Highway 25 via McGuire, Mo., to Caruth, Mo., and (6) from Advance, Mo., over Missouri Highway 91 to junction Missouri Highway 34, thence over Missouri Highway 34 to Marble Hill, Mo., thence over Missouri Highway 34 to junction Missouri Highway 51, thence over Missouri Highway 51 to Claryville, Mo., thence over the Chester-Mississippi River Bridge to Chester, Ill., thence over Illinois Highway 3 to East St. Louis, Ill., thence over the St. Louis Municipal Toll Bridge to St. Louis, Mo., and return over the same routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15175 Filed 9-6-72; 8:50 am]

[Notice 27]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 1, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not

operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-48958 (Deviation No. 36), ILLINOIS - CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over Texas FM Road 1061 to junction U.S. Highway 385, thence over U.S. Highway 385 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction U.S. Highway 56, thence over U.S. Highway 56 to Springer, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex., and (2) from Springer, N. Mex., over New Mexico Highway 58 to junction New Mexico Highway 39, thence over New Mexico Highway 39 to junction New Mexico Highway 18 (at or near Grady, N. Mex.), thence over New Mexico Highway 18 to Clovis, N. Mex., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15176 Filed 9-6-72; 8:50 am]

[Notice 71]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 1, 1972.

The following publications¹ are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will

¹ Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 11042 (Sub-No. 643) (Republication), filed October 15, 1971, published in the FEDERAL REGISTER issue of November 11, 1971, and republished this issue. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. An order of the Commission, Review Board No. 1, dated August 11, 1972, and served August 25, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of vegetable oil products, in bulk, from Port Neches, Texas City, Freeport, Seadrift, and Beaumont, Tex., to Janesville, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest of other pleading setting forth in detail the precise manner in which it has been prejudiced.

No. MC 116877 (Sub-No. 5) (Republication), filed September 17, 1971, published in the FEDERAL REGISTER issue of November 11, 1971, and republished this issue. Applicant: GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, CA 90011. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. A supplemental order of the Commission, Operating Rights Board, dated August 15, 1972, and served August 25, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacturing thereof, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur of fur-trimmed garments), handbags and costume jewelry. (A) Between North Sacramento, Calif., and San Francisco, Calif., over Interstate Highway 80, serving all intermediate points; (B) between Sacramento, Calif., and Oakland, Calif., over U.S. Highway 50, serving all intermediate points; (C) between the junction of Interstate Highway 80 and California Highway 29, east of Vallejo, Calif., and the junction of California Highways 29 and 37, north of Vallejo,

Calif., over California Highway 29, serving all intermediate points; (D) between the junction of California Highways 29 and 37, near Vallejo, Calif., and the junction of California Highway 37 and U.S. Highway 101 at Ignacio, Calif., over California Highway 37, serving all intermediate points and the off-route points of Novato, Sonoma, Napa, Ignacio Junction, Waldo, and Black Point, Calif.; (E) between Richmond, Calif., and San Jose, Calif., over California Highway 17, serving all intermediate points;

(F) Between Oakland, Calif. and Pittsburg, Calif., from Oakland over California Highway 24 to its junction with California Highway 4, thence over California Highway 4 to Pittsburg, and return over the same route, serving all intermediate points and the off-route point of Moraga, Calif.; (G) between the junction of California Highway 4 and Interstate Highway 80, near Rodeo, Calif., and Stockton, Calif., over California Highway 4, serving all intermediate points and the off-route points of Port Chicago and Byron, Calif.; (H) between Martinez, Calif., and Warm Springs, Calif., over Interstate Highway 680, serving all intermediate points; (I) between Tracy, Calif., and Modesto, Calif., from Tracy over State Highway 33 to its junction with State Highway 132, thence over State Highway 132 to Modesto and return over the same route, serving all intermediate points; (J) between Wheeler Ridge, Calif. and San Juan Capistrano, Calif., over Interstate Highway 5, serving all intermediate points between San Fernando and San Juan Capistrano, inclusive, and all points in the Los Angeles "Basin Territory," as described in paragraph "T" hereafter, as intermediate and off-route points; (K) between Santa Monica, Calif. and the junction of Interstate Highways 405 and 5, near Irvine, Calif., over Interstate Highway 405, serving all intermediate points; (L) between Ignacio, Calif. and Los Angeles, Calif., over U.S. Highway 101, serving (1) all intermediate points between Ignacio and San Jose, Calif.; (2) Santa Barbara and Ventura as intermediate points, and Oxnard as an off-route point; (3) Belvedere, Tiburon, Mill Valley, San Anselmo, Fairfax, Fort Berry, Fort Cronhite, Fort Baker, Sausalito, Marin City, Corte Madera, Larkspur, Kentfield, San Rafael, Terra Linda, San Benetia, Marinwood, and Hamilton Air Force Base as off-route points; and (4) all points in the San Francisco territory as described in paragraph "U" hereafter, as intermediate and off-route points;

(M) between Sacramento, Calif. and Los Angeles, Calif., over U.S. Highway 99, serving (1) all intermediate points between Sacramento and Modesto; and (2) the intermediate points of Fresno and Bakersfield; (N) between Santa Monica, Calif. and Tucson, Ariz., over Interstate Highway 10 (U.S. Highway 60), serving (1) all intermediate points between Santa Monica and Redlands, Calif., inclusive; (2) all intermediate points between Phoenix and Tucson, Ariz., inclusive; and (3) Casa Grande,

Ariz., as an off-route point; (O) between Tucson and Nogales, Ariz., over U.S. Highway 89 (Interstate Highway 19) serving all intermediate points; (P) between Avondale and Mesa, Ariz., over U.S. Highway 80, serving all intermediate points and the off-route points of Alhambra, Chandler, Glendale, and Scottsdale, Ariz.; (Q) between Los Angeles, Calif. and Las Vegas, Nev., from Los Angeles, over Interstate Highway 10 to its junction with Interstate Highway 15 at Colton, Calif., thence over Interstate Highway 15 to Las Vegas, and return over the same routes, serving (1) all intermediate points between the California-Nevada border and Las Vegas; and (2) all points in Clark County, Nev., as off-route points;

(R) Local service is not authorized (1) between points on and within the highways and territories described herein as points A through I, L (1), (3), and (4), and M(1); or (2) between points on and within the highways and territories described herein as points J, K, and N (1); (S) For operating convenience only, the following alternate routes shall be utilized (1) between the junction of U.S. Highway 99 and State Highway 152, near Chowchilla and Gilroy, Calif., over State Highway 152 and return over the same route, serving no intermediate points; (2) between Wheeler Ridge and Tracy, Calif., over Interstate Highway 5, serving no intermediate points; and (3) between the junction of California Highway 86 and Interstate Highway 10, near Indio, Calif., and the junction of Interstate Highways 8 and 10, near Casa Grande, Ariz., from the junction of California Highway 86 and Interstate Highway 10, over State Highway 86 to its junction with Interstate Highway 8 at El Centro, Calif., thence over Interstate Highway 8 to its junction with Interstate Highway 10, and return over the same route, serving no intermediate points;

(T) Los Angeles "Basin Territory," Calif., includes all points in Los Angeles and Orange Counties, Calif., points in San Bernardino County, Calif., south of State Highway 138 and west of U.S. Highway 395, and points in Riverside County, Calif., north and west of State Highway 91; and (U) San Francisco "Territory," Calif., includes all points in San Francisco County, Calif., points in San Mateo County, Calif., east of State Highway 280, points in Santa Clara County, Calif., east of Interstate Highway 280 and west of State Highway 17, points in Alameda County, Calif., west of Interstate Highway 680, and points in Contra Costa County, Calif., west of Interstate Highway 680, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the grant of authority will be subject to coincidental cancellation, at applicant's written request, of its certificate in No. MC 116877 (Sub-No. 2). Because it is possible that other parties, who have relied upon the notice of the application as published,

may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136532 (Republication), filed March 13, 1972, published in the FEDERAL REGISTER issue of April 27, 1972, and republished this issue. Applicant: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston Street, Durant, OK 74701. Applicant's representative: Jenese Simpson (same address as applicant). An order of the Commission, Operating Rights Board, dated August 15, 1972, and served August 25, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of nursery pots and sleeves, from Leominster, Mass., Troup, Tex., and points in Florida to San Francisco and Half Moon Bay, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading; setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

Nos. MC-116045 (Sub-Nos. 24, 25, and 36) (Notice of Filing of Petition for Modification of Certificates), filed August 11, 1972. Petitioner: NEUMAN TRANSIT CO., INC., Post Office Box 38 East of Rawlins, Rawlins, WY 82301. Petitioner's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Petitioner holds Certificates No. MC-116045 (Sub-No. 24) authorizing the transportation of nitro-carbonate (except in bulk), from the Monsanto Co. plant at or near Rawlins, Wyo., to points in Colorado, Idaho, Utah, with no transportation for compensation on return except as otherwise authorized; No. MC-116045 (Sub-No. 25) authorizing the transportation of nitro-carbonate, in containers, from Rawlins, Wyo., to points in Arizona, Nevada, and Montana, with no transportation for

compensation on return except as otherwise authorized; and No. MC-116045 (Sub-No. 36) authorizing the transportation of class A explosives, in containers, in mixed loads with nitro-carbonate, pursuant to authority presently held by carrier in Certificate Nos. MC-116045 (Sub-Nos. 24 and 25), from Rawlins, Wyo., to points in Arizona, Colorado, Idaho, Montana, Nevada, and Utah, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the territorial scope of each certificate to read: "From the Monsanto Co. plant located in Carbon County, Wyo." The purpose of the modification is to reflect the relocation of Monsanto's plantsite from Rawlins to a remote point in Carbon County, Wyo. Any interested person or persons desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 41915 (Sub-No. 38), filed July 13, 1972. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, PA. 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: (1) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between points in the city of Oil City, Pa., and points within 5 miles thereof; (b) between points in Oil City, Pa., and points within 5 miles thereof and points in Venango County, Pa.; (2) *household goods as defined by the Interstate Commerce Commission*, from points in Oil City, Pa., and points within 5 miles thereof, to points in Pennsylvania within 50 miles of Oil City, Pa.; (3) *oil and gas well equipment* between Oil City, Pa., and points within 25 miles thereof; and (4) *coal*, between points in Venango, Clarion, Jefferson, Elk, Clearfield, Cameron, Butler, Crawford, Warren, and McKean Counties, Pa. Note: Applicant states it intends to tack the requested authority with its existing authority, 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. This application is a matter directly related to MC-F-11606, published in the FEDERAL REGISTER issue of July 26, 1972. The instant application

seeks to convert the Certificate of Registration of Venco Trucking, Inc. under No. MC 121473 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11358. (Correction) (CEDAR RAPIDS STEEL TRANSPORTATION, INC.—Purchase (Portion)—LEE BROS. INC.), published in the November 10, 1971, issue of the FEDERAL REGISTER on page 21560. Prior notice should be modified to include points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442; and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 422.

No. MC-F-11598. (Correction) (DAVIS TRANSPORT, INC.—Purchase (Portion)—McRAY TRUCK LINE, INC.), published in the July 12, 1972, issue of the FEDERAL REGISTER on page 13665. Prior notice should have read: In pending Docket No. MC-129708 (Sub-No. 1), examiner's recommended report and order served May 14, 1969, certificate not yet issued, livestock feeders, wire fencing gates and signs, wire, wire products, and strapping materials, as a common carrier over irregular routes, (1) from the site of the plant Mid-States Steel and Wire Co., Inc., at Crawfordsville, Ind., to points and places in Alabama, Arkansas, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, (2) from the site of the plant of Mid-States Steel and Wire Co., Inc., at Jacksonville, Fla., to points and places in Alabama, Arkansas, District of Columbia, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, (3) from the site of the plant of Mid-States Steel and Wire Co., Inc., at Greenville, Miss., to points and places in Alabama, District of Columbia, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, except Memphis and points within the Memphis Commercial Zone,

Virginia, and West Virginia, (4) from the site of the plant of Mid-States Steel and Wire Co., Inc., at Dublin, Ga., to points and places in Alabama, Arkansas, District of Columbia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, (5) from the site of the plant of Wick Wire Bros., Inc., at Courtland, N.Y., to points and places in Alabama, Arkansas, District of Columbia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, and points in Georgia south of U.S. Highway 80; (6) materials, equipment and supplies used in the manufacture of livestock feeders, wire fencing, gates, signs, nails, wire, wire products, strapping materials, and for the installation thereof, from points and places in Alabama, Arkansas, District of Columbia, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia to the sites of the plants of Mid-State Steel and Wire Co., Inc., at Crawfordsville, Ind., Dublin, Ga., and Jacksonville, Fla., and the site of the plant of Wick Wire Bros., Inc., at Courtland, N.Y., (7) from points and places in Alabama, District of Columbia, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, points in Tennessee except Memphis and those within Memphis Commercial Zone, Virginia, and West Virginia, to the site of the plant of Mid-States Steel and Wire Co., Inc., at Greenville, Miss., with restriction.

No. MC-F-11611. (VALLEY TRANSPORTATION & WAREHOUSE CO., INC.—Purchase—AMERICAN MOVING & STORAGE CO.), published in the August 2, 1972, issue of the FEDERAL REGISTER on page 15461. Application filed August 9, 1972, for temporary authority under section 210a(b).

No. MC-F-11638. Authority sought for control and merger by UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174, of the operating rights and property of PACKAGE DELIVERY SERVICE CO., 2127 Arapahoe Street, Denver, CO 80205, and for acquisition by UNITED PARCEL SERVICE OF AMERICA, INC., 643 West 43d Street, New York, NY 10036, of control of such rights and property through the transaction. Applicants' attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled and merged: (In pending Docket No. MC-129100 (Sub-No. 1) and (Sub-No. 2), granted pursuant to decision and order by Division 1, served December 2, 1971). General commodities

(except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, perishable commodities, motion picture films moving between motion picture distributors and motion picture theaters, and traffic having a prior or subsequent movement by air at Denver, Colo.), (1) in No. MC-129100 (Sub-No. 1) between points in Colorado, New Mexico, and Wyoming, and (2) in No. MC-129100 (Sub-No. 2) between points in Colorado, New Mexico, and Wyoming, on the one hand, and, on the other, points in Kansas, Nebraska, Oklahoma, South Dakota, and Texas, restricted against the movement of traffic between Denver, Colo., on the one hand, and, on the other, points in Kansas and those in that part of Nebraska on and south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to its junction with U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line; and (1) and (2) above are subject to restrictions. UNITED PARCEL SERVICE, INC., is authorized to operate as a common carrier in California, Arizona, Illinois, Indiana, Michigan, Ohio, Minnesota, Kentucky, Oregon, Washington, North Carolina, South Carolina, Tennessee, Nevada, Alabama, Florida, Georgia, Wisconsin, Iowa, Missouri, North Dakota, Nebraska, Kansas, South Dakota, Louisiana, Mississippi, Oklahoma, Texas, Arkansas, Pennsylvania, West Virginia, and Virginia, and as a contract carrier in Ohio, Kentucky, Indiana, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). NOTE: Motion to dismiss application is filed concurrently herewith.

No. MC-F-11639. Authority sought for purchase by BILKAYS EXPRESS CO., 100 Third Avenue, Elizabeth, NJ 07206, of the operating rights and property of ROSE GSCHIEDLE, doing business as BRONX AND WESTCHESTER VAN AND EXPRESS, 2323 Story Avenue, Bronx, NY 10473, and for acquisition by WILLIAM J. KORTENHAUS, 510 Bowne Road, Wayside, NJ 07712, and ROBERT A. KORTENHAUS, 1371 Chapel Hill, Mountainside, NJ 07092, of control of such rights and property through the purchase. Applicants' attorneys: Edward M. Alfano, 2 West 45th Street, New York, NY 10036, and Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-98096 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a common carrier in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-73616 (Sub-2), is a directly related matter.

No. MC-F-11642. Authority sought for purchase by PETROLEUM CARRIERS COMPANY, Post Office Box 762, 5104

West 14th Street, Sioux Falls, SD 57101, of the operating rights and property of TRANSPORT SERVICE, INC., East Highway No. 50, Yankton, S. Dak. 57078, and for acquisition by STANLEY MUNDHENKE, also of Sioux Falls, S. Dak. 57101, of control of such rights and property through the purchase. Applicants' attorney: James T. Goetz, 311 West Third Street, Yankton, SD 57078. Operating rights sought to be transferred: *Liquid petroleum products*, as a common carrier over regular routes, from Wichita and Eldorado, Kans., and Superior, Nebr., to certain specified points in Nebraska and Iowa, service is authorized from the intermediate point of McPherson, Kans., for pickup only, and to those intermediate points in Iowa for delivery only, and over irregular routes from Wichita, McPherson, and Eldorado, Kans., and Superior, Nebr., to points in Nebraska and Iowa, within 50 miles of Sioux City, Iowa; *petroleum products*, in bulk, in tank trucks, from Council Bluffs, Rock Rapids, and Sioux City, Iowa, and points in Iowa within 10 miles of Council Bluffs, those within 5 miles of Rock Rapids, and those within 5 miles of Sioux City to Gregory, S. Dak., and points in South Dakota west of the Missouri River within 100 miles of Gregory, from Council Bluffs, Iowa, and points within 10 miles thereof to certain specified points in Nebraska and South Dakota, from Rock Rapids, Iowa, and points within 10 miles thereof, to points in South Dakota within 100 miles of Rock Rapids, from Sioux City, Iowa and points within 10 miles thereof, to certain specified points in Nebraska, and South Dakota, and return with rejected shipments of *petroleum products*; *liquid petroleum products*, in bulk, from refining and distributing points in Kansas, to certain specified points in Nebraska, with restriction; *petroleum products*, in bulk, in tank vehicles, from Eldorado, Kansas City, Paola, and Potwin, Kans., and Kanab Pipe Line Terminal 6 miles south of Fairmont, Nebr., to certain specified points in South Dakota; *petroleum and petroleum products*, in bulk, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Norfolk, Nebr., and points within 10 miles thereof, to points in Minnesota, North Dakota, and South Dakota, from Yankton, S. Dak., and points in South Dakota within 10 miles thereof, to points in Iowa, Minnesota, Nebraska, and North Dakota; *beer*, from St. Louis, Mo., Peoria, Ill., and Milwaukee and LaCrosse, Wis., to Chamberlain, S. Dak., from Milwaukee and LaCrosse, Wis., and Peoria, Ill., to Yankton and Huron, S. Dak., from New Ulm, Minn., and St. Louis, Mo., to Yankton, S. Dak., and return with *empty beer containers*; *malt beverages and empty beer bottle cases*, from Minneapolis and St. Paul, Minn., to Yankton, S. Dak., and return with *used empty containers* (other than those for which no authority is required as an incidental right to the authority above); *fertilizer, fertilizer compounds, and urea*, dry, from Yankton, S. Dak., to points

in Nebraska; malt beverages, from Omaha, Nebr., to Yankton, S. Dak., and return with empty malt beverage containers (other than those for which no authority is required as an incidental right to the authority immediately above). Vendee is authorized to operate as a common carrier in Nebraska, Kansas, South Dakota, Iowa, Minnesota, North Dakota, Wyoming, Montana, Colorado, Illinois, Kansas, Missouri, Oklahoma, Wisconsin, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11643. Authority sought for control by JACK R. LAW, Richardson Road, Hollis, NH 03439, of BSP TRANS., INC., also of Hollis, N.H. 03439. Applicant's attorney: T. J. O'Loughlin, Jr., 18 Baker Street, Hudson, NH 03051. Operating rights sought to be controlled: In pending Docket No. MC-136428, Operating Rights Board Order dated May 17, 1972, served June 6, 1972, certificate not yet issued: New furniture, crated, and home furnishings, in packages, as a common carrier over irregular routes, from Nashua, N.H., to points in New Hampshire, Rhode Island, and Vermont, points in Massachusetts on and east of Interstate Highway 91, and points in Androscoggin, Cumberland, Oxford, and York Counties, Maine. JACK R. LAW holds no authority from this Commission. However, he is affiliated with LAW MOTOR FREIGHT, INC., which is authorized to operate as a common carrier in Connecticut, New Hampshire, New York, Massachusetts, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11645. Authority sought for control and merger by ADVANCE TRANSPORTATION COMPANY, 2115 S. First Street, Milwaukee, WI 53207, of the operating rights and property of TUMBLESON TRANSFER COMPANY, 5800 S. Washington Street, Bartonville, IL 61607, and for acquisition by RICHARD H. LINDNER, 8515-B W. Hampton Avenue, Milwaukee, WI 53225, RONALD G. LINDNER, 3985 S. 84th Street, Milwaukee, WI 53228, and JAMES L. JOPPE, 13450 Elmhurst Parkway, Elm Grove, WI 53122, of control of such rights and property through the transaction. Applicants' attorney: Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. Operating rights sought to be controlled and merged: Under a certificate of registration in Docket No. MC-120089 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a common carrier in Illinois, Indiana, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC-F-11644. Authority sought for control and merger by MAPLEWOOD EQUIPMENT COMPANY, 180 Boyden Avenue, Maplewood, NJ 07040, of the operating rights and property of: (1)

INTER-CITY TRANSPORTATION CO., INC.; (2) ORANGE & BLACK BUS LINES, INC.; (3) NORTHEAST COACH LINES; (4) WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., all of 419 Anderson Avenue, Fairview, NJ 07022, and (5) INTER-CITY TOURS, INC., 700 8th Avenue, New York, NY 10036, and for acquisition by TRANSPORT OF NEW JERSEY, also of Maplewood, N.J. 07040, of control of such rights and property through the transaction. Applicants' attorney: John F. Ward, 180 Boyden Avenue, Maplewood, NJ 07040. Operating rights sought to be controlled and merged: (1) Passengers, etc., as a common carrier over regular routes and city streets, between New York, N.Y., on the one hand, and, on the other, Hohokus, Midland Park, Hawthorne, and Paterson, N.J., generally over one route via Union City, Rutherford and Passaic, N.J., and second route via Hackensack, Paramus and Fair Lawn, N.J.; between Rutherford and Ridgewood, and Hohokus and between Hackensack and Oradell, N.J.; (2) operates over regular and irregular routes, and city streets, generally between New York, N.Y., and Weehawken, N.J., and between Weehawken and Fort Lee, N.J., over two separate routes via Guttenberg and Cliffside Park, N.J., also holds substantial authority for charter operations, from points in Bergen, Essex, and Passaic Counties, N.J., and points in Nassau and Suffolk Counties, N.Y., to points in a number of eastern and southern States; (3) NORTHEAST COACH LINES, operates generally over regular routes and city streets, between New York, N.Y., and Culvers Lake, N.J., via Clifton, Oakridge, Hamburg, and Augusta, N.J. (also via Paterson, Denville, Sparta and Newton, N.J.); (4) operates generally over regular routes and city streets, between New York, N.Y., and Warwick, N.J., extending generally via Paterson, Pompton Lakes, Wanaque and Hewitt, N.J.; (5) operates as a broker between New York, N.Y., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). MAPLEWOOD EQUIPMENT COMPANY holds no authority from this Commission. However, it is affiliated with TRANSPORT OF NEW JERSEY, which is authorized to operate as a common carrier in all of the States in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11646. Authority sought for control by HUSS INCORPORATED, Highway 47 West, Chase City, Va. 23924, of R. S. POWELL, INCORPORATED, Route 4, Box 573, Madison Heights, Va. 24572, and for acquisition by W. PAUL HUSS, and BAXTER HUSS, both of Chase City, Va. 23924. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Operating rights sought to be controlled: Cast iron pipe and cast iron pipe fittings, as a contract carrier over irregular routes, from Lynchburg, Va., to points in Kentucky, Maryland, North Carolina, South Carolina, Tennessee, West Virginia, and the District of Columbia; cottonseed meal,

from Raleigh and Weldon, N.C., to Burkeville, Va.; feed, from Burkeville, Va., to Oxford, N.C.; lumber, from Burkeville and Victoria, Va., to Washington, D.C., and certain specified points in Maryland; metal and composition roofing, from Baltimore and Sparrows Point, Md., to Victoria, Va.; peaches, in season, from Burkeville, Va., to Baltimore, Md.; stone, from Burkeville, Va., to Baltimore, Md., and Durham, N.C. HUSS INCORPORATED is authorized to operate as a contract carrier in Virginia, New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Maryland, South Carolina, Michigan, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15178, Filed 9-6-72; 8:50 am]

[Notice 119]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73682. By order of August 2, 1972 the Motor Carrier Board, on reconsideration, approved the transfer to Wm. H. Powelson, doing business as Del-Penn Coachways, 35 Cornell Avenue, Post Office Box 173, Gloucester City, NJ, of the remaining portion of the operating rights in certificate No. MC-71436 issued April 8, 1957, to The Short Line, Inc., of Pa., 312 West Market Street, Post Office Box 512, West Chester, PA, authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, with no seasonal restrictions, between specified points and routes in Delaware and Pennsylvania.

No. MC-FC-73785. By order entered August 25, 1972, the Motor Carrier Board approved the transfer to Desert Coastal Transport, Inc., Vacaville, Calif., of the

operating rights set forth in Certificate No. MC-134441 (Sub-No. 1), issued December 22, 1970, as corrected August 12, 1971, to Arizona-Western Express, Inc., authorizing the transportation of seed, fertilizer, bagging and ties for baling cotton, feed, waxed paper, hay and alfalfa straw, farm machinery, agricultural commodities, empty containers for farm produce, insecticides, lumber, uncreated furniture, rejected shipments of uncreated furniture, and bananas, from, to, or between specified points and places in Arizona and California. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, practitioner for applicants.

No. MC-FC-73857. By order of August 17, 1972, the Motor Carrier Board approved the transfer to Houghton Moving & Storage, Inc., Amsterdam, N.Y., of Certificate No. MC-71188, issued October 22, 1968, to Floyd C. Houghton, doing business as Floyd Houghton & Son, Amsterdam, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between Amsterdam, N.Y., and points within 15 miles of Amsterdam, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, New Jersey, and Pennsylvania. Edward L. Wilkinsson, Commercial Bank Building, Amsterdam, N.Y. 12010, attorney for applicants.

No. MC-FC-73872. By order entered August 16, 1972, the Motor Carrier Board approved the transfer to Mavric, Inc., St. Louis, Mo., of the operating rights set forth in Certificate No. MC-42963 (Sub-No. 20), issued September 29, 1964, to Daniel Hann Drayage Co., St. Louis, Mo., authorizing the transportation of: Coke, in bulk, from St. Louis, Mo., to points in that part of Illinois on and north of U.S. Highway 6, Iowa, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, and Nebraska. Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-73881. By order entered August 18, 1972, the Motor Carrier Board approved the transfer to A. & K. Moving & Storage, Inc., Brooklyn, N.Y., of the operating rights set forth in Certificate No. MC-119878, issued May 14, 1952, to Stephen Egnatovich, doing business as Stephen's Van Service, Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., and points on Long Island, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15179 Filed 9-6-72;8:50 am]

[Notice 119]

MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS

August 31, 1972.

The following are notices of filing of applications¹ for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1222 (Sub-No. 41 TA), filed July 17, 1972. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 10th Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Calcium chloride, except in bulk, from the plant sites and warehouse facilities of Dow Chemical, U.S.A., at Ludington and Midland, Mich., to points in Illinois; Indiana, Kentucky, Ohio, Tennessee, West Virginia, that part of Missouri on and east of U.S. Highway 65; Kansas City, Mo.; and that part of Pennsylvania on and west of a line from the Pennsylvania-Maryland border via U.S. Highway 220 to junction with U.S. Highway 15, thence via U.S. Highway 15 to junction with Pennsylvania Highway 14, thence via Pennsylvania Highway 14 to the Pennsylvania-New York border, for 180 days. Supporting shipper: Fred Asch, Jr., Traffic Superintendent, Satellite Plants of Dow Chemical, U.S.A., 433 Building, Midland, Mich. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 29642 (Sub-No. 6 TA), filed August 21, 1972. Applicant: FIVE

¹ Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

TRANSPORTATION COMPANY, 1517 Grant Street, Brunswick, GA 31520. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. 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): (1) Between Savannah, Ga., and Vidalia, Ga., serving all intermediate points; from Savannah over U.S. Highway 80 to Blitchton, thence over U.S. Highway 280 to Vidalia, and return over the same route; (2) between Ludowici, Ga., and the junction of U.S. Highway 17 and U.S. Highway 82 approximately 1 mile south of Midway, Ga., serving all intermediate points; from Ludowici over U.S. Highway 82 to junction of U.S. Highway 82 and U.S. Highway 17, and return over the same route; and (3) between Brunswick, Ga., and Claxton, Ga., serving all intermediate points; from Brunswick over U.S. Highway 25 to Claxton, and return over the same route, for 180 days. Note: Applicant intends to interline traffic at Savannah, Ga., and Jacksonville, Fla., and to tack the authority sought with its existing authority in Docket No. MC-29642.

Supported by: There are approximately 100 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 113666 (Sub-No. 67 TA), filed August 17, 1972. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Nitric acid, in bulk, from Olean, N.Y., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (2) nitrogen fertilizer solution, in bulk, from Olean, N.Y., to points in Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Agway Inc. (Fertilizer-Chemical Division), Box 1333, Syracuse, NY 13201. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114290 (Sub-No. 66 TA), filed August 3, 1972. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, both canned and dry, and *advertising matter, premiums, and display material* when shipped in the same vehicle with animal food, from points in Los Angeles County, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Lewis Foods Division of National Pet Food Corp., Post Office Box 788, Long Beach, CA 90801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southeast Pine Street, Portland, OR 97204.

No. MC 116632 (Sub-No. 14 TA), filed August 15, 1972. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, ME 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden shingles*, from Van Buren, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; and (2) *lumber*, from Mattawamkeag, Maine, to points in Massachusetts, Connecticut, New York, and New Jersey, for 180 days. Supporting shippers: Blier Cedar Co., Van Buren, Maine 04785; Guy Friel & Sons, Post Office Box 106, Smyrna Mills, ME 04780. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 125521 (Sub-No. 18 TA), filed August 16, 1972. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Bensenville, Ill., to Bowling Green, Ohio, and points within three (3) miles thereof; and (2) *empty containers or such other incidental facilities* used in transporting the above commodities, from Bowling Green, Ohio, and points within three (3) miles thereof, to Bensenville, Ill., for 150 days. Supporting shipper: Bowling Green Beverage, Inc., and Ohio Corp., Nims Road at North Dixie Highway, Bowling Green, Ohio 43402. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 125522 (Sub-No. 4 TA), filed August 15, 1972. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 In-

dustrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and hardwood flooring*, from ports of entry on the International Boundary line between the United States and Canada at or near Champlain and Rouses Point, N.Y., and Derby Line, Vt., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Michigan, Indiana, Ohio, and the District of Columbia, restricted to traffic originating at Estcourt, Temiscouata County, Quebec, Canada, for 180 days. Supporting shipper: J. D. Irving, Limited, Sawmill Division, Union Street, St. John, NB, Canada. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS' Portland, ME 04112.

No. MC 125650 (Sub-No. 8 TA), filed August 16, 1972. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 910 Dickens Street, Missoula, MT 59801. Applicant's representative: Jos. O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from McMinnville, Oreg., to points in Montana (except Great Falls), and points in Wyoming, for 180 days. Supporting shipper: Mrs. Smith's West Coast Pie Co., Post Office Box 89, McMinnville, OR 97128. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128636 (Sub-No. 2 TA), filed August 15, 1972. Applicant: MARDEL TRUCKING COMPANY, INC., Post Office Box 280, North East, MD 21901. Applicant's representative: Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, MD 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed stone, and crushed stone screenings*, from the plant site of Maryland Materials, Inc., approximately 5 miles north of North East, Md., to points in Maryland on and within the area bounded as follows: Beginning at intersection of Delaware-Maryland State boundary and Maryland Highway 392, thence along Maryland Highway 392 to intersection Maryland Highway 14 at East New Market, Md., thence along Maryland Highway 14 to Secretary, Md., and the Choptank River, thence along Choptank River and Chesapeake Bay (including estuaries of and tributaries thereto), to the Maryland-Virginia State boundary, thence along Maryland-Virginia State boundary to the Atlantic Ocean, thence along the Atlantic Ocean to Maryland-Delaware State boundary, thence along the Maryland-Delaware State boundary to point of beginning, for 180 days. Supporting shipper: Maryland Materials, Inc., Post Office Box W,

North East, MD 21901, Attn.: Charles A. Petrillo, President. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 129558 (Sub-No. 5 TA), filed August 17, 1972. Applicant: ROY ROSS, doing business as ROY ROSS TRUCKING COMPANY, Post Office Box 405, 297 Spruce Street, Gallipolis, OH 45631. Applicant's representative: James R. Stivers, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract 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 liquid commodities, in bulk), from Bidwell and Xenia, Ohio to Indianapolis, Ind., for 180 days. Supporting shipper: Bob Evans Farms, General Offices, 3776 South High Street, Post Office Box 7863, Station G, Columbus, OH 43207, attention: Daniel E. Evans, chairman of the board. Send protests to: H.R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 135100 (Sub-No. 10 TA), filed August 17, 1972. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, 620 Boston Street, LaPorte, IN. 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, when moving with metal containers, from the plant site of American Can Company at St. Louis, Mo., to Indianapolis, Ind., for 180 days. Supporting shipper: American Can Company, 100 Park Avenue, New York, NY. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 135744 (Sub-No. 3 TA), filed August 16, 1972. Applicant: BARKO TRANSPORT, INC., 3317 Eastcrest Road, Granger, Salt Lake City, UT 84120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock*, in bulk, from points in Millard County, Utah, to points in and south of Inyo, Tulare, Fresno, San Benito, and Monterey Counties, Calif.; and (2) *return of rejected or contaminated shipments*, for 180 days. Supporting shipper: Chieftan Enterprises, Post Office Box 428, Fillmore, UT 84631 (Jay de Graff, president and general manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC 136959 TA, filed August 14, 1972. Applicant: RSM TRUCKING, INC., 9-04, 38th Avenue, Long Island City,

NY 11101. Applicant's representative: Hoffberg, Margolies & Ginsberg, 1180 Avenue of Americas, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from New York City to various locations in New York, New Jersey, and Connecticut; and (2) *picking up building and construction materials*, from various points in New York City and delivery thereof to various locations where purchasers of materials maintain their premises in the above three States, for 120 days. Supporting shippers: Glass Industries, Inc., 53 Parker Street, Wallingford, CT.; Precision Glass Fabricators, Inc., 790 East 91st Street, Brooklyn, NY; Floral Glass & Mirror, Inc., 2083 East Jericho Turnpike, East Northport, Long Island, NY; Bienenfeld Glass, Inc., 1539 Covert Street, Brooklyn, NY; Jay Marks & Brothers, Inc., 4226 13th Street, Long Island City, NY. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136966 TA, filed August 15, 1972. Applicant: SECURITY CARRIERS, INC., 6210 River Road, Post Office Box 3368, Amarillo, TX 79106. Applicant's representative: Harold H. Pike (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food*, from the plantsite and storage facilities of the Thorobred Co., Inc., at or near Corwin, Ohio to points in Texas and New Mexico, for 180 days. Supporting shipper: C. W. Clause, president, Thorobred Co., Inc., Post Office Box 305, Waynesville, OH 45068. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 136981 TA, filed August 16, 1972. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, Newbury, OH 44065. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic parts and accessories therefor*, crated and uncrated, from Middlefield, Ohio, to Pittsburgh, Pa., and return movement of *rejected and damaged shipments*, for 180 days. Supporting shipper: Normandy Products Co., 40th and Butler Streets, Pittsburgh, Pa. 15201. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East 9th Street, Cleveland, OH 44199.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15180 Filed 9-6-72; 8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 1, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53459 filed July 18, 1972. Applicant: ALFRED J. FIORESI AND RAYMOND L. FIORESI, partners, doing business as, SCHROEDER DRAYAGE CO., 101 Toland Street, San Francisco, CA 94124. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco territory, which is described as follows: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue

to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line, northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) commodities of unusual or extraordinary value, and (10) fresh fruits and vegetables. Both intrastate and interstate authority sought. Hearing: Date, time, and

place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. A 53537 filed August 17, 1972. Applicant: STATES WAREHOUSES, INC., 16000 Heron Avenue, La Mirada, CA 90638. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities between all points within the Los Angeles Basin Territory. LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects California Highway No. 118, approximately 2 miles west of Chatsworth; easterly along California Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to California Highway No. 74; westerly along California Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue,

through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. *Excepted commodities:* Carrier shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 5 of Minimum Rate Tariff No. 4-B; (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) commodities of abnormal size or weight which, because of size and weight, require the use of and are transported on low-bed equipment, and (10) trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. *Joint rates:* Through routes and joint rates may be established between any and all points described above, on the one hand, and points served by other carriers on the other hand, at the most convenient point of interchange. Both intrastate and interstate authority sought. *HEARING:* Date, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15174 Filed 9-6-72;8:49 am]

[Rev. I.C.C. Order 71, Amtd.; Rev. S.O. 994]

RAILROADS OPERATING IN CERTAIN STATES

Rerouting Traffic or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 71 (railroads operating in the States of Maryland, Delaware, Pennsylvania, and New York) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 71 be, and it is hereby, amended by adding the following paragraph (h) thereto:

(h) *Exception:* The provisions of Revised I.C.C. Order No. 71 under revised Service Order No. 994 shall not apply to traffic originally routed via Penn Central-Wilkes Barre-Delaware and Hudson or Delaware and Hudson-Wilkes Barre-Penn Central, which traffic shall be rerouted under authority of Service Order No. 1110.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 1, 1972, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 30, 1972.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.72-15173 Filed 9-6-72;8:49 am]

[Notice 72]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 1, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972), states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247¹ 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

¹ Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing: (1) That it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

No. MC 1222 (Sub-No. 42), filed August 16, 1972. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated metals, and magnesium engraving plate (not engraved)*, from Findlay, Ohio, to points in Indiana, Illinois, Kentucky, the Lower Peninsula of Michigan, that part of Pennsylvania on and west of U.S. Highway 219, 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 2202 (Sub-No. 414), filed August 11, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Arkon, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products in containers*, between Myrtle Grove, La., on the one hand, and, on the other, points in the United States, located on and east of U.S. Highway 75. 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 Houston or Dallas, Tex., or Washington, D.C.

No. MC 2229 (Sub-No. 107), filed August 11, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., Post Office Box 47407, 3177 Irving Boulevard, Dallas, TX 75247. Applicant's representative: Douglas Anderson (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, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment)*. Authority sought to operate as: (1) Between Memphis, Tenn., and Vicksburg, Miss., in connection with carrier's authorized regular-route operations, serving no intermediate points: From Memphis, Tenn., over U.S. Highway 61 to Vicksburg, Miss., and return over the same route, and (2) between Memphis, Tenn., and Jackson, Miss., in connection with carrier's authorized regular-route operations, serving no intermediate points: From Memphis, Tenn., over U.S. Highway 51 and/or Interstate Highway 55 to Jackson, Miss., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 3468 (Sub-No. 163), filed August 1, 1972. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Post Office Box 308, Flint, MI 48501. Applicant's representative: Harry C. Ames, Jr., Suite 805, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, in secondary movements, in truckaway and driveway service: (a) From points in that portion of the New York, N.Y., commercial zone as defined in commercial zones and terminal areas, 53 M.C.C. 451, and Port Elizabeth and Port Newark, N.J., to points in Connecticut, Maine, New Hampshire, Rhode

Island, Indiana, Kentucky, Illinois, Tennessee, and Vermont; and (b) from Baltimore, Md., to points in Connecticut, Maine, New Hampshire, Rhode Island, Indiana, Kentucky, Illinois, Tennessee, Vermont, Virginia, and North Carolina, restricted to traffic manufactured, assembled, imported or distributed by General Motors Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 68) (Amendment), filed June 13, 1972, published in the *FEDERAL REGISTER* issue of July 13, 1972, and republished as amended this issue. Applicant: TAJON, INC., Rural Delivery No. 5, Box 146, Mercer, PA 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores, in dump vehicles*: (1) Between points in Jefferson, Muskingum, and Monroe Counties, Ohio, and (2) from Brilliant, Jefferson County; Philo, Muskingum County, and Powhatan, Monroe County, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Monroe, Jefferson, and Muskingum Counties, Ohio. The purpose of this republication is: (1) To reflect Monroe County, Ohio, in lieu of Belmont County, Ohio, under part (1) above, and (2) to reflect a change in the origin points under part (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 5623 (Sub-No. 17), filed August 8, 1972. Applicant: ARROW TRUCKING CO., a corporation, 3131 North Lewis, Post Office Box 6027, Tulsa, OK. 74106. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fittings, and pipe accessories*, in straight or mixed truckloads, from Lone Star, Tex., and points within 5 miles thereof, to points in Arkansas, Mississippi, Louisiana, Texas, Oklahoma, Kansas, Colorado, Wyoming, Utah, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 5623 (Sub-No. 18), filed August 8, 1972. Applicant: ARROW TRUCKING CO., a corporation, 3131 North Lewis, Post Office Box 6027, Tulsa, OK 74106. Applicant's representative: Larry E. Wells, 2005 One Elm Place, Post Office Box 50064, Dallas, TX 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel beams*, from

the Port of Catoosa, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 8872 (Sub-No. 7), filed August 7, 1972. Applicant: DYERSBURG EXPRESS, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dyersburg and Union City, Tenn.; from Dyersburg, Tenn., over U.S. Highway 51 to Union City, Tenn., and return over the same route, serving no intermediate points, but serving the plantsite of Consolidated Aluminum Co., Inc., at Newbern, Tenn., as an off-route point; and (2) between Union City, Tenn., and Mayfield, Ky.; from Union City, Tenn., over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45 to Mayfield, Ky., and return over the same route, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Fulton, Ky.

No. MC 14702 (Sub-No. 39) (Amendment), filed June 1, 1972, published in the FEDERAL REGISTER issue of July 7, 1972, and republished as amended this issue. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Roofing material, and materials and supplies* used in the installation of roofing material, from Manville, N.J., to points in Indiana, those in Michigan on and south of Michigan Highway 46, and the Chicago commercial zone, and (b) *damaged or defective shipments* of the above specified commodities, from points in the above described destinations to Manville, N.J., and (2) (a) *insulating material and materials and supplies* used in the installation of insulating material, from Richmond, Ind., to points in West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, New York, and the District of Columbia, and (b) *damaged or defective shipments* of the above-specified commodities, from points in the above-described destination to Richmond, Ind. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the destination point under Part (1)(a) above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14702 (Sub-No. 41), filed August 9, 1972. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural frame steel, metals and metal grinding lathe, mesh panels and partitions*, between the plantsite and facilities of the Keene Corp. at or near Vienna, W. Va., on the one hand, and, on the other, points in Arizona, Colorado, Kansas, Oklahoma, Iowa, Nebraska, Minnesota, and Texas. **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 Columbus, Ohio.

No. MC 19945 (Sub-No. 33), filed August 9, 1972. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, in bulk, from plantsite and storage facilities of Hercules Incorporated at or near Louisiana, Mo., to points in Illinois, Kentucky, Indiana, and Missouri. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at St. Louis, Mo.

No. MC 26396 (Sub-No. 56), filed August 7, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a corporation, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishmeal, animal and poultry feed, and feed supplement and bentonite*, from points in California, Texas, Iowa, Louisiana, Utah, Minnesota, Washington, and Oregon, to points in Idaho, Montana, Wyoming, Utah, Washington, and Oregon. **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.

No. MC 26396 (Sub-No. 57), filed August 15, 1972. Applicant: POPELKA TRUCKING CO., a corporation, doing business as THE WAGGONERS, Post Office Box 990, Livingston, MT 59047. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soy-*

bean meal, in bag and bulk from points in Iowa, Illinois, and Minnesota to points in Wyoming, Montana, Idaho, Washington, and Oregon; and (2) *Cottonseed meal and cake* from points in Arkansas, Kansas, California, Oklahoma, Texas, Arizona, to points in Wyoming, Montana, Idaho, Washington, and Oregon. **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.

No. MC 29642 (Sub-No. 4), filed August 9, 1972. Applicant: FIVE TRANSPORTATION COMPANY, a corporation, 1517 Grant Street, Post Office Box 1635, Brunswick, GA 31520. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value and those requiring special equipment because of size or weight, and classes A or B explosives), in cargo containers, mounted or not mounted, and (2) *empty cargo containers*, mounted or not mounted, restricted to the transportation of shipments having prior or subsequent movement by water, between Savannah, Ga., on the one hand, and, on the other, points in Florida. **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 Savannah, Ga.

No. MC 29886 (Sub-No. 285), filed August 10, 1972. 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: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related materials, supplies, and parts* of such commodities, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), between points in Illinois, Iowa, Minnesota, Missouri, 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 Chicago, Ill.

No. MC 30837 (Sub-No. 453), filed August 14, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Camp trailers* in truckaway service, from Goshen, 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 Washington, D.C.

No. MC 35628 (Sub-No. 335), filed August 16, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Chemetron Corp. at Monticello, Ind., as an intermediate point in connection with applicant's regular-route operations between Peoria, Ill., and Indiana-Ohio State line over U.S. Highway 24 as authorized on sheet 12 of MC 35628. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 37398 (Sub-No. 2), filed August 11, 1972. Applicant: MORRIS WEINSTEIN and JAY H. WEINSTEIN, a partnership, doing business as JOHN J. BOYCE & SON, 116 South Elberon Avenue, Atlantic City, NJ. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, packinghouse products and byproducts, and commodities* used in the display and sale of packinghouse products and byproducts, from points in the New York, N.Y. commercial zone as defined by the Commission, to points in Atlantic County, 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 Philadelphia, Pa., or Washington, D.C.

No. MC 42261 (Sub-No. 114), filed August 14, 1972. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, NJ 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Congo (Hancock County), W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. 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 New York, N.Y.

No. MC 43038 (Sub-No. 453) (Correction), filed July 17, 1972, published in the FEDERAL REGISTER issue of August 10, 1972 and republished as corrected this issue. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representative: E. P. Malone, 3800 Frederica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, complete or not complete, set up or not set up, and *parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckaway service, between points in California, Arizona, Nevada, Utah, and Idaho. Restriction: Restricted to traffic manufactured, assembled, imported or distributed by General Motors Corp. NOTE: Applicant states that the requested authority can be tacked with its Sub 440 at all common points to serve Wyoming, New Mexico, and Colorado. The purpose of this republication is to redescribe the authority sought in reference to the proposed territories of origination or destination. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 44494 (Sub-No. 3), filed August 7, 1972. Applicant: COMMANDER HORSE TRANSPORT CO., INC., The Plains, Va. 22171. Applicant's representative: G. A. Horkan, Jr., Upperville, Va. 22176. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses and training ponies*, and in connection therewith, *personal effects of attendants and supplies and equipment, including mascots*, used in the care of exhibition of such animals, (1) between points in Virginia, on the one hand, and, on the other, points in West Virginia, Maryland, Delaware, New York, Pennsylvania, New Jersey, North Carolina, South Carolina, Ohio, Georgia, Florida, Kentucky, Massachusetts, Rhode Island, Illinois, Michigan, Tennessee, Connecticut, and the District of Columbia; (2) between points in Maryland, on the one hand, and, on the other, points in New York, West Virginia, Delaware, New Jersey, Pennsylvania, Kentucky, Ohio, Florida, and Connecticut; (3) between points in West Virginia, on the one hand, and, on the other, points in New York, Delaware, New Jersey, Pennsylvania, Kentucky, Maryland, Ohio, and Connecticut; (4) between points in Virginia; and (5) between points in West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states should the application for transportation of race horses and training ponies, other than ordinary, and, in connection therewith, personal effects of attendants, supplies, equipment, and mascots used in the care and exhibition of such animals, between points in Virginia, on the one hand, and, on the other, points in Kentucky and Rhode Island not be approved as requested above, then the presently approved operating rights under Certificate

No. MC 44494, dated October 22, 1965, be continued in full force and effect between points in Clarke, Loudoun, and Warren Counties, Va., on the one hand, and, on the other, points in Kentucky and Rhode Island. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Winchester or Richmond, Va.

No. MC 52861 (Sub-No. 28) (Correction), filed June 9, 1972, published in the FEDERAL REGISTER issue of July 7, 1972, and republished as corrected this issue. Applicant: WILLIS TRUCKING, INC., 2535 Center Street, Cleveland, OH. 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: (a) *Scrap steel pigs*, in bulk, in dump vehicles, and (b) *ferro alloys*, between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant holds authority to transport such commodities as are usually transported in dump trucks, between Monroe, Mich., and points within 40 miles of Monroe, on the one hand, and, on the other, points in Ohio within 40 miles of Monroe. It is conceivable that this authority could be tacked with the requested authority, however, applicant has no intention of tacking the requested authority with its present authority. Applicant holds contract carrier authority under MC 127864, therefore dual operations may be involved. Common control may also be involved. The purpose of this republication is (1) to reflect the applicant's correct name as Willis Trucking, Inc., in lieu of Willis Trucking, Inc., and (2) to reflect a change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 59531 (Sub-No. 93), filed August 16, 1972. Applicant: ESTATE OF HARRY E. STEWART, PETER P. STEWART, HENRY EXALL, JR., PETER STEWART TRUST A-E, WALDO E. STEWART TRUST 1-5, AND IAN, INC., a partnership, doing business as, AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, TX 75223. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and parts thereof, moving therewith, in secondary movements, in truckaway and driveway service, from Baton Rouge, Lake Charles, and New Orleans, La., to points in Texas, Oklahoma, Louisiana, Arkansas, Mississippi, Kansas, Missouri, Alabama, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 61592 (Sub-No. 279), filed August 14, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street,

Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Commodities*, the transportation of which require the use of special equipment, (2) *self-propelled articles* each weighing 15,000 pounds or more (except in driveway 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 the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61592 (Sub-No. 277), filed August 14, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dampers, penthouses, screening grilles, and drapery products* as used in environmental systems, from the plantsite of Brandt Airflex Corp., at Champaign, Ill., to points in the United States (including Alaska, but excluding Hawaii), and (2) *packing, crating, and unloading equipment*, property of shipper, on return. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 278), filed August 14, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Street, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Arkansas on and south of Interstate Highway 40 to points in Missouri on and south of U.S. Highway 66 and those in Oklahoma on and east of U.S. Highway 81. **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 Memphis, Tenn.

No. MC 61825 (Sub-No. 52), filed August 14, 1972. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture and furniture parts*, from Elizabeth City, N.C., to points in Alabama, Connecticut, Delaware, Florida,

Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and (b) *materials, equipment, and supplies* used in the manufacture, packaging, and distribution of new furniture and furniture parts, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia to Elizabeth City, N.C. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that under existing authorities it is now authorized to transport new furniture and furniture parts from Elizabeth City, N.C., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia by operating via Martinsville, Va. The purpose in seeking authority from Elizabeth City, N.C., to these 13 States and the District of Columbia is to eliminate the necessity of performing the operations through the Martinsville, Va., gateway. Under existing authorities applicant is now authorized to transport materials, equipment and supplies used in the manufacture, packing, and distribution of new furniture and furniture parts from points in Maryland, New Jersey (portion), Pennsylvania (portion), South Carolina, Virginia, West Virginia, New York, N.Y., and the District of Columbia to Elizabeth City, N.C., by operating through one or two gateways, depending on the origin of the traffic. The purpose in seeking authority from these six States, New York, N.Y., and the District of Columbia to Elizabeth City, N.C., is to eliminate the necessity of operating through the gateways. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64301 (Sub-No. 1), filed August 4, 1972. Applicant: STEIGER BROS. EXPRESS CO., INC., 69-80 73d Place, Middle Village, NY 11379. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and materials and supplies* used in the manufacture and distribution of luggage, between Petersburg, Va., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y. **NOTE:** Applicant states that the requested authority can be tacked at New York, N.Y., to serve points in Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Bergen, and Union Counties, N.J. Applicant holds contract carrier under MC 80408, therefore dual operations may be involved. If a hearing is

deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 66886 (Sub-No. 35), filed August 7, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers, attachments, parts, and accessories*, from Dodge City, Kans., to points in Alabama, Arkansas, Arizona, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, Washington, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 73037 (Sub-No. 4), filed August 7, 1972. Applicant: SHROPSHIRE TRUCKING, INC., 404 Westwood Avenue, Lindsay, CA 93247. Applicant's representative: Raymond A. Greene, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape stakes* in bundles, from points in the Los Angeles Harbor, California, commercial zone, as described by the Commission, to points in Kern, Tulare, and Merced Counties, 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 San Francisco, Calif.

No. MC 73165 (Sub-No. 314), filed August 6, 1972. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool, cotton, paper, and synthetic fabric*, from Lexington, Ala., to Columbus, Miss. **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 Birmingham, Ala.

No. MC 82492 (Sub-No. 69), filed August 8, 1972. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. 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 packing-houses* as described in sections A and C of appendix I to the report in *Motor Carrier Descriptions*, 61 M.C.C. 209 and 766,

and foodstuffs (except commodities in bulk), from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zones, as described by the Commission, to Covington and Louisville, Ky., and points in Indiana, Michigan, New York, Ohio, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 85934 (Sub-No. 63), filed August 17, 1972. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, MI 48120. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Liquid chemicals in bulk, in equipment especially designed to transport both liquid and dry bulk commodities, from points in Ohio, Indiana, Kentucky, Illinois, Pennsylvania, Wisconsin, Iowa, Kansas, Nebraska, New York, Connecticut, and Massachusetts, to Midland, Mich., said operations to be in conjunction with movements of dry chemicals in bulk from Midland, Mich., only. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 87476 (Sub-No. 11) (Amendment), filed June 21, 1972, published in the FEDERAL REGISTER issue of July 20, 1972 and republished as amended this issue. Applicant: CARL SCHAEFER, JR., TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Roofing, siding and other component parts, materials and supplies used in or incidental to the construction of mobile homes, modular and/or factory constructed buildings and recreational vehicles (except commodities in bulk), between Dayton, Ohio and points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia. Damaged or rejected shipments of the same materials as above and scrap aluminum and wooden pallets on the return movements. NOTE: Applicant states that the requested authority will not be tacked with existing authority and applicant further states no duplication is being sought and no interline or interchange contemplated. The purpose of this republication is to exclude the transportation of commodities in bulk, delete Alabama and add Tennessee as destination State. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 96925 (Sub-No. 4), filed August 7, 1972. Applicant: JACKSONVILLE TRANSFER & STORAGE, INC., 127 Willowbranch Avenue, Jacksonville,

FL 32205. Applicant's representative: James E. Wharton, 17th Floor, CNA Building, Orlando, Fla. 32802. 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, those requiring special equipment and household goods as defined by the Commission over the following routes: (1) Between Orlando and Ocala, Fla., and serving all intermediate points and the off-route points of Eustis and Altamonte Springs, Fla.: From Orlando over U.S. Highway 441 to Ocala, and return over the same route; (2) between Orlando and Leesburg, Fla., serving all intermediate points: From Orlando over Florida Highway 50 to junction Florida Highway 33, thence over Florida Highway 33 to junction U.S. Highway 27, and thence over U.S. Highway 27 to Leesburg, and return over the same route; (3) between De Land and Eustis, Fla., serving all intermediate points: From De Land over Florida Highway 44 to Eustis, and return over the same route; (4) between De Land and Altoona, Fla., serving all intermediate points: From De Land over Florida Highway 42 to Altoona, and return over the same route; (5) between Eustis and Groveland, Fla., serving all intermediate points: From Eustis over Florida Highway 19 to Groveland, and return over the same route; (6) between Ocala and Barberville, Fla., serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing and Connor, Fla.: From Ocala over Florida Highway 40 to Barberville, and return over the same route; (7) between Sanford and Mount Dora, Fla., serving all intermediate points: From Sanford over Florida Highway 46 to Mount Dora, and return over the same route; (8) between Astor Park and Clermont, Fla., serving all intermediate points: From Astor Park over Florida Highway 445 to junction Florida Highway 19, thence over Florida Highway 19 to junction Florida Highway 561, and thence over Florida Highway 561 to Clermont, and return over the same route;

(9) Between Jacksonville and New Smyrna Beach, Fla., serving all intermediate points and the off-route point of Ormond Beach, Fla.: From Jacksonville over U.S. Highway 1 to New Smyrna Beach, and return over the same route; (10) between Jacksonville and Greenland, Fla., as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From Jacksonville over Alternate U.S. Highway 1 (via John E. Matthews Bridge) to junction U.S. Highway 1, thence over U.S. Highway 1 to Greenland and return over the same route; (11) between Hawthorne and Palatka, Fla., serving all intermediate points and the off-route point of Edgar, Fla.: From Hawthorne over Florida Highway 20 to Palatka and return over the same route; (12) between St. Augustine and Bunnell, Fla., serving all intermediate points:

From St. Augustine over Florida Highway 207 to Palatka, Fla., thence over Florida Highway 100 to junction Florida Highway 20 and thence over Florida Highway 20 to Bunnell, and return over the same route; (13) between DeLand and New Smyrna Beach, Fla., serving all intermediate points: From DeLand over Florida Highway 44 to New Smyrna Beach and return over the same route; (14) between DeLand and Daytona Beach, Fla., serving all intermediate points: From DeLand over U.S. Highway 17 to junction U.S. Highway 92, thence over U.S. Highway 92 to Daytona Beach and return over the same route; (15) between DeLand and Bunnell, Fla., serving all intermediate points: From DeLand over U.S. Highway 17 to junction Florida Highway 11, and thence over Florida Highway 11 to Bunnell and return over the same route; (16) between Bunnell and Flagler Beach, Fla., serving all intermediate points: From Bunnell over Florida Highway 100 to Flagler Beach and return over the same route;

(17) Between Jacksonville and Ocala, Fla., serving all intermediate points: From Jacksonville over Florida Highway 228 to Maxville, Fla., thence over U.S. Highway 301 to Waldo, Fla., thence over U.S. Highway 441 to Ocala and return over the same route; (18) between Jacksonville and Lake City, Fla., serving all intermediate points: From Jacksonville, Fla., over U.S. Highway 90 to Lake City, Fla., and return over the same route; (19) between Lake City and Gainesville, Fla.: From Lake City, Fla., over U.S. Highway 441, to Gainesville, Fla., and return over the same route; (20) between New Smyrna Beach and Melbourne, Fla., serving all intermediate points: From New Smyrna Beach, Fla., over U.S. Highway 1, to Melbourne, Fla., and return over the same route; (21) between Melbourne and Orlando, Fla., serving all intermediate points: From Melbourne, Fla., over U.S. Highway 192 to Ashton, Fla., thence over Florida State Road 15 to Orlando, Fla., and return over the same route; (22) between Lake City and Quincy, Fla., over U.S. Highway 90 serving all intermediate points; (23) between Lake City and point of intersection between Interstate Highway 10 and U.S. Highway 90 near Falmouth, Fla., as follows: From Lake City, Fla., over U.S. Highway 441 to point of intersection with Interstate Highway No. 10, thence over Interstate Highway No. 10 to point of intersection with U.S. Highway 90 near Falmouth, Fla., and return over the same routes serving no intermediate points as an alternate route for operating convenience only; and

(24) Between Gainesville and Tallahassee, Fla., over the following route: From Gainesville, Fla., over Interstate Highway 75 to Alachua, Fla., thence over U.S. Highway 27 to Tallahassee, Fla., and return over the same route serving no intermediate points as an alternate route for operating convenience only. In connection with the above routes, applicant seeks to serve all other points as intermediate and off-route points in a section of Florida bordered on the east by the

Atlantic Ocean, on the south by a line commencing at the Atlantic Ocean at Melbourne, Fla., thence along U.S. Highway 192 to point of intersection with the eastern boundary of Osceola County, thence along the eastern boundary of Osceola County south to the southern boundary of Osceola County, thence westerly along the southern boundary of Osceola County to the eastern boundary of Polk County, thence along the eastern boundary of Polk County in a northerly direction to intersection with the western boundary of Orange County, thence northerly along the western boundary of Orange County to point of intersection with State Road 50, thence along State Road 50 to Groveland, Fla., thence north on State Road 33 to point of intersection with the Sunshine State Parkway, thence along the Sunshine State Parkway in a northwesterly direction to point of intersection with Interstate Highway 75 near Wildwood, Fla., thence along Interstate Highway 75 to point of intersection with Interstate Highway No. 10, thence east along Interstate Highway 10 to point of intersection with U.S. Highway 441, thence north along U.S. Highway 441 to the Florida-Georgia State line and bordered on the north by the Florida-Georgia State line to point of intersection with the Atlantic Ocean. Applicant also seeks authority to serve all other points as intermediate and off-route points in connection with same described routes in the counties of: Gadsden, Leon, Jefferson, Madison, Hamilton, Suwannee, Columbia, Baker, and Duval. NOTE: Applicant seeks authority to tack the authority requested hereinabove with its existing authority as presently issued to it by this Commission. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, or Orlando, Fla.

No. MC 100666 (Sub-No. 223), filed August 11, 1972. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, woodpulp, materials and supplies* (except commodities in bulk in tank vehicles) used in the manufacture of paper, paper products and woodpulp, between the plantsites and warehouse facilities of International Paper Co. in Cass County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the authority could technically be tacked with certain existing authority; however, applicant is not aware of any feasible tacking possibilities. 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: (1) New Orleans, La., or (2) Dallas, Tex.

No. MC 103498 (Sub-No. 27), filed August 10, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Drawer "C", DeQueen, AR 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons, boxes, pulpboard, or fiberboard*, other than corrugated, knocked down, flat or folded flat, from the plantsite of Georgia-Pacific Corp. at or near Crossett, Ark., to points in Florida (except Jacksonville and its commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104678 (Sub-No. 6), filed August 1, 1972. Applicant: BROWNE'S SERVICE, INC., 527 Jones Avenue, Oak Hill, WV 25901. Applicant's representative: Pat R. Hamilton, Post Office Box 115, Oak Hill, WV 25901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, and equipment and parts thereof, and materials, supplies, machinery, and equipment* used in the installation and operation of mining facilities, except commodities the transportation of which, because of size or weight, require the use of special equipment, between the plantsite of Long-Airbox Co., at Wurno, Va., on the one hand, and, on the other, mine sites and other Long-Airbox Co. plants in Alabama, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, 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 Charleston or Beckley, W. Va.

No. MC 10504 (Sub-No. 34), filed August 4, 1972. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, from the plantsite and storage facilities of Consolidated Aluminum Corp. at Carrollton, Ky., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture of aluminum and aluminum articles, from points in the United States (except Alaska and Hawaii) to the plantsite and storage facilities of Consolidated Aluminum Corp. at Carrollton, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority. However, applicant has no intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority

If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 106398 (Sub-No. 623), filed August 3, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, and condensing equipment*, from the plantsite of Webster Division-Andro Corp. located at Tulsa, Okla., to points in the United States (except Alaska and Hawaii). Restricted to traffic originating at the above-named plantsite. 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 Tulsa, Okla.

No. MC 107012 (Sub-No. 141) (Amendment), filed January 13, 1972, published in the FEDERAL REGISTER issue of February 17, 1972, and republished as amended, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988 (Lincoln Highway East and Meyer Road), Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines, uncrated, and accessories*, between the plantsites and storage facilities of AVM Corp. at or near Marion, S.C., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to reflect the addition of Arizona as a destination State, and that the proposed service is to be between the plantsites and storage facilities of AVM Corp. at or near Marion, S.C., and points in various States, in lieu of between points in Marion County, S.C., and points in various States as originally published. Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at Tulsa, Okla., to serve points in Kansas. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 156) (Amendment), filed July 24, 1972, published in the FEDERAL REGISTER issue of August 24, 1972, and republished as amended, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, New Haven and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding, uncrated*, from Grafton,

W. Va., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. The purpose of this republication is to broaden the territorial scope of the authority with the addition of Florida as a destination State to service an additional shipper. The rest of the application remains the same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 158), filed August 3, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., New Haven Avenue and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, uncrated, from Russellville, Ky., to points in Nebraska, Iowa, and Minnesota. **NOTE:** Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 160), filed August 14, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, crated and uncrated*, from the plantsite and facilities of Steelcase, Inc., located in Henderson County, N.C., to points in the United States (excluding Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 161), filed August 14, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Columbus, Ga., to points in Minnesota, Iowa, Beltsville, Md., Philadelphia, Pa., and Brooklyn, N.Y. **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.

No. MC 107295 (Sub-No. 628), filed August 16, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels, and accessories* used in the installation and completion thereof, from El Paso, Ill., to points in Arizona, California, Colorado, Connecticut, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. **NOTE:** Applicant states it intends to tack at El Paso, Ill., with presently held authorities in No. MC 107295, wherein it holds authority in and east of Wisconsin, Iowa, Missouri, and Arkansas, destined to States sought in instant application. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107295 (Sub-No. 629), filed August 16, 1972. 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: *Fiberboard*, from Moncure, N.C., to points in Missouri. **NOTE:** Applicant states that the requested authority may be tacked with its existing authority at Union, Mo., with MC 107295, Sub 435, to provide service to Kansas, Oklahoma, Texas, Nebraska, South Dakota, and North Dakota. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107839 (Sub-No. 149), filed August 3, 1972. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Colorado to points in Alabama, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Montana, North Carolina, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington, and Wyoming; (2) *foodstuffs* (except canned goods and sugar) and *canned goods*, when moving in mixed shipments with other foodstuffs, (a) from points in Colorado (except Delta) to points in Arkansas, California, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, and Texas; and (b) from points in Colorado (except Delta, Fort Morgan and Sterling) to points in Ari-

zona; (3) *such commodities* as are usually dealt in, or used by wholesale or retail grocery and food business houses, from points in Colorado to points in New Mexico and Texas; and (4) *cheese, pizza ingredients, and materials and supplies* used in the production and sales of *pizza pies*, from Denver, Colo., Superior and Chappell, Nebr., and Hutchinson and Wichita, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming. **NOTE:** Applicant states that tacking possibilities exist but applicant has no present intention to tack the authority sought in the application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108382 (Sub-No. 17), filed August 8, 1972. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (other than in bulk), from the plantsites and warehouses of Dow Chemical U.S.A. located at Ludington and Midland, Mich., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia, Wisconsin, those points in Pennsylvania on and west of U.S. Highway 220 from the Maryland border north of its junction with U.S. Highway 15, thence north on U.S. Highway 15 to junction Pennsylvania Highway 14, thence north over Pennsylvania Highway 14 to New York border and, those points in New York on and west of U.S. Highway 11 and on and south of New York Highway 13 from Lake Ontario to its junction with U.S. Highway 11 at Pulaski, 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 Detroit, Mich.

No. MC 108460 (Sub-No. 45) (Correction), filed March 9, 1972, published in the FEDERAL REGISTER issue of May 18, 1972, and republished as corrected this issue. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, SD 57101. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, in bulk, from points in Union County, Iowa, to points in Iowa, Missouri, Kansas, Nebraska, Minnesota, and South Dakota; (2) *anhydrous ammonia*, (a) from the pipeline facilities of the Gulf Central Pipeline Co. located at or near Algona, Iowa, and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (3) *anhydrous ammonia*, in

bulk, from Marshall, Minn., to points in South Dakota, North Dakota, and Minnesota, and (4) *anhydrous ammonia*, from the plantsite of the Agric Chemical Co., at Blair, Nebr., to points in Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add part (4) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108676 (Sub-No. 49), filed August 14, 1972. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining equipment, and parts and accessories* for mining equipment, between points in Tazewell County, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109064 (Sub-No. 28), filed August 16, 1972. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 3301 Southeast Loop 820, Post Office Box 8367, Fort Worth, TX 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, parts, attachments, and materials* moving in connection therewith, from the plant site of Tex-Tube Division, Detroit Steel Corp., Division of Cyclops Corp. at Houston, Tex., to points in the United States (except 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 Houston or Dallas, Tex.

No. MC 109462 (Sub-No. 22), filed August 14, 1972. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, Kelly Building, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bowling alleys, bowling alley equipment, bowling balls, lanes, pins, pinsetter, toys, charcoal, wood products, gutters and equipment, and materials and supplies* used in the manufacture, distribution, and erection of bowling alleys, between points in Logan County, Ark., and 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 Fort Smith or Little Rock, Ark., or Memphis, Tenn.

No. MC 110420 (Sub-No. 663), filed August 7, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal tallow, greases, animal fats, lard and lard compounds*, in bulk, in tank vehicles, from the plantsite or storage facilities utilized by Illini Beef Packers at or near Joslin, Ill., to points in Indiana, Iowa, Minnesota, Ohio, and Wisconsin. Restricted to traffic originating at the named plantsite or storage facilities and destined to the named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110589 (Sub-No. 12), filed June 19, 1972. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Stephen R. Gartner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts or skins, dressed or undressed, green or green salted*, between Solomon, Kans., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, South Dakota, Texas, Utah, 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., or Denver, Colo.

No. MC 111545 (Sub-No. 173), filed August 11, 1972. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, GA 30062. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and/or containers, and empty cargo vans and containers, between points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the application as filed, is between all points and tacking is not involved. If a lesser territorial coverage were to become involved, tacking could result but applicant has no affirmative intention to tack and therefore does not identify territories that could be served. Applicant further states that no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Dallas, Tex.

No. MC 111812 (Sub-No. 478), filed August 14, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's repre-

sentative: 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: *Foodstuffs and other articles*, distributed by the R. T. French Co., from Springfield, Mo., to points in Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 112617 (Sub-No. 301), filed August 7, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic*, from the plantsite of the Rohm and Haas Co. located at or near Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. 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 112668 (Sub-No. 55), filed August 16, 1972. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical controllers* and (2) *heating and air-conditioning units*, from Westminster and Finksburg, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, 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 112822 (Sub-No. 241), filed August 3, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Pueblo, Colo., to points in Wyoming and Nebraska. NOTE: Applicant states that the

requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 112822 (Sub-No. 242), filed August 11, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Abrasives and abrasive products*, from Birmingham, Ala.; Adrain and Howell, Mich.; St. Louis, Mo.; Ashtabula, Cleveland, Marietta, and Toledo, Ohio; Tulsa, Okla.; Alloy, W. Va., and Milwaukee, Wis., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *equipment*, utilized in the application of abrasive, when moving with abrasives and abrasive products, from Adrain, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (3) *foundry products and supplies*, from Birmingham, Ala.; Adrain and Howell, Mich.; St. Louis, Mo.; Ashtabula, Cleveland, Marietta, and Toledo, Ohio; Alloy, W. Va., and Milwaukee, Wis., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin, and (4) *cleaning compounds*, from Wyandotte, Mich., and St. Louis, Mo., to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, 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 St. Louis, Mo., or Columbus, Ohio.

No. MC 112822 (Sub-No. 243), filed August 14, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, woodpulp, and supplies* used in the manufacture of paper, paper products and woodpulp, between the plantsite and warehouse facilities of International Paper Co. known as the Texarkana mill, located 5 miles east of U.S. Highway 59 and approximately 10 miles south of Texarkana, Tex., in Cass County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no tacking is intended, but the requested authority could be tacked with MC 112822 (Sub-

No. 83) at Calhoun, Tenn., and (Sub-No. 130) at Pine Bluff, Ark. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 186), filed August 7, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from Parsippany, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, Ohio, Virginia, West Virginia, Wisconsin, that part of Pennsylvania on and west of U.S. Highway 15 and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114004 (Sub-No. 118), filed August 3, 1972. 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: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings*, in sections, mounted on wheeled undercarriage, from origins which are points of manufacture, from points in Rowan County, N.C., 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 Raleigh, N.C.

No. MC 114045 (Sub-No. 371), filed August 11, 1972. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Lewes, Del., to points in Texas. 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 Philadelphia, Pa., or Chicago, Ill.

No. MC 114045 (Sub-No. 372), filed August 11, 1972. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, cosmetics, and related articles*, in vehicles equipped with mechanical refrigeration, from points in Philadelphia

County, Pa., and Bellmawr, N.J., to Reno, Nev. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 114552 (Sub-No. 64), filed August 9, 1972. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings, and plastic products*, from Slocumb, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, and (2) *commodities used in the manufacture of plastic pipe and plastic products*, from points in Ohio, West Virginia, New Jersey, New York, and Nebraska to Slocumb, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Dothan Ala., or Columbia, S.C.

No. MC 114552 (Sub-No. 65), filed August 9, 1972. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings, and plastic products*, from Federalsburg, Md., to points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (2) *commodities used in the manufacture of plastic pipe and plastic products*, from points in the States named in (1) above to Federalsburg, Md. 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., Dothan, Ala., or Columbia, S.C.

No. MC 114569 (Sub-No. 103), filed August 10, 1972. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: Herbert R. Nurick, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and commodities dealt in by retail gift shops or retail curio shops when moving in mixed loads with cheese*, from Monroe, Wis., to points in Indiana and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 115162 (Sub-No. 255), filed August 3, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer

500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, lumber, doors, shutters, blinds, panels, and accessories*, between points in Wayne County, Ind.; Page County, Va.; Lee County, Miss.; Mobile County, Ala.; Milam County, Tex.; and Hamilton County, Fla., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 115917 (Sub-No. 25), filed August 8, 1972. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 805 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: (1) *Olivine*, in bulk and in bags; (a) from points in Yancey County, N.C., to points in the United States (except Alaska and Hawaii); (b) from points in Avery, Buncombe, and Mitchell Counties, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (2) *feldspar*, in bulk and in bags from points in Mitchell and Yancey Counties, N.C., to points in the States named in (1) (b) above; (3) *wet ground mica*, in bulk and in bags, (a) from points in Mitchell County, N.C., to points in Arizona, Colorado (except Denver and Colorado Springs), Florida, Idaho, Kentucky (except Lexington and Louisville), Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Vermont, and Wyoming; (b) from points in Avery County, N.C., to points in the United States (except Alaska and Hawaii); (4) *sand*, in bulk and in bags, from points in Mitchell and Yancey Counties, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (5) *stone*, from points in Avery, Mitchell, and Yancey Counties, N.C., to points in the States named in (4) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, or Raleigh, N.C.

No. MC 116073 (Sub-No. 246), filed August 11, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC.,

1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (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 Rockingham County, N.C., 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 Raleigh, N.C.

No. MC 116077 (Sub-No. 330), filed August 9, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lake Charles, La., to Pasadena, Tex. NOTE: Applicant states that the authority sought can be tacked with presently held authorities in No. MC 116077 and Sub-No. 6, although applicant 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. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116457 (Sub-No. 12), filed August 2, 1972. Applicant: GENERAL TRANSPORTATION, INCORPORATED, Post Office Box 670, Springerville, AZ 85938. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Mexico to points in Arizona and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Springerville, Ariz.

No. MC 117613 (Sub-No. 12), filed August 9, 1972. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, MD 21740. 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: *Brick*, from Martinsburg, W. Va., to points in the District of Columbia, Maryland, and Virginia, under contract with United Clay Products Co. and its affiliated company Continental Clay Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 137), filed August 11, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North (Post Office Box 417), Sioux City, IA 51102. Applicant's repre-

sentative: George L. Hirschbach (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 Lubbock, Tex., to points in Kansas, Missouri, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, Illinois, Wisconsin, Arkansas, 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 Chicago, Ill., or Houston, Tex.

No. MC 117765 (Sub-No. 149), filed August 9, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street (Post Office Box 75267), Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan, 4214 Northwest Fifth Street, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-frozen foodstuffs*, not including meats, meat products or meat by-products and dairy products, in containers, (1) from plantsite of Owatonna Canning Company, Owatonna, Minn., to points in Alabama, Kentucky, Louisiana, Mississippi, Nebraska, New Mexico, Tennessee and Texas; (2) from plantsite of Lakeside packing company, Manitowoc, Wis., to points in Alabama, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas and (3) from plantsite of Fall River Canning Co., Fall River, Wis., and plantsite of Durand Canning Co., Mondovi, Wis., to points in 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 Oklahoma City, Okla.

No. MC 117883 (Sub-No. 172), filed August 16, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouse* as described in sections A and C of Appendix I to the report in 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Branch County, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at Branch County, Mich., and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests

it be held at (1) Chicago, Ill., or (2) Washington, D.C.

No. MC 118431 (Sub-No. 4), filed August 9, 1972. Applicant: DENVER SOUTHWEST EXPRESS, INC., 605 South 14th Street, Lincoln, NE 68501. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Kitchens of Sara Lee at New Hampton, Iowa, under contract with Kitchens of Sara Lee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 119641 (Sub-No. 106), filed August 14, 1972. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors and parts* thereof when transported in the same vehicle, from Philadelphia, Pa., 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. Restriction: The above authority is restricted to traffic destined to the branchhouses, warehouses, and dealer facilities of Deere & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 120646 (Sub-No. 11), filed August 10, 1972. Applicant: BRADLEY FREIGHT LINES, INC., Post Office Box 523, Easley, SC 29640. Applicant's representative: Water Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New wooden furniture and wooden furniture parts* between points in Madison County, Miss., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 120646 (Sub-No. 5) at points in Madison County, Miss., that the existing authority authorizes transportation of furniture from McMinn and Bradley Counties, Tenn., to numerous States, including Mississippi, and in turn, furniture from North Carolina and Virginia, and Ferndale Station, Ky., could be tacked with authority sought for through movement. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C., or Nashville, Tenn.

No. MC 121060 (Sub-No. 18), filed August 9, 1972. Applicant: ARROW TRUCK

LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies, and accessories, incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp., located at Memphis, Tenn., and points in Henry County, Tenn., to points in Alabama, Mississippi, Arkansas, Louisiana, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, Kentucky, Ohio, Indiana, Illinois, and Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 121060 (Sub-No. 19), filed August 9, 1972. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, composition board, urethane, and urethane insulation products* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Charleston, Ill., to points in Missouri, Iowa, Wisconsin, Indiana, Michigan, Ohio, West Virginia, Virginia, Pennsylvania, Maryland, and Delaware. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 121060 (Sub-No. 20), filed August 9, 1972. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies, and accessories, incidental*

thereto (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Wayne County, N.C., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, Kentucky, Tennessee, 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. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 121060 (Sub-No. 21), filed August 9, 1972. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products, and related materials, supplies, and accessories, incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Port Clinton, Ohio, to points in Indiana, Illinois, Kentucky, Tennessee, West Virginia, Virginia, Maryland, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 121060 (Sub-No. 22), filed August 9, 1972. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products, and related materials, supplies, and accessories, incidental thereto* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corp. located at Marroero, La., to points in Alabama, Mississippi, Georgia, Florida, North Carolina, South Carolina, Tennessee, Arkansas, Missouri, Illinois, Kentucky, Indiana, Ohio, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, 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. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 123255 (Sub-No. 24), filed August 11, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and Bensenville, Ill., to points in the Lower Peninsula of Michigan and from Bensenville, Ill., to points in Ohio. NOTE: Applicant holds authority as a contract carrier under MC 81968 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 123819 (Sub-No. 33), filed August 11, 1972. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, Memphis, TN 38102. Applicant's representative: Bill R. Davis, Suite 1208 Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from the plantsite of Southern Bag Corp., at or near Yazoo City, Miss., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 123993 (Sub-No. 21), filed August 3, 1972. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, LA 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration grade anhydrous ammonia*, in bulk, from Lake Charles, La., to Longview, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 41116, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124947 (Sub-No. 17), filed August 10, 1972. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, IL 61611. Applicant's

representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and related *materials, supplies and parts* of such commodities, when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and *self-propelled articles*, each weighing 15,000 pounds or more, and related *machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), between points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states it proposes to tack the requested authority at points in Illinois to serve points in Arkansas, Colorado, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, and Texas. It also proposes to interchange with other carriers to and from other States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126102 (Sub-No. 14), filed August 11, 1972. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Plainville, MA 02762. Applicant's representative: Robert G. Parks, 306 Dartmouth Street, Boston, MA 02116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antennas and related accessories* from West Burlington, Iowa to points in the United States (except Alaska and Hawaii), under contract with Antennacraft Co., a division of Tandy Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 127042 (Sub-No. 100), filed August 9, 1972. 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 above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *advertising matter and supplies* when moving with candy and confectionery, from Robinson, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, 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 St. Louis, Mo., or Chicago, Ill.

No. MC 127239 (Sub-No. 11), filed August 7, 1972. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, Concord Industrial Park, Concord, NH 03301. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: (a) *Packaging and paper-board cartons*, knocked-down, from Lumberton, N.C., to points in the United States (except Alaska and Hawaii); (b) *paperboard*, from Demopolis, Ala., and Silsbee, Tex., to Lumberton, N.C., and (c) *wax* (except in bulk), from Beaumont, Tex., and Cicero, Ill., to Lumberton, N.C. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Universal Packaging Corp., Bow, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 128273 (Sub-No. 130) (Amendment), filed August 7, 1972, published in the FEDERAL REGISTER issue of August 31, 1972, and republished as amended this issue. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: David Freeman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products, paper and paper products*, and (2) *materials, equipment, and supplies* used in the installation and distribution of the commodities described in (1) above (except such commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Niagara Falls, N.Y., Paxinos, Pa., and East Hartford, Conn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Georgia, Alabama, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show Georgia and Alabama as destination States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 131), filed August 9, 1972. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: David C. Freeman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, woodpulp, and supplies* used in the manufacture of paper, paper products and woodpulp, between the plantsite and warehouse facilities of International Paper Co. located at or near Texarkana, in Cass County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129068 (Sub-No. 16), filed August 8, 1972. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 South

Douglas Boulevard, Oklahoma City, OK 73150. Applicant's representative: Jack L. Griffin (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, building (modular) complete knocked-down or in sections*, when moved on wheeled undercarriage, commodities are restricted to initial movement only, from points in Carter County, Okla. to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 129314 (Sub-No. 2), filed August 15, 1972. Applicant: CLOVER-LEAF FARM VANS, INC., 1621 Roosevelt Boulevard, Kenner, LA 70062. Applicant's representative: Clarence Rareshide, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle with such horses, *mascots, personal effects of attendants, trainers, and exhibitors, and supplies and equipment* used in the care and maintenance of such horses, between points in Arkansas, Florida, Illinois, Kentucky, Louisiana, Michigan, Ohio, New Jersey, and New York. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129600 (Sub-No. 8), filed August 10, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, ice cream, restaurant supplies, and equipment*, except in bulk, from Chicago, Ill., to points in South Dakota, Nebraska, and Iowa; (2) *ice cream*, (a) from Chicago, Ill., to points in California, Maryland, New York, Ohio, Pennsylvania, and Texas, (b) from Baltimore, Md., to points in California, Illinois, Ohio, and Texas; (3) *foodstuffs*, except in bulk, from Bigler, Pa., Harrison and Saddle Brook, N.J., to Brockton, Boston, and Wollaston, Mass.; (4) *chemicals, cleaners, detergents and wax*, except in bulk, from Avenel, N.J., to Brockton, Mass.; (5) *plastic articles, games, toys, notions, novelties, costume jewelry, chinaware, earthenware, and pottery*, between Bedford, Pa., Rancocas, N.J., and Brockton, Mass.; (6) *poultry and animal fat*, except in bulk, from Douglas, Ga., to New York, N.Y., and Brockton, Mass.; (7) *frozen foods*, (a) from Syracuse, N.Y., to Brockton, Boston, and Watertown, Mass.; Baltimore, Md.; Bedford, Pa., and Cleveland, Ohio; (b) from Tarlock, Sangor, Patterson, and Watsonville, Calif., to Atlanta and East Point, Ga.; Bedford, Pa.;

Brockton and Boston Mass.; Chicago, Ill.; Cleveland, Ohio; Dallas and Arlington, Tex.; Miami, Fla.; New York, N.Y., and Syracuse, N.Y.; (8) *foodstuffs*, except in bulk, from New York, N.Y., and Secaucus, N.J., to Forest Park, Ga.; Sparks, Nev.; Fort Wayne, Ind.; and Lawrence, Kans.; (9) *meats*, (a) from New York, N.Y., to Detroit, Mich.; Indianapolis, Ind.; and St. Louis, Mo.; (b) from Wilmington, Del., to New York, N.Y.; and (c) from Omaha and Decatur, Nebr., and Greeley, Colo., to Quincy, Mass.; (10) *pallets*, from the above-named destination points in (1) through (9) above to above-named origin points in (1) through (9); (11) *insulated cups, lids, and ice cream containers*, from Exton, Pa.; Eatontown, N.J., and Milford, N.H., to Brockton, Mass.; (12) *whipped cream*, from Lynnbrook, N.Y., to Brockton, Mass.; (13) *orange juice and grapefruit juice*, except in bulk, from Auburndale, Fla., to Brockton, Mass.; (14) *plastic bags and barrel liners*, from Old Saybrook, Conn., to Brockton, Mass.; (15) *popped corn*, from Baltimore, Md., to Brockton, Mass.; (16) *paper and plastic place mats*, from Vineland, N.J., to Brockton, Mass.; (17) *returned and rejected shipments* of the commodities described in (1), (2), (6), (7), (8), and (9), from the respective destination points in (1), (2), (6), (7), (8), and (9) to the named origin points in (1), (2), (6), (7), (8), and (9). **Restriction:** The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Howard Johnson Co. of New York, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133424 (Sub-No. 4), filed August 7, 1972. Applicant: AARON COPE, doing business as: AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, TN 37110. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent tan bark* (residue after tanning dye is extracted from bark), from Chattanooga, Tenn., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof. **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, or Chattanooga, Tenn.

No. MC 133591 (Sub-No. 6), filed August 1, 1972. Applicant: WAYNE DANIEL, doing business as: WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, MO 65712. Applicant's representative: W. L. Peterson, Jr., Post Office Box 917, Oklahoma City, OK 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, and barbecue grills and equipment*, from the plantsites and storage facilities of Buddy-L Corp., at or near Neosho, Mo., to points

in California, Nevada, Utah, Washington, Oregon, New Mexico, Arizona, Colorado, Idaho, and El Paso, Tex. **NOTE:** Applicant now holds contract carrier authority under its No. MC 134494 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, or Joplin, Mo.

No. MC 133698 (Sub-No. 4), filed August 3, 1972. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725 29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, medical instruments, and replacement parts*, between Philadelphia, Pa., on the one hand, and, on the other, points in Berks, Carbon, Centre, Chester, Clinton, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Northampton, Northumberland, Snyder, and York Counties, Pa.; Atlantic, Cape May, Cumberland, Ocean, and Salem Counties, N.J., restricted to traffic having an immediately prior or subsequent movement by air. **NOTE:** Applicant states that a portion of the requested authority could be tacked with certain existing authorities. However, applicant does not, at present have any intentions to tack. 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 111103 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 134390 (Sub-No. 1) (Correction), filed May 1, 1972, published in the FEDERAL REGISTER issue of June 8, 1972, and republished as corrected this issue. Applicant: J. V. HARRISON, doing business as HARRISON WRECKER SERVICE, 1405 Southwest 26th Street, Oklahoma City, OK 73108. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), from points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Texas to Oklahoma City, Okla., and (2) *replacement vehicles* for wrecked or disabled motor vehicles in (1) above, on return, by use of wrecker equipment only. **NOTE:** The purpose of this republication is to add the destination point of Oklahoma City, Okla., inadvertently omitted from previous publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134460 (Sub-No. 8), filed August 14, 1972. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in the counties of San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, Monterey, Stanislaus, and San Joaquin, Calif., to points in Maricopa, Pima, and Pinal Counties, 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 San Francisco, Calif.

No. MC 134473 (Sub-No. 2), filed August 7, 1972. Applicant: NATIONAL TRAILER CONVOY OF CANADA, LTD., 61 Hymus Boulevard, Pointe Claire, PQ, Canada. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, (2) *buildings* in sections, mounted on wheeled undercarriages, and, (3) *campers and camper coaches*, between ports of entry on the international boundary line between the United States and Canada located in the United States (except Alaska) on the one hand, and on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating in or destined to Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that National Trailer Convoy, Inc. holds authority under MC 106398 which duplicates this application almost in its entirety. If and when this application is granted, all such duplicating authority will be eliminated. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held 1 week at Buffalo, N.Y., and another week at Great Falls, Mont.

No. MC 134599 (Sub-No. 52), filed August 7, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, tires, auto accessories, coated fabric, belting, hose, footwear, chemicals, materials, supplies, and equipment* used in the manufacture and production of the aforementioned items (except commodities in bulk and commodities that because of size and weight require special handling or special equipment), between Port Clinton, Ohio and points in the United States (except Alaska and Hawaii), under contract with Uniroyal,

Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 53), filed August 14, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, rubber and rubber products, synthetic rubber, plastic powder and granules*, from Painesville, Ohio and Detroit, Mich., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Tennessee, North Carolina, South Carolina, Florida, Alabama, Georgia, and Mississippi, under contract with Uniroyal, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134922 (Sub-No. 35), filed August 4, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cyfert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk), and *advertising equipment, materials and supplies and advertising premiums*, (1) from Covington, Tenn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Tennessee, Texas, New Mexico, and Oklahoma and (2) from Bloomfield, N.J., to Covington, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135341 (Sub-No. 5), filed August 11, 1972. Applicant: MAGOG EXPRESS, INC., Route 2, Post Office Box 265, Magog, Stanstead County, PQ, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines and periodicals*, from ports of entry on the United States-Canada boundary line at or near Derby Line and Highgate Springs, Vt., to Boston, Mass., Green Brook and Jersey City, N.J., New York, Long Island City and Troy, N.Y., and Philadelphia, Pa., and (2) *pallets*, from the above-described destination points to the above-described origin points; (3) *printing paper*, from New York, N.Y., to ports of entry on the United States-Canada boundary line at or near Derby Line and Highgate Springs, Vt., and (4) *book covers*, from Holyoke and Springfield, Mass., to ports

of entry on the United States-Canada boundary line at or near Derby Line and Highgate Springs, Vt. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Imprimerie Montreal Offset Printing, Inc. of Montreal, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 135611 (Sub-No. 4), filed August 2, 1972. Applicant: WALKER & WHITTETED TRANSPORTATION CO., INC., 320 North Eighth Street, Brawley, CA 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements* (except inedible animal fats and blends of inedible animal and vegetable fats), in bulk, from points in Imperial County, Calif., to points in 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 Los Angeles, Calif.

No. MC 135691 (Sub-No. 1), filed August 14, 1972. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, articles distributed by meat packinghouses and such commodities*, as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), between points in Florida, Georgia, Alabama, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Tennessee, and Mississippi, on the one hand, and, on the other, points in Massachusetts, New Jersey, Ohio, and Pennsylvania. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with F. & W. Wholesale Meat Co. and U.S. Pet Food Supply Co., both of Dallas, Tex. NOTE: Applicant and the contracting shippers are commonly controlled and applicant also holds authority to provide the service on the same commodities between the same eastern and midwestern States on the one hand, and, on the other, certain States in the midwest and southwest. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135871 (Sub-No. 10), filed August 16, 1972. 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, for the account of Giantway, Inc., between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, Mount Pleasant, Alma, Cadillac, Ludington, Traverse City, Alpena, Big Rapids, Petoskey, and Midland, Mich., under contract with Giantway, Inc., Mount Pleasant, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135877 (Sub-No. 6), filed August 7, 1972. Applicant: RONALD R. BRADER, doing business as, SPECIALIZED TRUCKING SERVICE, 1508 South Fourth Avenue, Yakima, WA 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cans, crowns, and ends*, from points in California, to points in Oregon and Washington; and (2) *returned shipments* of the above-named commodities, on return. 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 Yakima, Wash.

No. MC 135983 (Sub-No. 2), filed August 15, 1972. Applicant: CLYDE G. CLIFT, State Route No. 26, Graysville, Ohio 45734. Applicant's representative: Terrence D. Jones, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, in dump trucks, from Maple Grove, Ohio, to points in Washington, Greene, Westmoreland, Fayette, and Somerset Counties, Pa., and Jackson, Ritchie, Roane, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock, Marion, Harrison, Doddridge, Lewis, Upshur, Barbour, Monongalia, Taylor, Braxton, Gilmer, and Pleasants Counties, W. Va., under contract with Basic Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136211 (Sub-No. 5) (Correction), filed June 1, 1972, published July 13, 1972, under MC 136808, and republished as corrected this issue. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Oxnard, CA 93030. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, from Jefferson Parish, La., to points in Mississippi on and south of U.S. Highway 80, under contract with John F. Lawhon Co. NOTE: The purpose of this republication is to show the correct docket number assigned as MC 136808 which was assigned in error. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 136228 (Sub-No. 4), filed July 17, 1972. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, New Walla Walla Highway, Milton Freewater, OR 97862. Applicant's representative: Philip G. Skofstad, 1410 Northeast Fremont Street, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, blood meal, and hides, canned goods, pallets, empty containers, machinery, paper, and paper products*, (1) between Wallula, Wash., and Portland, Ore. (2) between Seattle and Tacoma, Wash., and the port of entry on the international boundary line between the United States and Canada located at Blaine, Wash., for subsequent movement by water; and (3) between Walla Walla and Pasco, Wash., and Milton-Freewater, Athena, Ore. NOTE: Applicant holds contract carrier authority under MC 135531, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Seattle, Wash.

No. MC 136405 (Sub-No. 2), filed July 24, 1972. Applicant: COLOSSAL CARRIERS LTD., 400 Wright Street, Montreal 379, PQ, Canada. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, moving in foreign commerce, from Albany, New York, and Poughkeepsie, N.Y.; Port Newark, N.J.; and Baltimore, Md., to ports of entry on the international boundary line between the United States and Canada at Champlain, N.Y., and Highgate Springs, Vt. NOTE: Applicant holds contract carrier authority under MC 118264, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 136471 (Sub-No. 1), filed August 14, 1972. Applicant: CLAIBORN F. WILKERSON, JR., AND BURCH C. COMPTON, a partnership, doing business as: WIL-COM TRUCK LINES, Route No. 1 (U.S. Highway No. 70), Mebane, NC 27302. Applicant's representative: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, plastic pipe, plastic pipe fittings, and plastic pipe accessories*, between points in Orange County, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Virginia, Maryland, Florida, Louisiana, West Virginia, Ohio, Delaware, Kentucky, Pennsylvania, and New Jersey, and (2) *Materials and supplies*, except in bulk, used in the manufacture of plastic pipe, plastic fittings, and plastic pipe accessories, from points in North Carolina, South Carolina, Georgia, Alabama, Tennessee, Virginia, Maryland, Florida, Louisiana, West Virginia, Ohio, Delaware, Kentucky, Pennsylvania, and New Jersey, to points in

Orange County, N.C., under contract with Hancor, Inc., Mebane, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136602 (Sub-No. 2), filed August 14, 1972. Applicant: ARIZONA WESTERN TRANSPORT, INC., Post Office Box F, Chandler, AZ 85224. 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) *Agricultural chemicals*, excluding liquid commodities in bulk in tank vehicles, between points in Arizona on the one hand, and, on the other, points in Colorado, New Mexico, and points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino counties, Calif., and Fresno County, Calif., and (2) *fire-retardant chemicals (fire-trol)* between points in Arizona, California, Oregon, Washington, Idaho, Nevada, New Mexico, Colorado, Utah, Wyoming, Montana, South Dakota, North Dakota, and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 136633 (Sub-No. 2) (Amendment), filed July 31, 1972, published in the FEDERAL REGISTER issue of August 24, 1972, and republished as amended this issue. Applicant: MIDWEST DUMPERS, INC., 530 Univac Building, Omaha, Nebr. 68106. Applicant's representative: Donald L. Stern (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand, gravel, dirt, and rock*, from points in Nebraska to points in Iowa and Missouri. NOTE: The purpose of this republication is to reflect a change in the origin point. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136666 (Sub-No. 1) (Correction), filed May 1, 1972, published in the FEDERAL REGISTER issue of August 24, 1972, and republished as corrected this issue. Applicant: G & C TRUCKING, INC., 4501 North Galvez, New Orleans, LA 70117. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse of Galvez Drayage & Storage located at New Orleans, La., to all points in Louisiana and points in Mississippi on and south of U.S. Highway 80. NOTE: The purpose of this republication is to add Louisiana as a destination State which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 136702 (Sub-No. 2), filed August 7, 1972. Applicant: ALL AREA DELIVERY AND MESSENGER SERVICE, INC., 680 East Jericho Turnpike,

Huntington Station, NY 11746. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to shipments not exceeding 50 pounds in weight, between all points in New York City, Nassau, Suffolk, Westchester, Putnam, Rockland, Dutchess, and Orange Counties, N.Y.; Connecticut, and New Jersey. 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.

No. MC 136865, filed May 8, 1972. Applicant: TIMOTHY BARNES, 2141 Crotona Avenue, Bronx, NY 10457. Applicant's representative: Marshall S. Goldman, 175 Main Street, White Plains, NY 10601. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Elevator parts*, operate on eastern seaboard from points in Massachusetts to points in Virginia on all roads that allow commercial vehicles, under contract with Park Line Elevator Co., Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 136686 (Sub-No. 2), filed August 7, 1972. Applicant: CAROLINA TRANSFER AND STORAGE COMPANY, a corporation, 1823 West Franklin Avenue, Gastonia, NC 28052. Applicant's representative: Dwight D. Thomas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies, including tools used in the construction and maintenance of telephone systems and communications*, between Gastonia, N.C., and points in Gaston, Lincoln, Cleveland and Rutherford Counties, N.C., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 136873 (Sub-No. 2), filed August 11, 1972. Applicant: ARTHUR HAEFNER, Harding Avenue, Box 214A, Rural Delivery No. 1, Pittston, PA 18643. Applicant's representative: Emanuel Laster, Eighth Floor, Mears Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Household detergents, laundry supplies, window cleaners, cleansing supplies, insecticides, disinfectants, polishes and supplies, materials and machinery* used or useful in the manufacture thereof, points between Dunmore, Pa., on the one hand, and, points statewide in Pennsylvania, New York, New Jersey, Maryland, Connecticut, Massachusetts, Maine, Ohio, Rhode Island, New Hampshire, and Washington, D.C., and return from various points in said States, under contract with Trager Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton-Wilkes-Barre, or Philadelphia, Pa.

No. MC 136877 (Sub-No. 1), filed August 11, 1972. Applicant: P & G MOTOR EXPRESS, INC., 601 Collinsville Avenue, East St. Louis, IL 62201. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* manufactured and/or dealt in by wholesale and retail grocery houses, from Galesburg, Ill., to points in Missouri, Iowa, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 136911 (Sub-No. 1), filed August 7, 1972. Applicant: PACKAGE EXPRESS, INC., 22 Tyler Street, Springfield, MA 01109. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail stores, department stores, and mail order houses between points in Hampden, Hampshire, Franklin, Berkshire, and Worcester Counties, Mass.; Litchfield, Hartford, Tolland, and Windham Counties, Conn., and Albany, Schenectady, Poughkeepsie, and Kingston, N.Y.* Restriction: Transportation under the above authority shall be limited to parcels and packages not exceeding fifty (50) pounds per package or parcel and not exceeding two hundred fifty (250) pounds per shipment from one consignor to one consignee except for shipments between points in Hampden County, Mass., on the one hand, and, on the other, Albany, Schenectady, Poughkeepsie, and Kingston, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, ap-

plicant requests it be held at Springfield, Mass., Hartford, Conn., and Boston, Mass.

No. MC 136971, filed August 16, 1972. Applicant: PROCTOR TRANS., INC., 121 Magazine Street, Roxbury, MA 02119. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Portsmouth, N.H., and New Bedford and Boston, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 108811 (Sub-No. 6), filed August 11, 1972. Applicant: THOMAS MOTOR TOURS, INC., Lothian, Md. 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: *Passengers and their baggage* in round-trip charter operations, beginning and ending at points in the District of Columbia and Prince Georges County, Md., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Restriction: No transportation shall be performed for persons between points in places in the District of Columbia and Prince Georges County, Md., within the commercial zone as defined by the Interstate Commerce Commission and points in the District of Columbia, Maryland, and the Commonwealth of Virginia within the Washington, D.C., commercial zone as defined by the Interstate Commerce Commission. NOTE: No duplicating authority sought. Applicant presently authorized to perform some portion of these operations from a portion of Prince Georges County, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-15172 Filed 9-6-72; 8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR	Page	14 CFR—Continued	Page	32 CFR—Continued	Page
EXECUTIVE ORDERS:		PROPOSED RULES:		1626	17965
11533 (see EO 11683)	17813	39	17856	1628	17966
11554 (amended by EO		71	17857, 17979	1630	17966
11684)	17959	75	17857	1631	17966
11677 (revoked by EO 11683)	17813	129	17979	1632	17966
11683	17813			1641	17966
11684	17959				
		15 CFR	Page		
5 CFR		390	17977	33 CFR	
213	17815, 17816, 18071	1000	18035	117	18076
				PROPOSED RULES:	
6 CFR		18 CFR		117	18084
200	18081	141	18032		
300	18082	260	18032	39 CFR	
Rulings	18029	PROPOSED RULES:		131	17827
		101	18041	132	17827
7 CFR				133	17828
55	17816	19 CFR		134	17828
61	17817	12	18032	135	17829
301	17961	25	18032	136	17829
908	17817, 17961, 18071			137	17829
910	17961	20 CFR		141	17829
918	17818	722	18076	144	17830
926	18072	PROPOSED RULES:		158	17830
932	17818	401	17978	159	17830
981	18072	410	18002	166	17830
991	17962	422	17978		
1446	18029	715	18152	40 CFR	
PROPOSED RULES:		717	18084, 18169	PROPOSED RULES:	
52	17851, 18083	718	18155	52	18041
722	18039	720	18155	180	18084
966	18039				
1040	17852	21 CFR			
1043	17852	149a	17825	41 CFR	
1133	17855	149b	17826	5A-1	17831
				5A-2	17831
9 CFR				5A-72	17831
76	17819	24 CFR		5A-73	17832
77	17962	201	18032	5A-76	17832
82	18072	PROPOSED RULES:		9-1	17832
		203	17855	9-16	17832
10 CFR				9-56	17833
115	18073	26 CFR		9-59	17832
		1	17826		
12 CFR		PROPOSED RULES:		42 CFR	
500	17962	1	17845	51	17833
526	17820				
531	18030	32 CFR		43 CFR	
543	17821	1602	17963	417	18076
584	18073	1604	17967	3850	17836
589	18074	1605	17968		
710	17821	1606	17968	PUBLIC LAND ORDERS:	
		1607	17968	1789 (revoked in part by PLO	
13 CFR		1608	17968	5246)	18033
305	17963	1609	17968	5246	18033
PROPOSED RULES:		1610	17968	5247	18033
115	17980	1611	17964	5248	18033
		1617	17964		
14 CFR		1621	17964	46 CFR	
39	17823, 17963, 18030	1622	17964	146	17968
71	17824, 18031	1623	17965	PROPOSED RULES:	
75	18074	1624	17965	146	18039
95	17824	1625	17965		
97	18074				

47 CFR	Page	49 CFR	Page	49 CFR—Continued	Page
0.....	18034	173.....	17969	PROPOSED RULES:	
25.....	17837	192.....	17970	571.....	17858, 18085
89.....	17969	390.....	18079		
91.....	17969	394.....	18080	50 CFR	
93.....	17969	397.....	18081	10.....	17838
PROPOSED RULES:		571.....	17837, 17970, 18034	32.....	17844, 18037, 18038, 18081
73.....	17858, 18041	1033.....	17837	PROPOSED RULES:	
76.....	17858	1056.....	17838	262.....	18083

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
17807-17951.....	Sept. 1
17953-18021.....	2
18023-18063.....	6
18065-18171.....	7

federal register

THURSDAY, SEPTEMBER 7, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 174

PART II



DEPARTMENT OF LABOR

Employment Standards
Administration



BLACK LUNG BENEFITS, FILING
AND PROCESSING OF CLAIMS

Notice of Proposed Rule Making

DEPARTMENT OF LABOR

Employment Standards
Administration

[20 CFR Parts 715, 718, 720, 725]

BLACK LUNG DISEASE

Claims for Disability or Death Benefits

Pursuant to authority contained in title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901, et seq., as amended by Public Law 92-303, 86 Stat. 156, entitled the Black Lung Benefits Act of 1972, it is proposed to amend Chapter VI of Title 20, Code of Federal Regulations, by adding thereto new Parts 715, 718, and 720 as set forth below. The proposed new parts will implement and effectuate provisions of the Act concerning claims filed pursuant to the provisions of Part B of title IV thereof which are filed after June 30, 1973, for benefits payable under the Act to coal miners and their surviving dependents in cases of a miner's total disability due to pneumoconiosis and in cases of a miner's death due to pneumoconiosis or while totally disabled due to pneumoconiosis. In addition, in a new Part 725 of such chapter it is proposed to include in the rules applicable to such claims filed on and after January 1, 1974, with the Department of Labor pursuant to Part C of title IV of such Act certain rules dealing with the determination and adjudication of the liability of coal mine operators for black lung benefits under such Part C, for which provisions in substance as set forth hereafter are under consideration.

Interested persons are invited to submit written data, views, or arguments, concerning the proposed Parts 715, 718, and 720, to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, on or before September 20, 1972. Comments are also invited on the material being considered for the new Part 725 dealing with mine operators' liability, and in particular upon the alternatives under consideration for criteria to be used in determining responsible operators under the statute. In this connection, any comments concerning the need, desirability, and feasibility, of including in the proposed Part 720 dealing with transition period Part B claims filed after June 30, 1973, any provisions of a character substantially similar regarding responsible operators, will be welcomed.

1. The proposed Part 715 reads as follows:

PART 715—BLACK LUNG BENEFITS PROGRAM UNDER TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT; GENERAL PROVISIONS

MEANING AND USE OF TERMS IN THE ACT AND THIS SUBCHAPTER

Sec.
715.101 General definitions and use of terms.

BENEFITS PROVIDED BY THE ACT AND ELIGIBILITY THEREFOR

Sec.
715.201 Types of benefits; general.
715.205 Conditions of entitlement; miner.
715.206 Duration of entitlement; miner.
715.207 Conditions of entitlement; widow or surviving divorced wife.
715.208 Duration of entitlement; widow or surviving divorced wife.
715.211 Conditions of entitlement; child.
715.212 Duration of entitlement; child.
715.215 Conditions of entitlement; parent, brother or sister.
715.216 Duration of entitlement; parent, brother, or sister.
715.217 "Good Cause" for delayed filing of proof of support.
715.220 Effect of conviction of felonious and intentional homicide on entitlement to benefits.

INFORMATION IN PROGRAM RECORDS

715.301 Disclosure of program information and records.

AUTHORITY: The provisions of this Part 715 issued under title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901, et seq., as amended by Public Law 92-303, 86 Stat. 156.

MEANING AND USE OF TERMS IN THE ACT AND THIS SUBCHAPTER

§ 715.101 General definitions and use of terms.

(a) *Definitions.* For purposes of this subchapter, except where the content clearly indicates otherwise, the following definitions apply:

(1) "The Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) as amended by the Black Lung Benefits Act of 1972 (Public Law 92-303) as enacted May 19, 1972, and as it may hereafter be amended.

(2) "Benefits" mean benefits paid or payable under or pursuant to title IV of the Act on account of the total disability or death of a miner due to pneumoconiosis, including the death of such a miner while totally disabled by such disease.

(3) "Pneumoconiosis" means a chronic dust disease of the lung arising out of employment in a coal mine, and includes the diseases listed in § 410.110(o) of this title.

(4) The term "total disability" has the meaning given it by regulations of the Secretary of Health, Education, and Welfare as set forth in Subpart D of Part 410 of this chapter. (See Part 718 of this subchapter.)

(5) "Miner" or "coal miner" means any individual who is or was employed in a coal mine, performing functions in extracting the coal or preparing the coal so extracted.

(6) "Operator" means any owner, lessee, or other person who operates, controls, or supervises, a coal mine.

(7) "Prior operator" means an operator who has transferred a coal mine or substantially all the assets of a coal mine to another person after December 30, 1969.

(8) "Coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels,

excavations, and other property, real or personal, placed upon, under, or above the surface, of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite, from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(9) "Underground coal mine" means a coal mine in which the earth and other materials which lie above the natural deposit of coal (overburden) is not removed in mining. In addition to the natural deposit of coal in the earth, the underground coal mine includes all land, buildings, and equipment, appurtenant thereto.

(10) "The Nation's coal mines" comprise all coal mines as defined in subparagraph (6) of this paragraph, located in a State as defined in subparagraph (9) of this paragraph.

(11) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and prior to January 3, 1959, and August 21, 1959, respectively, the territories of Alaska and Hawaii.

(12) The "Social Security Act" means the Social Security Act (49 Stat. 620, 42 U.S.C. et seq.) as amended from time to time.

(13) The "Longshoremen's Act" means the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901 et seq.) as amended from time to time.

(14) "Secretary" means the Secretary of Labor or a person authorized by him to perform his functions under title IV of the act.

(15) "Department" means the Department of Labor.

(16) "Office" or "OWCP" means the Office of Workmen's Compensation programs, Employment Standards Administration, Department of Labor.

(17) "Deputy commissioner" means a person appointed as provided in sections 39 and 40 of the Longshoremen's Act and designated by the Director of the Office of Workmen's Compensation programs as having authority to make final determinations in respect to claims for total disability or death due to pneumoconiosis and to hold hearings prior to such determinations.

(18) A "workmen's compensation law" means a law providing for payment of compensation by employers to employees (and their dependents) for injury (including occupational disease), or death suffered in connection with his employment.

(19) "State agency" means, with respect to any State, the agency, department, or officer designated by the workmen's compensation law of the State to administer such law. In any case in which more than one agency participates in the administration of a State workmen's compensation law, the Governor

may designate which of such agencies shall be the State agency for purposes of this subchapter.

(20) "Insurer" means any private company, corporation, mutual association, reciprocal or interinsurance exchange, or any other person or fund, including any State fund, authorized under the laws of a State to insure an employer's liability under workmen's compensation laws.

(21) "Claimant" means an individual whose claim to entitlement for benefits under title IV of the act has been filed in accordance with the provisions of the act and the applicable regulations issued thereunder. As used in Part 720 of this subchapter, the term means such an individual whose claim is subject to the provisions of section 415 of Part B of such title and has been filed as provided in Part 717 of this subchapter.

(22) "Claim" means an assertion in writing of an individual's entitlement to benefits under or pursuant to title IV of the act, submitted in any form and manner authorized by the regulations in this subchapter. The term includes claims of living miners for total disability benefits and claims of those miners' widows, children, parents, brothers, and sisters whose entitlement to benefits on the death of a miner is provided for by the act. As used in Parts 717 and 720 of this subchapter, the term refers to those claims for benefits payable under Part B of title IV of the act which are submitted for filing before the cutoff date specified in sections 413(a) and 414 for entitlement under Part B and which are subject to the provisions of section 414(b) and section 415 of the act because they were not filed prior to July 1, 1973. Such claims include new claims of living miners for disability benefits filed after June 30, 1973, and death benefit claims of surviving dependents of miners who were not receiving benefits at the time of death, filed after such date. (Because of questions of interpretation raised by these regulations and those of the Department of Health, Education, and Welfare concerning the application of sections 414(b) and 415 to such survivor claims, the issue as to the proper construction of the statute with respect to such survivor claims is being referred to the Attorney General for opinion. This subparagraph will be amended to accord with such opinion if it differs from the position stated herein.)

(23) "Beneficiary" means a miner or a surviving widow, child, parent, brother, or sister, who is entitled to a benefit as defined in subparagraph (2) of this paragraph.

(24) "Entitlement" means entitlement to benefits as determined pursuant to the provisions of the act and the procedures set forth in this subchapter. A beneficiary is "entitled" to benefits as so determined when the determination is final.

(b) *Statutory terms.* The definitions contained in these regulations shall not be considered to derogate from the terms

of the Federal Coal Mine Health and Safety Act of 1969, as amended.

(c) *Dependents and survivors.* Part A of title IV of the act, in section 402 (a), (e), and (g), defines the terms "dependent," "widow," and "child." In section 412(a) (5) of Part B of title IV, the act provides for determination of the relationship of parent, brother, or sister to a miner by standards consistent with those applicable to relationship determination under Title II of the Social Security Act. For purposes of this subchapter, the determination of the individuals who possess the required relationship to, or who have the status of dependents of, a miner under the provisions of title IV of the act shall be made in accordance with the rules set forth in the Social Security Administration's regulations in 20 CFR Part 410, Subpart C.

(d) *Inclusive terms.* Masculine gender includes the feminine, and the singular includes the plural.

BENEFITS PROVIDED BY THE ACT AND ELIGIBILITY THEREFOR

§ 715.201 Types of benefits; general.

(a) Title IV of the act provides for the payment of periodic benefits:

(1) To a miner who is determined to be totally disabled due to pneumoconiosis; or

(2) To the widow or child of a miner (i) who was receiving benefits at the time of his death; or (ii) who is determined to have been totally disabled due to pneumoconiosis at the time of his death; or (iii) whose death was due to pneumoconiosis; or

(3) To the child of a widow of a miner who was receiving benefits at the time of her death; or

(4) To the surviving dependent parents, where no widow or child survives, or the surviving dependent brothers or sisters, where there is no surviving widow, child, or parent, of a miner who was receiving benefits at the time of his death; or who was totally disabled due to pneumoconiosis at the time of his death; or whose death was due to pneumoconiosis.

(b) The following sections set out the conditions of entitlement to benefits for a miner or for a widow, child, parent, brother, or sister, and describe the events which terminate or preclude entitlement to benefits. Also see Subpart C of Part 410 of this chapter for regulations relating to the relationship and dependency requirements applicable to claimants for benefits as a widow, child, parent, brother, or sister and to beneficiaries with dependents.

§ 715.205 Conditions of entitlement; miner.

(a) An individual is eligible for benefits under this subchapter if such individual

(1) Is a miner as defined in § 715.101 (e) (5);

(2) Is totally disabled due to pneumoconiosis (see Part 718 of this subchapter); and

(3) Has filed a claim for benefits in accordance with the provisions of Part

717 (or, after December 31, 1973, Part 725) of this subchapter.

(b) An individual is entitled to have his eligibility for benefits determined under this subchapter if such individual

(1) Is a miner as defined in § 715.101 (a) (5); and

(2) Has filed a claim for benefits (i) in accordance with the provisions of Part 717 of this subchapter after June 30, 1973, but before January 1, 1974, or (ii), after December 31, 1973, in accordance with the provisions of Part 725 of this subchapter.

§ 715.206 Duration of entitlement; miner.

(a) An individual is entitled to benefits as a miner for each month beginning with the first month in which all of the conditions for entitlement prescribed in § 715.205 are satisfied.

(b) The last month for which such individual is entitled to benefits is the month during which either of the following events first occurs:

(1) The miner dies; or

(2) The miner's disability ceases.

(c) A miner's entitlement to Federal payment of benefits under Part B of Title IV of the Act on a claim filed before January 1, 1974 shall terminate on December 31, 1973, unless terminated sooner under paragraph (b) of this section. If not so terminated under paragraph (b) of this section the payment of benefits after December 31, 1973, shall be as provided in Part C of Title IV and Section 415 of Part B of such title and Part 725 of this subchapter.

§ 715.207 Conditions of entitlement; widow or surviving divorced wife.

(a) An individual is eligible for benefits if such individual:

(1) Is the widow or surviving divorced wife of a miner;

(2) Is not married;

(3) Was dependent on the miner at the pertinent time (see § 715.101(c)); and

(4) The deceased miner either:

(i) Was receiving benefits at the time of his death; or

(ii) Died before January 1, 1974, and it is determined that he was totally disabled due to pneumoconiosis at the time of his death, or that his death was due to pneumoconiosis. (See Part 718 of this subchapter.)

(b) An individual meeting the foregoing requirements is entitled to have her eligibility for benefits determined under this subchapter upon filing a claim for such benefits in accordance with the applicable provisions of this subchapter.

§ 715.208 Duration of entitlement; widow or surviving divorced wife.

(a) An individual is entitled to benefits as a widow, or as a surviving divorced wife, for each month beginning with the first month in which all of the conditions of entitlement prescribed in § 715.207 are satisfied;

(b) The last month for which such individual is entitled to such benefit is the month before the month in which

either of the following events first occurs:

- (1) The widow or surviving divorced wife marries; or
- (2) The widow or surviving divorced wife dies; or
- (3) Where the individual qualifies as the widow of a miner under § 410.320 (d) of this title, she ceases to qualify as provided therein.

§ 715.211 Conditions of entitlement; child.

(a) An individual is eligible for benefits if such individual:

- (1) Is the child of:
 - (i) A deceased miner or,
 - (ii) The widow of a miner who was receiving benefits at the time of her death;
- (2) Meets the dependency requirements in § 410.370 of this title;
- (3) Is a child of a miner, and the deceased miner:

(i) Was receiving benefits at the time of his death, or

(ii) His death was due to pneumoconiosis (see Part 718 of this subchapter), or

(iii) At the time of his death was totally disabled by pneumoconiosis;

(4) A child is not entitled to benefits for any month for which a widow of a miner establishes entitlement to benefits.

(5) A child is eligible for survivor benefits on death of a miner only under Part C of Title IV of the Act if the miner died after December 31, 1974.

(b) An individual meeting the foregoing requirements is entitled to have his eligibility for benefits determined under this subchapter upon filing a claim for such benefits in accordance with the applicable provisions of this subchapter.

§ 715.212 Duration of entitlement; child.

(a) An individual is entitled to benefits as a child for each month beginning with the first month in which all of the conditions of entitlement prescribed in § 715.211 are satisfied;

(b) The last month for which such individual is entitled to such benefit is the month before the month in which any one of the following events first occurs:

- (1) The child dies;
- (2) The child marries;
- (3) The child attains age 18, and
- (i) Is not under a disability at that time, and

(ii) Is not a student (as defined in § 410.370 of this title) during any part of the month in which he attains age 18;

(4) If the child's entitlement is based on his status as a student, the earlier of:

(i) The first month during no part of which he is a student, or

(ii) The month in which he attains age 23 and is not under a disability at that time;

(5) If the child's entitlement is based on disability, the first month in no part of which such individual is under a disability.

(c) A child whose entitlement to benefits terminated with the month before

the month in which he attained age 18, or later, may thereafter (provided he is not married) again become entitled to such benefits upon filing application for such reentitlement, beginning with the first month after such termination in which he is a student and has not attained the age of 23.

§ 715.215 Conditions of entitlement; parent, brother or sister.

(a) An individual is eligible for benefits if:

(1) Such individual is the parent, brother, or sister of a deceased miner;

(2) Such individual was dependent on the miner at the pertinent time; and

(3) Proof of support is filed as required under this subchapter or it is shown to the satisfaction of the Secretary that there is good cause for failure to timely file such proof.

(4) In the case of a brother, he also:

(i) Is under 17 years of age; or

(ii) Is 18 years of age or older and is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d), which began before he attained age 18, or in the case of a student, before he ceased to be a student (see 410.370(c) of this title); or

(iii) Is a student (see 410.370(c) of this title); or

(iv) Is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d), at the time of the miner's death;

(5) The deceased miner:

(i) Was entitled to benefits at the time of his death; or

(ii) His death is determined to have been due to pneumoconiosis; or

(iii) At the time of his death he was totally disabled by pneumoconiosis.

(b) (i) A parent is not entitled to benefits if the deceased miner was survived by a widow or child at the time of his death.

(ii) A brother or sister is not entitled to benefits if the deceased miner was survived by a widow, child, or parent, at the time of his death.

(iii) A parent, brother, or sister is eligible for survivor benefits on death of a miner only under Part C of Title IV of the Act if the miner died after December 31, 1974.

(c) An individual meeting the foregoing requirements is entitled to have his eligibility for benefits determined under this subchapter upon filing a claim for such benefits in accordance with the applicable provisions of this subchapter.

§ 715.216 Duration of entitlement; parent, brother, or sister.

(a) A parent, brother, or sister is entitled to benefits beginning with the month all the conditions of entitlement described in § 715.215 are met.

(b) The last month for which such parent is entitled to benefits is the month before the month in which the parent dies.

(c) The last month for which such sister is entitled to benefits is the month before the month in which any of the following events occurs:

(1) She dies;

(2) (i) She marries or remarries; or
(ii) If already married, she receives support in any amount from her spouse.

(d) The last month for which such brother is entitled to benefits is the month before the month in which any of the following events first occurs:

(1) He dies;

(2) (i) He marries or remarries; or
(ii) If already married, he received support in any amount from his spouse;

(3) He attains age 18, and

(i) Is not under a disability at that time, and

(ii) Is not a student (see 20 CFR 410.370(c)) during any part of the month in which he attains age 18;

(4) If his entitlement is based on his status as a student, the earlier of:

(i) The first month during no part of which he is a student; or

(ii) The month in which he attains age 23 and is not under a disability at that time;

(5) If his entitlement is based on disability the first month in no part of which such individual is under a disability.

§ 715.217 "Good cause" for delayed filing of proof of support.

(a) What constitutes "good cause."

"Good cause" may be found for failure to file timely proof of support where the parent, brother, or sister establishes to the satisfaction of the Administration that such failure to file was due to:

(1) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(2) Incorrect or incomplete information furnished the individual by the Office; or

(3) Efforts by the individual to secure supporting evidence without a realization that such evidence could be submitted after filing proof of support.

(b) What does not constitute "good cause." "Good cause" for failure to file timely such proof of support does not exist when there is evidence of record in the Office that the individual was informed that he should file within the prescribed period and he failed to do so through negligence or intended not to file.

§ 715.220 Effect of conviction of felonious and intentional homicide on entitlement to benefits.

An individual who has been finally convicted by a court of competent jurisdiction of the felonious and intentional homicide of a miner or of a widow shall not be entitled to receive any benefits payable because of the death of such miner or widow, and such felon shall be considered nonexistent in determining the entitlement to benefits of other individuals with respect to such miner or widow.

INFORMATION IN PROGRAM RECORDS

§ 715.301 Disclosure of program information and records.

(a) Disclosure of any file, record, report, or other document or information in the custody of the Department of

Labor or any of its officers or employees or in the custody of any person, agency, or organization with whom the Office of Workmen's Compensation programs has entered into an agreement to perform certain functions with respect to the administration of provisions of Title IV of the Act which in any way relates to or is in connection with the administration of such title, shall be made in accordance with the regulations of the Department contained in 29 CFR Part 70, and 29 CFR 1.22.

(b) All records, data, or information of any kind relating to the disability or death of a miner or other person entitled to benefits under the Act and all amendments or extensions thereof, are the official records of the Office of Workmen's Compensation programs and are not records of any other agency, establishment, or department, or of any other component unit of the Department of Labor, making or having the care or use of such records or information. Such records and information are confidential and shall not be disclosed except upon the written approval of the Director of the Office.

2. The proposed Part 718 reads as follows:

PART 718—STANDARDS FOR DETERMINING COAL MINER'S TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

- Sec.
718.1 Statutory provisions.
718.2 The applicable standards.

AUTHORITY: This part issued under authority of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 83 Stat. 792; 86 Stat. 150, and Secretary of Labor's Order No. 13-71, 36 F.R. 8755.

§ 718.1 Statutory provisions.

Under sections 415 and 422 of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, the Secretary of Labor is charged with the duty of adjudicating disability and death claims of coal miners and their surviving dependents for the pneumoconiosis benefits which the Act provides for such individuals. Under section 421 of the Act, the Secretary of Labor is charged with the duty of establishing criteria for determining whether workmen's compensation laws of the States provide adequate coverage for pneumoconiosis and for determining which such laws meet these criteria. The Act requires the Secretary of Labor, in his performance of these functions, to apply or provide for application of standards for determining whether a coal miner is totally disabled due to pneumoconiosis, was totally disabled due to pneumoconiosis at the time of his death, or died from pneumoconiosis which accord with those promulgated by the Secretary of Health, Education, and Welfare pursuant to and in conformity with the provisions of sections 402(f) and 411 of Title IV of such Act.

§ 718.2 The applicable standards.

The standards applicable for determining, under the provisions of this subchapter and sections 415 and 422 of the Federal Coal Mine Health and Safety Act, as amended, whether a coal miner is totally disabled due to pneumoconiosis, was totally disabled due to pneumoconiosis at the time of his death, or died from pneumoconiosis, are those promulgated by the Secretary of Health, Education, and Welfare as set forth in Subpart D of Part 410 of Chapter III, Title 20, Code of Federal Regulations. Pursuant to section 421 of such Act and Part 722 of this subchapter, a workmen's compensation law of a State will not be considered to provide adequate coverage for pneumoconiosis unless its standards for making the foregoing determinations are substantially equivalent to those set forth in Part 410 of this title.

3. The proposed Part 720 reads as follows:

PART 720—DETERMINATION OF BLACK LUNG BENEFITS CLAIMS UNDER SECTION 415 OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AND PAYMENT OF BENEFITS TO CLAIMANTS

Subpart A—General

INTRODUCTION

- Sec.
720.100 Statutory provisions.
720.101 Scope of this part.
720.102 Applicability of other parts in this subchapter.

PREPARATION AND FILING OF CLAIMS FOR ADJUDICATION

- 720.110 Action to be taken by the Office—General.
720.111 Action to be taken by the Office—Miner's claim.
720.112 Filing of claim with deputy commissioner.
720.113 Notification of operators.
720.114 Operator's response to notification.
720.120 Final adjudication; no responsible operator.
720.121 Filing claim under State workmen's compensation law.

**Subpart B—Adjudicatory Process
GENERAL INFORMATION REGARDING**

PROCEDURES

- 720.200 Initial procedures; claims examiners.
720.205 Definitions; adjudication officers.
720.210 Parties in interest.
720.212 Party amicus curiae.

PREHEARING CONFERENCES

- 720.220 Nature of conferences.
720.225 Purpose of conferences.
720.230 Notification of parties.
720.235 Time and place of conference.
720.240 Preparation for conferences; examiner.
720.245 Cancellation of conferences.
720.250 Attendance at conferences.
720.255 Participation by the examiner.
720.260 File record.
720.270 Memorandum of conference.
720.275 Reply to memorandum of conference.
720.280 Informal disposition.
720.285 Formal adjudication without a hearing.

FORMAL HEARING

- Sec.
720.290 Type of hearings; parties.
720.300 Representation of parties.
720.305 Qualifications of representative.
720.310 Authority of representative.
720.315 Fees for legal services.
720.320 Disqualification of hearing officer.

HEARING PROCEDURE

- 720.330 Right to a hearing.
720.335 Request for hearing.
720.340 No hearing requested or ordered.
720.345 Notice of hearing.
720.350 Hearing on new issues.
720.355 Time and place of hearing.
720.360 Change of time and place for hearing.
720.365 Transfer of cases.
720.370 Conduct of hearings.
720.375 Evidence.
720.380 Witnesses.
720.385 Depositions; interrogatories.
720.390 Witness fees.
720.395 Oral argument and written allegations.
720.400 Powers of deputy commissioners.
720.405 Record of hearing.
720.410 Certification of record for judicial review.
720.415 Joint hearings.
720.420 Consolidated issues.
720.425 Costs in proceedings brought without reasonable grounds.
720.430 Waiver of right to appear and present evidence.
720.435 Dismissal of request for hearing; by application of party.
720.440 Dismissal by abandonment of party.
720.445 Dismissal for cause.
720.450 Notice of dismissal and right to request review thereon.
720.455 Effect of dismissal.
720.460 Vacation of dismissal of request for hearing.

COMPLETION OF FINAL ADJUDICATION

- 720.465 Final decision and order.
720.470 Form of final decision and order.
720.475 Contents of final decision and order.
720.485 Interlocutory matters to be disposed of without formal orders.
720.490 Reconsideration and modification of awards.
720.495 Right to reconsideration.
720.500 Notice of request for reconsideration, time limits.
720.505 Grant or denial of request.
720.510 Issues considered.
720.515 Reconsideration proceeding.
720.520 Modification of award.
720.525 Finality of orders.
720.530 Judicial review; appeal from final decision and order.

Subpart C—Payment of Benefits

- 720.600 Duration of applicability of this payment scheme.
720.603 Application effective for entire month of submission.
720.605 Payees.
720.610 Payment periods.
720.615 Payment on behalf of another; "Legal Guardian" defined.
720.620 Benefit rates.
720.625 Certification to dependent of augmentation portion of benefit.
720.630 Modification of benefit amounts; general.
720.635 Reductions; receipt of State benefit.
720.640 Reductions; excess earnings.
720.645 Reductions; retroactive effect of an additional claim for benefits.
720.650 More than one reduction event.
720.655 Nonpayment of benefits to residents of certain States.
720.660 Overpayments.

Sec.	
720.665	Notice of right to waiver consideration.
720.670	When waiver of adjustment or recovery may be applied.
720.675	Standards for waiver of adjustment or recovery.
720.680	Collection and compromise of claims for overpayment.
720.685	Underpayments.
720.690	Relation to provisions for reductions or increases.
720.695	Payments on behalf of an individual.
720.700	Submission of evidence by representative payee.
720.705	Responsibility of representative payee.
720.710	Use of benefits for current maintenance.
720.715	Conservation and investment of payments.
720.720	Use of benefits for beneficiary in institution.
720.725	Support of legally dependent spouse, child, or parent.
720.730	Claims of creditors.
720.735	Accountability.
720.740	Transfer of accumulated benefit payments.

AUTHORITY: The provisions of this Part 720 issued under Title IV, Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901, et seq., as amended by Public Law 92-303, 86 Stat. 156.

Subpart A—General

INTRODUCTION

§ 720.100 Statutory provisions.

(a) Title IV of the Federal Coal Mine Health and Safety Act of 1969 as amended by the Black Lung Benefits Act of 1972 provides for the payment of prescribed benefits to coal miners who are totally disabled due to pneumoconiosis and to surviving widows, children, parents, brothers, and sisters as provided in the Act in case of death of a coal miner who is receiving disability benefits under the Act or is totally disabled by pneumoconiosis at the time of his death or whose death is due to pneumoconiosis.

(b) Part B of Title IV of the Act provides for the determination and the payment by the Federal Government of such benefits on disability claims filed before January 1, 1974, and on death claims filed before such date or within 6 months of the death of a miner who dies before such date, whichever is the later date. In the case of claims filed before such terminal date, Federal payment of benefits to which entitlement is established under Part B of Title IV of the Act continues beyond such terminal filing date so long as the claimant remains eligible therefor, except in those cases which are subject to special provisions terminating liability for Federal payment of benefits under Part B at the end of the Part B filing period with respect to claims therefor which were not filed before July 1, 1974.

(c) In the case of claims for benefits under Part B of Title IV of the Act filed after June 30, 1973, and subject to the special provisions mentioned in paragraph (b), section 415 of Part B provides for the filing of such claims at the places and in the manner provided by joint regulations of the Secretary of Labor and

the Secretary of Health, Education, and Welfare and for the transfer of such claims to the Secretary of Labor who is to determine such claims in accordance with the procedures provided in section 415 and regulations promulgated thereunder by the Secretary after consultation with the Secretary of Health, Education, and Welfare. Under section 415, benefits to which the claimant is determined to be entitled under Part B of Title IV are to be paid by the Secretary of Labor for the period from the filing date to the date of termination of Federal Part B payments as provided in the special provisions mentioned in paragraph (b). For periods thereafter, liability for continued payment of benefits is placed in the responsible coal mine operators as determined in accordance with Part C of Title IV of the Act and section 422 thereof or, if a workmen's compensation law of a State is found by the Secretary to provide adequate coverage for pneumoconiosis, under such workmen's compensation law as provided in section 421 of Part C. (The Department has determined, pending an opinion by the Attorney General as to the meaning of section 422(e) of the Act, that the Federal Government shall be required to pay all benefits to which an individual is entitled for any period subsequent to December 31, 1981, provided that a claim for benefits has been filed with the Department prior to January 1, 1982). For any periods after December 31, 1974 when the payment by a responsible operator of benefits to which the claimant is found entitled pursuant to section 415 of the Act is not assured, or the payment of equivalent or greater benefits under an applicable State workmen's compensation law is not assured, the Secretary of Labor is to make benefit payments from Federal funds pursuant to the provisions of section 415 of Part B and section 424 of Part C as appropriate. These provisions are intended to assure the uninterrupted receipt of benefits by claimants filing therefor on or after July 1, 1973 during the period of transition from full Federal liability for benefits under Part B of Title VI to mine operators' liability under Part C or under adequate State workmen's compensation laws identified as provided in Part C.

(d) Part C of title IV of the Act makes provision for payment of pneumoconiosis disability and death claims filed on or after January 1, 1974. Under the provisions of Part C, in States having a workmen's compensation law meeting the criteria set forth in Part 722 of this subchapter, such claims are to be filed pursuant to such State law. In periods when no such law is applicable, the Secretary of Labor is charged with administering a program following the provisions of the Longshoremen's and Harbor Workers' Compensation Act under which responsibility for payment of pneumoconiosis benefits is placed upon operators of coal mines in which the miners who contracted pneumoconiosis were employed. Benefit payments by the Secretary of Labor are made in cases where payments

to which a claimant is entitled are not available from the sources specified.

§ 720.101 Scope of this part.

This part sets forth in Subpart B, the rules which will be applied by the Secretary of Labor in the adjudication, under section 415 of Part B of title IV of the Act, of claims for pneumoconiosis benefits under such Part B which are filed within the period permitted for filing of such claims but after June 30, 1973. Subpart C of this part sets forth the rules under which the Secretary of Labor will provide for payment of benefits to claimants determined to be entitled thereto pursuant to the rules in Subpart B.

§ 720.102 Applicability of other parts in this subchapter.

(a) Part 715 of this subchapter contains general provisions, including definitions of terms, which are applicable to the rules set forth in this part.

(b) Part 718 of this subchapter contains the joint regulations of the Secretary of Labor and the Secretary of Health, Education, and Welfare with respect to the place and manner of filing claims under Part B of title IV of the Federal Coal Mine Health and Safety Act, as amended, on and after July 1, 1973, for determination by the Secretary of Labor under the adjudicatory process set forth in Subpart B of this part and for payment of benefits as provided in Subpart C of this part and section 415 of the Act.

(c) Part 717 of this subchapter identifies the standards which will be applied by the Secretary of Labor in the adjudicatory process under title IV of the Act as set forth in Subpart B of this part, in making determinations as to whether a coal miner is totally disabled due to pneumoconiosis was totally disabled due to pneumoconiosis at the time of his death, or died from pneumoconiosis.

PREPARATION AND FILING OF CLAIMS FOR ADJUDICATION

§ 720.110 Action to be taken by the Office—General.

When a claim filed pursuant to the provisions of Part 717 of this subchapter has been received by the Office from the filing office it shall be examined together with the supporting evidence transmitted with respect thereto. The office shall promptly take such further action as may be necessary to assure that sufficient information, medical evidence, and a properly executed claims form have been submitted and that the claim is complete and ready for adjudication. The claim and supporting documents shall then be filed with the deputy commissioner. In the following sections the action to be taken in circumstances described therein is set forth in more detail.

§ 720.111 Action to be taken by the Office—miner's claim.

(a) Upon receipt by the Office of Workmen's Compensation Programs of a completed medical report form CM-904, the Office shall tentatively determine

whether the medical evidence of record indicates an impairment for which benefits may be paid as determined with reference to standards promulgated by the Secretary of Health, Education, and Welfare as Subpart D of Part 410 of this title (see Part 718 of this subchapter, which incorporates these standards).

(b) If it appears that the claimant may be considered disabled in accordance with the standards published in Subpart D of Part 410 of this title, then the claim shall be prepared for filing and filed with the deputy commissioner as provided in § 720.112 pending the receipt of any additional evidence developed and obtained pursuant to § 717.123 of this subchapter and the notification and reply of any possibly responsible operator as provided in §§ 720.113 and 720.114.

(c) In cases where the medical evidence received by the Office in respect to any claim does not indicate an impairment sufficient under the Department of Health, Education, and Welfare medical criteria (see Part 718 of this subchapter) to support a claim for benefits, the claimant will be advised of the deficiency in his claim and invited to submit any additional medical evidence. Any additional medical evidence shall be secured at the Department's expense.

(d) In the event that the medical evidence received by the Office pursuant to 717.122 of this subchapter does not provide credible support for the miner's claim for benefits the district office processing the claim shall be instructed to discontinue evidentiary investigations until further notice.

(e) If a miner whose claim is not considered to be supported by the medical evidence desires a formal hearing on the issue of his disability under the standards set forth in Subpart D of Part 410 of this title, the claim will be made ready for filing with the deputy commissioner and filed with him as provided in § 720.112. Thereafter a hearing or informal conference may be arranged pursuant to Subpart B.

§ 720.112 Filing of claim with deputy commissioner.

After the Office of Workmen's Compensation Programs has received a completed claim form and a completed medical evaluation report and has determined informally that a valid claim for benefits under the Act has been made, the Office will make a tentative determination on the basis of information contained in the claim and any other available information, as to the identity or probable identity of any coal mine operator who may be liable for the payment of black lung benefits to the claimant for any month after December 31, 1973.

§ 720.113 Notification of operators.

(a) Upon the filing of the claim with the deputy commissioner, each coal mine operator who has been tentatively identified as an operator who may have such liability will be notified of the pending claim, of his possible liability, and of the provisions of section 415(a)(5) of the

Act. This notification will be made by certified mail, with proof of delivery requested.

(b) Such notification will include a copy of claimant's completed claim form, the medical evaluation report from an approved physician, and a cover letter informing the operator of the tentative determination of his possible liability for the claim and notice that he may present evidence relevant to determination of the claim pursuant to the procedures provided for such determination if he so requests within 20 calendar days from the date of mailing of this notice.

§ 720.114 Operator's response to notification.

(a) Within the 20-day period described in § 720.270 a notified coal mine operator shall respond to the notice.

(b) If the operator does not desire to present any evidence relevant to determination of the claim or desires the opportunity to do so, he shall so state either:

(1) By letter mailed to the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211; or

(2) By completing and mailing form CM-902 (Employers First Report and Answer to Claim for Benefits) to such address.

(c) If a notified operator questions his liability for payment of benefits to the claimant for any period after December 31, 1973, he shall so state by transmitting to the Office a completed form CM-902 setting forth generally his reasons for questioning such liability along with a detailed description of any evidence relied upon to negate his liability.

(d) A notified operator whose response indicates a desire to present evidence relevant to the claim or raises questions regarding his possible liability for payment of benefits to the claimant shall be considered a party in interest for purposes of adjudicatory proceedings with respect to the claim (see § 720.310).

§ 720.120 Final adjudication; no responsible operator.

(a) If after the Office has received all the evidence developed with respect to a claim and there is no identifiable responsible operator, the Office shall proceed to a final adjudication of a claim pursuant to Subpart C of this Part 720.

(b) If at this point there is no dispute over the claimant's eligibility and entitlement to benefits, the deputy commissioner shall summarily issue his findings of fact, conclusions of law and order approving the claim, and commencing the payment of benefits pursuant to §§ 720.200-720.230.

§ 720.121 Filing claim under State workmen's compensation law.

(a) A claimant for benefits under this part must file a claim under the applicable State workmen's compensation law prior to a final decision on his claim for benefits under this part except where the filing of a claim under the applicable State workmen's compensation law would clearly be futile.

(b) The Office of Workmen's Compensation programs shall determine that the filing of such a claim would clearly be futile when:

(1) The period within which such a claim may be filed under such law has expired; or

(2) Pneumoconiosis as defined in 715.101(a)(3) of this subchapter is not compensable under such law; or

(3) The maximum amount of compensation or the maximum number of compensation payments allowable under such law has already been paid; or

(4) The claimant does not meet one or more conditions of eligibility for workmen's compensation payments under applicable State law; or

(5) In any other situation the claimant establishes to the satisfaction of the Office that the filing of a claim on account of pneumoconiosis would result as a matter of law in a denial of his claim for compensation under such law.

(c) To be considered to have complied with the requirement for filing a claim under the applicable State workmen's compensation law, a claimant for benefits under this part must diligently prosecute such State claim.

(d) Where, but for the failure to file a claim under the applicable State workmen's compensation law, an individual's claim for benefits under this part would be allowed, the Office shall notify the individual in writing of the need to file such State claim as a prerequisite to such allowance. Such claim, when filed within 30 days of the date such notice is mailed to the individual, will be considered to have been filed timely.

(e) Where, on the other hand, a claim has not been filed under the applicable State workmen's compensation law, and the Office determines that a claim for benefits under this part would be disallowed even if a State claim were filed, the Office shall make such determination as may be necessary for the adjudication of the individual's claim for benefits under this part.

Subpart B—Adjudicatory Process

GENERAL INFORMATION REGARDING PROCEDURES

§ 720.200 Initial procedures; claims examiners.

(a) Each claim for benefits under this part, when it is received by the Office of Workmen's Compensation programs, will be assigned to a claims examiner. The claims examiner will be responsible for compiling the case record, notifying any operator who may be liable to pay benefits to the claimant after December 31, 1973, of the pendency of the claim, notifying a claimant of any deficiency in the medical record, scheduling and conducting prehearing conferences pursuant to this Subpart B, effecting the settlement or compromise of disputes, whenever possible, at the prehearing stage, drafting proposed findings of fact, conclusions of law and orders and submitting these to the designated deputy commissioner for cases in which no further proceedings are necessary beyond the prehearing stage,

and making recommendations in respect to any case for which a formal hearing is to be conducted.

(b) In the event that there are contested issues of fact in any case, those issues generally will be resolved by the following procedure:

(1) If in the opinion of the claims examiner the medical evidence does not support the claim for benefits, the claimant will be given an opportunity to submit additional medical evidence at the expense of the Department of Labor (see § 720.111). If the additional evidence is still insufficient in the examiner's opinion to support the claim and no resolution may or might be reached at the prehearing stage, the case will be forwarded to a deputy commissioner who will conduct a hearing pursuant to this Subpart B and issue a final order granting or denying the claim, or remanding the case to the Office for further evidentiary development or for the completion of the case record when appropriate.

(2) The claims examiner will make every effort to resolve any dispute at a prehearing conference conducted pursuant to this Subpart B. If no resolution can be achieved at the prehearing stage the case will be forwarded with the claims examiner's recommendation to a deputy commissioner who will schedule and conduct a formal hearing pursuant to this Subpart B and issue a formal order granting or denying the claim, and when appropriate, establishing the identity of any operator or operators who will either be liable or not liable for payment of benefits to the claimant for any periods after December 31, 1973.

(c) In the event that there are no contested issues of fact or law the claims examiner will prepare a proposed findings of fact, conclusions of law, and order granting or denying benefits when appropriate establishing the identity of any operator or operators who will be liable for payments of such benefits for any periods after December 31, 1973. These proposed recommendations will then be forwarded to a deputy commissioner who will either approve and sign the proposed order or take any other action he deems appropriate including the return of the case to the claims examiner if further development is necessary. If the proposed order is signed by a deputy commissioner it will become a final order pursuant to § 720.465 of this Subpart B.

§ 720.205 Definitions; adjudication officers.

(a) *Claims examiner.* The claims examiner is a designated official of the Office of Workmen's Compensation programs of the Department of Labor authorized to make initial recommendations for determinations with respect to any case and to insure that any case is developed and processed according to these regulations.

(b) *Deputy commissioner.* The deputy commissioner is that officer of the Office of Workmen's Compensation programs authorized to conduct formal hearings

with respect to any case and to issue all final orders and decisions.

(c) *Office of the Solicitor* means the Office of the Solicitor of the U.S. Department of Labor.

§ 720.210 Parties in interest.

(a) No person except a duly authorized official of the Department of Labor or as otherwise provided in paragraph (b) or (c) of this section or § 720.212 may participate at any stage of the adjudicatory process unless that person is a party in interest. The individuals who may be a party in interest are:

- (1) The claimant;
- (2) The claimant's authorized representative pursuant to § 720.300;
- (3) A dependent who may be entitled to augmented benefits pursuant to §§ 715.211, 715.215 of this subchapter;
- (4) Any coal mine operator who has been notified pursuant to § 720.113 of his possible liability to the claimant for benefits payable for any month after December 31, 1973; and
- (5) Any insurance carrier of such operator.

(b) Any other individual may be made a party in interest if that individual's rights with respect to benefits may be prejudiced by the decision, upon notice given to him by the deputy commissioner to appear at the hearing or otherwise present evidence as to fact or law as he may desire in support of his interest.

(c) A widow or representative of a decedent's estate, who makes a showing in writing that an individual's rights with respect to benefits may be prejudiced by a decision that may be made, may be a party in interest.

(d) Any coal mine operator or prior operator or insurance carrier who has not been notified pursuant to § 720.113 and who makes a showing in writing that its rights may be prejudiced by any final decision of the deputy commissioner may in the discretion of the deputy commissioner be made a party in interest.

§ 720.212 Party amicus curiae.

At the discretion of the deputy commissioner assigned any case and upon the recommendation of the Solicitor of Labor, a party not named in § 720.310 may be allowed to participate, fully or partially, in a formal hearing only, as to an issue of law. If a party wishes to participate amicus curiae in a formal hearing he shall request such status in writing with supporting arguments at least 10 days prior to the hearing. If the request is granted, the deputy commissioner will inform the party the extent to which he may participate. The request may, however, be denied summarily and without explanation.

PREHEARING CONFERENCES

§ 720.220 Nature of conferences.

(a) In cases which cannot be disposed of summarily and on the record, prehearing conferences are to be scheduled to expedite the handling of contested issues and to avoid, whenever possible, the need for formal hearings.

(b) The proceedings are to be informal and are presided over by a claims examiner. Testimony is not stenographically reported. The parties in interest are not required to be represented by counsel, but may be so represented if they desire. The conference is not a formal hearing and witnesses may not be produced.

§ 720.225 Purpose of conferences.

The purposes of a prehearing conference are:

- (a) To amicably dispose of controversies whenever possible;
- (b) To narrow issues; and
- (c) To simplify the subsequent methods of proof.

§ 720.230 Notification of parties.

When, after reviewing the record, the claims examiner assigned the case determines that a prehearing conference might fulfill one or more of the purposes listed in § 720.225 he shall notify all parties in interest that a conference has been called. Conferences may be called upon at least 10 days notice to the parties in interest or a shorter period if agreed upon by the parties. In any event, the examiner shall make every effort to give all parties sufficient notice to insure that the conference will be productive.

§ 720.235 Time and place of conference.

The claims examiner shall assign a definite time and place for the prehearing conference and shall include this information in his notice to the parties. Whenever practicable the conference should be held in the area of the claimant's residence and be convenient to public transportation.

§ 720.240 Preparation for conferences; examiner.

Prior to scheduling a conference the examiner shall review his file to be certain that it contains all the necessary material to insure that the conference will be productive. His file should contain information submitted by the parties in interest indicating that they have made every possible effort to resolve all the issues and delineating the issues which are still unresolved and which require a conference. The file should also contain copies of all medical reports from all parties in interest and there should be evidence in the file that the parties have exchanged all medical reports and any other material pertinent to the case. If this information does not appear in the file the examiner may advise the parties of these requirements and postpone the setting of the conference.

§ 720.245 Cancellation of conferences.

Any party may request cancellation and rescheduling of a conference upon 5 days written notice prior to the conference date sent to the Office or the claims examiner assigned the case. Such request shall state the reasons warranting cancellation. The claims examiner may, if reasonable cause is shown, grant

the request, but when all parties agree to the cancellation, it shall be granted.

§ 720.250 Attendance at conferences.

(a) The claimant and/or his representative and any operator whose liability for payment of benefits after December 31, 1973 may be determined by a final order in the case and/or the operator's insurance carrier and/or their representatives must attend all prehearing conferences.

(b) Any representative of an operator or of an operator's insurance carrier must have sufficient authority to expedite settlement.

§ 720.255 Participation by the examiner.

A characteristic of an informal conference under the Act is the active participation in the proceedings by the claims examiner. It is his responsibility to see that the conference is productive. He shall assist the parties whenever possible by answering questions pertaining to the law and offer compromises for the parties to consider. He shall direct the discussion of the parties. He has the authority to conduct direct examinations of the claimants, operators whose liabilities may be determined, and their insurance carriers' representatives and he may conduct such examinations whenever necessary.

§ 720.260 File record.

(a) During the course of the conference the examiner shall take notes upon which to base his written memorandum of conference. The information which must appear in the memorandum of conference is:

- (1) Date, time, and place of conference;
- (2) Names, addresses, telephone numbers, and status (i.e., claimant, attorney, operator, carriers representatives, etc.), of all persons attending the conference;
- (3) Reason why conference was held;
- (4) Issues discussed at conference;
- (5) Additional material presented (i.e., medical reports, employment reports, marriage certificates, birth certificates, etc.);
- (6) Issues resolved at conference; and
- (7) Examiner's recommendation.

§ 720.270 Memorandum of conference.

At the conclusion of the conference the examiner shall issue a comprehensive but brief memorandum summarizing the conference for the record. Carbon copies of the memorandum shall be sent to all parties in interest. The memorandum of conference shall contain the examiner's final recommendations for settlement of all disputed issues and any other information listed in § 720.260. A copy of the memorandum shall be sent to each party in interest no more than 20 days after the date in which the conference is terminated.

§ 720.275 Reply to memorandum of conference.

Each party shall in writing either accept or reject in part or in whole the examiner's recommendations, stating in

appropriate cases the reasons for rejecting any recommendation. If no reply is received within 10 days from the date on which the recommendations were sent to the parties, the recommendations shall be deemed rejected. If the recommendations are not wholly agreed upon, the claims examiner or any party may request a formal hearing. If it appears that final settlement might be reached without formal hearing, the claims examiner may schedule one or more additional prehearing conferences pursuant to § 720.220-720.285, notwithstanding a party's request for formal hearing.

§ 720.280 Informal disposition.

If the issues in the case are successfully disposed of by the conference method and the parties comply with the recommendation, further action on the case may then be suspended. This is referred to as an informal disposition of a claim. This does not constitute a formal adjudication of a claim. For a formal adjudication of a claim, a compensation order is issued by a deputy commissioner either after a formal hearing or upon stipulation by the parties.

§ 720.285 Formal adjudication without a hearing.

If the parties in interest indicate that they are willing to dispose of the issues in the case based on the recommendations made, but desire a formal adjudication of the claim by compensation order, the claims examiner shall obtain stipulations to this effect signed by the parties. The stipulations shall contain all the information required for inclusion in a formal order and shall show that the parties agree that a final order may be issued by the deputy commissioner without a formal hearing. The claims examiner shall then proceed to prepare a proposed final decision and order based on the stipulations for the deputy commissioner's signature. In appropriate cases the deputy commissioner may remand the case to the claims examiner with instructions for further development.

FORMAL HEARING

§ 720.290 Type of hearings; parties.

In contested cases for which a formal hearing is deemed necessary, the hearing shall be conducted by a deputy commissioner from the Office of Workmen's Compensation programs. The necessary parties to this hearing are the deputy commissioner and all parties in interest or their designated representatives, except that any party may in writing or on the record at the hearing waive his right to be heard as to any or all issues.

§ 720.300 Representation of parties.

Each of the parties in interest shall appoint an individual to represent his interest at any formal hearing. Such appointment shall be made in writing or on the record at the hearing. A written notice appointing a representative shall be signed by the party in interest or his legal guardian and shall be sent to the Office or to the appropriate claims examiner or deputy commissioner. In any

case such representative must be qualified under § 720.305.

§ 720.305 Qualifications of representative.

(a) *Attorney.* Any attorney in good standing who is admitted to practice before a court of a State, territory, district or insular possession or before the Supreme Court of the United States or other Federal court and is not, pursuant to any provision of law, prohibited from acting as a representative may be appointed as a representative.

(b) *Other person.* Any other person with the approval of the deputy commissioner may be appointed as a representative so long as that person is not, pursuant to any provision of law, prohibited from acting as a representative.

§ 720.310 Authority of representative.

A representative, appointed and qualified as provided in §§ 720.305 and 720.310 may make or give, on behalf of the party he represents, any request or notice relative to any proceeding before a deputy commissioner under Part B of Title IV of the Act, including reconsideration, hearing and review, except that such representative may not execute a claim for benefits, unless he is a person designated in § 717.101 as authorized to execute a claim. A representative shall be entitled to present or elicit evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to the claim of such party to the same extent as such party. Notice of any party of any administrative action, determination, or decision, or request to any party for the production of evidence may be sent to the representative of such party, and such notice or request shall have the same force and effect as if it had been sent to the party represented.

§ 720.315 Fees for legal services.

No fee for legal services rendered in respect of a claim or award for benefits shall be valid unless approved by the deputy commissioner, or if proceedings for review of the order of the deputy commissioner in respect of such claim or award are had before any court, unless approved by such court. Any claim for legal services so approved shall, in the manner and to the extent fixed by the deputy commissioner or court, be a lien upon the award of benefits. No contract for a stipulated fee or for a fee on a contingent basis will be recognized, and no fee shall be approved except upon an application to the deputy commissioner supported by a complete statement of the extent and character of the necessary work done on behalf of the claimant. Except where the claimant has been advised that representation will be rendered without charge, the fee approved by the deputy commissioner shall be reasonably commensurate with the actual necessary work performed by the representative, taking into account the capacity in which the attorney has appeared, the amount of benefits involved and the financial circumstances of the claimant.

§ 720.320 Disqualification of hearing officer.

No deputy commissioner shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party may have to the deputy commissioner who will conduct the hearing, shall be made by such party at his earliest opportunity. The deputy commissioner shall consider such objection and shall, in his discretion, either proceed with the hearing or withdraw. If the deputy commissioner withdraws, another deputy commissioner shall be designated by the Director of the Office of Workmen's Compensation programs.

HEARING PROCEDURE

§ 720.330 Right to a hearing.

(a) An individual has a right to a formal hearing concerning any issue of fact or law unresolved in a prehearing conference if:

- (1) He is a party in interest as defined in § 720.210; and
- (2) No final disposition of the case has been achieved in prior proceedings.

§ 720.335 Request for hearing.

Any party in interest may in writing request a formal hearing as to any contested issue of fact or law. In addition, a deputy commissioner may on his own initiative order a hearing, when he determines a hearing necessary to protect the rights of any party in interest. If a hearing is requested by any party in interest, that request shall state the reasons for which a hearing is needed and the issues the requesting party intends to discuss and resolve at the hearing. Upon receipt of a request or upon his own initiative the deputy commissioner shall order a hearing.

§ 720.340 No hearing requested or ordered.

If no formal hearing is requested by any party or ordered by the deputy commissioner within 10 days from the close of any prehearing conference the deputy commissioner shall notify the parties by certified mail that he intends to make a final adjudication of the case on the basis of the record and the stipulations made by the parties at the prehearing stage, if any. Each party shall have 10 days from the date of such notice to request a formal hearing describing the issues on which that party desires to be heard. If no request is received by the deputy commissioner within the 10-day period the deputy commissioner shall proceed to a final adjudication of the case and issue an appropriate and formal findings of fact, conclusions of law, and final decision and order.

§ 720.345 Notice of hearing.

In each case in which a hearing is ordered, the deputy commissioner shall, by certified mail give all parties in interest at least 10 days notice of the time and place at which the hearing is to be conducted and the issues to be resolved. No issue may be raised or discussed at a

hearing if the party who must contest the issue has not had at least 10 days notice that the issue was to be raised at the hearing.

§ 720.350 Hearing on new issues.

(a) At any time after a hearing has been ordered but before a final decision has been mailed, the deputy commissioner may in his discretion, either on the application of a party or on his own motion, give notice that he will consider any specified new issue. In such a case the deputy commissioner shall give the parties at least 10 days notice of the hearing on the new issue and shall proceed to hearing on the new issue in the same manner as he would on an issue initially considered.

(b) A hearing on any new issue shall be limited to a discussion of that new issue.

(c) In the event that a new issue is raised at the time any formal hearing is conducted, the party confronted with that new issue may, upon request to the deputy commissioner, be granted a continuance of not less than 5 days with respect to that new issue.

§ 720.355 Time and place of hearing.

(a) The deputy commissioner shall assign a definite time and place for the formal hearing and shall include this information in his notice to the parties. Whenever practicable, the hearing shall be held in the area of the claimant's residence and be convenient to public transportation.

(b) If the claimant's residence is not in any State, the deputy commissioner may in his discretion determine an appropriate location for the hearing.

§ 720.360 Change of time and place for hearing.

The deputy commissioner may change the time and place for the hearing, either on his own motion or for good cause shown by a party. The deputy commissioner may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice to the party of the decision in the case. At least 10 days notice shall be given to the parties of any change in the time or place of hearing or of an adjournment or a reopening of the hearing.

§ 720.365 Transfer of cases.

At any time after a claim has been filed with the Office of Workmen's Compensation Programs, the deputy commissioner or claims examiner having jurisdiction over the claim may, with the approval of the Office, transfer such case to any other office of the Department for the purpose of making investigation, taking testimony, making physical examinations, or the taking of such other necessary action therein as may be directed. Such transfer is to be made in accordance with procedures established by the Office and by certified mail.

§ 720.370 Conduct of hearings.

All hearings shall be attended by the parties or their representatives and such

other persons as the deputy commissioner deems necessary and proper. The deputy commissioner shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the deputy commissioner believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time, prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedure at the hearing generally, except as these regulations otherwise expressly provide, shall be in the discretion of the deputy commissioner and of such nature as to afford the parties a reasonable opportunity for a fair hearing.

§ 720.375 Evidence.

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedures.

§ 720.380 Witnesses.

Witnesses at the hearing shall testify under oath or affirmation or as directed by the deputy commissioner unless they are excused by the deputy commissioner for cause. The deputy commissioner may examine the witnesses and shall allow the parties or their representatives to do so. If the deputy commissioner conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the deputy commissioner shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

§ 720.385 Depositions; interrogatories.

(a) No person shall be required to attend as a witness in any proceeding before a deputy commissioner at a place outside of the State of his residence and more than 100 miles from his place of residence, unless his lawful mileage and fee for 1 day's attendance shall be paid to him in advance of the hearing date.

(b) The testimony of any witness may be taken by deposition or interrogatory according to the rules of practice of the Federal district court for the judicial district in which the case is pending (or of the United States District Court for the District of Columbia if the case is pending in the District).

§ 720.390 Witness fees.

Witnesses summoned in a formal hearing before a deputy commissioner whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. Before any witness fees are paid the deputy commissioner shall determine, in his discretion, that the presence of any witness was necessary. If it is determined that the presence of a witness was not necessary than that witness shall not be entitled to witness fees pursuant to this section.

§ 720.395 Oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Where there is more than one party to the hearing, copies of any brief or other written statement shall be filed in sufficient number that they may be made available to any party.

§ 720.400 Powers of deputy commissioners.

(a) The deputy commissioner shall have power to preserve and enforce order during any such proceedings; to issue subpoenas for, to administer oaths to, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(b) Pursuant to section 27(b) of the Longshoremen's Act as incorporated by sections 415(a) (5) of the Act, if any person in proceedings before a deputy commissioner disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the deputy commissioner shall certify the facts to the Federal district court having jurisdiction in the place in which he is sitting (or to the U.S. District Court for the District of Columbia if he is sitting in such District) which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

§ 720.405 Record of hearing.

All formal hearings shall be open to the public and shall be stenographically reported. All evidence upon which the deputy commissioner relies for his final decision shall be contained in the transcript of testimony either directly or by appropriate reference. All medical reports, exhibits, and any other pertinent document or record either in whole or in material part shall be incorporated into the record either by reference or as an appendix.

§ 720.410 Certification of record for judicial review.

Whenever the record of a hearing shall be required for review or otherwise by any

court of competent jurisdiction, the deputy commissioner shall transmit the record with a certification thereof over his signature as the official record of the case in his custody. The certification shall list each transcript of testimony and other paper included in the certification.

§ 720.415 Joint hearings.

When two or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters in issue at each such hearing and conduct all such hearings fix the same time and place for each hearing and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others and a separate or joint decision shall be made, as appropriate.

§ 720.420 Consolidated issues.

When one or more additional issues are raised by the deputy commissioner pursuant to § 720.350, such issues may, in the discretion of the deputy commissioner, be consolidated for hearing and decision with other issues pending before him upon the same request for a hearing, whether or not the same or substantially similar evidence is relevant and material to the matters in issue. A single decision may be made upon all such issues.

§ 720.425 Costs in proceedings brought without reasonable grounds.

If the court having jurisdiction of proceedings in respect of any claim or final decision and order determines that the proceedings in respect of such claim or order have been instituted or continued without reasonable ground, the costs of such proceedings shall be assessed against the party who has so instituted or continued such proceedings. (See section 26 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1424; 33 U.S.C. 926, and section 415(a) (5) of the Act.)

§ 720.430 Waiver of right to appear and present evidence.

If all parties waive their right to appear before the deputy commissioner and present evidence and contentions personally or by representative, it shall not be necessary for the deputy commissioner to give notice of and conduct an oral hearing. A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the deputy commissioner. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the deputy commissioner, such officer may, nevertheless, give notice of a time and place and conduct a hearing, if he believes that the personal appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case. Where

such a waiver has been filed by all parties, and they do not appear before the deputy commissioner personally or by representative, the deputy commissioner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional relevant and material evidence the party or parties may present in writing for consideration by the deputy commissioner. Such documents shall be considered as all of the evidence in the case and the decision shall be based on them.

§ 720.435 Dismissal of request for hearing; by application of party.

With the approval of the deputy commissioner at any time prior to the mailing of notice of the decision, a request for a hearing may be withdrawn or dismissed upon the application of the party or parties filing the request for such hearing. A party may request a dismissal by filing a written notice of such request with the deputy commissioner or orally stating such request at the hearing.

§ 720.440 Dismissal by abandonment of party.

With the approval of the deputy commissioner, a request for hearing may also be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a request for hearing if neither the party nor his representative appears at the time and place fixed for the hearing and either (a) prior to the time for hearing such party does not show good cause as to why neither he nor his representative can appear or (b) within 10 days after the mailing of a notice to him by the deputy commissioner to show cause, such party does not show good cause for such failure to appear and failure to notify the deputy commissioner prior to the time fixed for hearing that he cannot appear.

§ 720.445 Dismissal for cause.

The deputy commissioner may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata*. Where there has been a previous determination or decision by the Secretary with respect to the rights of the same party on the same facts pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, upon the claimant's failure timely to request reconsideration, or hearing, or to commence a civil action with respect to such determination or decision.

(b) *No right to hearing*. Where the party requesting a hearing is not a proper party under § 720.210 or does not otherwise have a right to a hearing under § 720.330.

§ 720.450 Notice of dismissal and right to request review thereon.

Notice of the deputy commissioner's dismissal action shall be given to the parties or mailed to them at their last known addresses, within 20 days from the date on which the hearing was scheduled. Such notice shall advise the parties of their right to request reconsideration of the dismissal action by the deputy commissioner pursuant to §§ 720.490-720.550.

§ 720.455 Effect of dismissal.

The dismissal of a request for hearing shall be final and binding unless vacated.

§ 720.460 Vacation of dismissal of request for hearing.

A deputy commissioner may, on request of the party and for good cause shown, vacate any dismissal of a request for hearing at any time within 3 months from the date of mailing notice of the dismissal to the party requesting the hearing at his last known address.

COMPLETION OF FINAL ADJUDICATION

§ 720.465 Final decision and order.

Within 20 days after the close of a hearing the deputy commissioner shall by order reject the claim or make an award in respect of the claim.

§ 720.470 Form of final decision and order.

(a) Orders adjudicating claims for benefits or suspending payments of benefits shall be designated by the term "final decision and order" followed by a descriptive phrase designating the particular type of such order, such as "award of benefits," "rejection of claim," "suspension of benefits," "modification of award." All final decisions and orders shall contain the name of the office and agency, the names of the parties in interest, a statement of the basis for the order (that is, whether upon a claim, an application for suspension of benefits, an application of award, etc., with a statement by whom made, and whether a hearing was held or applied for), findings of fact, an award, rejection, or other appropriate paragraph containing the action of the deputy commissioner, and appended thereto shall be a paragraph headed "proof of service," containing the certification of the deputy commissioner that a copy of the final decision and order was on a date stated sent by certified mail, with the names and addresses of the parties to whom sent. Final decisions and orders shall be signed by the deputy commissioner at two places, (1) following the action paragraph, and (2) following the certification under the "proof of service."

(b) Copies of final decisions and orders shall be served personally or by certified mail upon the claimant, and upon any operator and his insurance carrier when applicable at the last known address of each.

§ 720.475 Contents of final decision and order.

(a) Findings of fact. All original final decisions and orders shall contain, in the

paragraph headed "findings of fact," findings with respect to the names and addresses of the parties in interest, the dates and places of employment pertinent to the claim, the circumstances surrounding the coal miner's exposure to respirable coal dust, the nature and extent of the disability, notice of total disability or death, and such other facts as may be necessary to determine all of the issues raised before the deputy commissioner upon the hearing of the case or otherwise, but in case of rejection of the claim the deputy commissioner may in his discretion omit any findings unnecessary to support such action. In cases in which the claim is rejected, the ground for such rejection shall be stated in a paragraph following the findings of fact.

(b) In orders other than the original order, the statement of the basis for the order shall contain reference to all prior orders with the dates thereof. In such orders the findings of fact shall relate only to the immediate issues before the deputy commissioner, without restatement of facts found in any prior order relating to the same disability or death, unless necessary for the completeness of the order.

(c) Findings of fact shall be stated positively; that is, without equivocation or qualification.

(d) Conclusions of law. All final decisions and orders shall contain after the findings of fact a paragraph entitled conclusions of law. This paragraph shall, when appropriate, contain statements of all ultimate facts necessary to support the action of the deputy commissioner. This paragraph shall contain among other things a statement as to the claimant's eligibility for benefits and, when appropriate, a statement asserting or denying the liability of an operator or his insurance carrier for the payment of benefits to the claimant for any periods after December 31, 1973.

§ 720.485 Interlocutory matters to be disposed of without formal orders.

Final decisions and orders or other formal orders shall not be made or filed with respect to interlocutory matters of a procedural nature arising during the pendency of a case where benefits have been claimed.

§ 720.490 Reconsideration and modification of awards.

(a) Any party in interest dissatisfied with the final decision and order of a deputy commissioner, may request a reconsideration of such final decision and order.

(b) In addition, the deputy commissioner who finally determined the case, may institute a reconsideration of that case.

§ 720.495 Right to reconsideration.

Any party named in § 720.210 may initiate or request reconsideration of any final decision and order on the following grounds exclusively:

(1) That there has been a material change in the conditions upon which the final decision and order was based;

(2) That there has been a material mistake in a determination of fact by the deputy commissioner; or

(3) That there has been a mistake in a conclusion or determination of law in the final decision and order.

There are no other grounds upon which a reconsideration proceeding may be based.

§ 720.500 Notice of request for reconsideration, time limits.

(a) In the event that a party in interest requests reconsideration of a final decision and order he shall do so in writing, stating the supporting rationale for the request and including any new material pertinent to the request.

(b) The request shall be sent or delivered in person to the Office of Workmen's Compensation programs, Washington, D.C.

(c) No request for reconsideration shall be considered if filed more than 1 year after the date of the last payment of benefits, or more than 1 year after the rejection of a claim.

§ 720.505 Grant or denial of request.

(a) All requests for reconsideration shall be reviewed by a deputy commissioner and shall be granted if one or more of the criteria listed in § 720.491 is met. In the event that no one of the criteria listed in § 720.491 is met or the request is not timely pursuant to § 720.500 the request shall be denied. If a request is denied the deputy commissioner shall within 30 days from the date the request was received notify the requesting party by certified mail of such denial and the reasons therefor. Each denial of a request shall contain a paragraph describing the availability of judicial review.

(b) In the event that a request is granted the deputy commissioner shall within 30 days from the date the request was received notify all parties in interest that the case is to be reconsidered. Such notification shall be by certified mail and shall contain copies of all papers submitted in support of the request.

§ 720.510 Issues considered.

The reconsideration proceeding may not be a de novo review of the entire prior adjudication unless such review is warranted by the nature of the request in light of the criteria listed in § 720.495.

§ 720.515 Reconsideration proceeding.

A request for reconsideration, if approved, shall be processed in accordance with the procedures prescribed in respect of new claims in this Subpart B.

§ 720.520 Modification of award.

Within 20 days from the termination of a reconsideration proceeding the deputy commissioner shall issue a new final decision and order which may terminate, continue, reinstate, increase, or decrease benefits, or award benefits. The new order shall not affect any benefits previously paid, except that an award increasing the benefit rate may be made effective from the date that total disability began, and if any part of the benefits due or to become due is unpaid, an

award decreasing the benefits rate may be made effective from the date that total disability began, and any payment made prior thereto in excess of the decreased rate shall be deducted from any unpaid benefits, in such manner and by such method as may be determined by the deputy commissioner with the approval of the Secretary.

§ 720.525 Finality of orders.

An final decision and order shall become effective when filed in the Office of Workmen's Compensation programs unless proceedings for the suspension or setting aside of such order are instituted as provided in § 720.550, shall become final at the expiration of the 30th day thereafter.

§ 720.530 Judicial review; appeal from final decision and order.

(a) Pursuant to section 21(b) of the Longshoremen's Act as incorporated by section 415(a)(5) of Part B of Title IV of the Act, if not in accordance with law, a final decision and order may be suspended or set aside, in whole or in part, through injunction proceedings, mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the claimant resides or any Federal district court of competent jurisdiction if the claimant does not reside in any State. The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than 3 days' notice to the parties in interest and the deputy commissioner, or hearing examiner allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the operator or carrier. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the operator or carrier, and specifying the nature of the damage.

(b) If any operator or insurance carrier or their officers or agents fails to comply with an order making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the claimant resides. If the court determines that the order was made and served in accordance with law, and that such operator or carrier or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

(c) Proceedings for suspending, setting aside, or enforcing an order, whether rejecting a claim or making an award, shall not be instituted otherwise than as provided in this section.

Subpart C—Payment of Benefits

§ 720.600 Duration of applicability of this payment scheme.

For purposes of the Department of Labor's administration of Part B of Title IV of the Act only, benefits shall be determined and paid pursuant to the provisions of this subpart.

§ 720.603 Application effective for entire month of submission.

Benefits under this part are payable for full calendar months. If the claimant meets all the requirements for entitlement to benefits in the same calendar month in which his application is submitted, the application will be effective for the whole month. If a claimant dies in the first month for which he meets all the requirements for entitlement to benefits, he will be considered to be entitled to benefits for that month.

§ 720.605 Payees.

Benefits may be paid, as appropriate, to a beneficiary, to a qualified dependent, or to a representative payee on behalf of such beneficiary or dependent. Also, where an amount is payable under Part B of Title IV of the Act for any month to two or more individuals who are members of the same family, the Office may, in its discretion, certify to any two or more of such individuals joint payment of the total benefits payable to them for such month.

§ 720.610 Payment periods.

Benefits are paid to beneficiaries during entitlement for payment periods consisting of full calendar months.

§ 720.615 Payment on behalf of another; "legal guardian" defined.

Benefits are paid only to the beneficiary or his legal guardian. As used in this section, "legal guardian" means an individual who has been appointed by a court of competent jurisdiction or otherwise appointed pursuant to law, to assume control of and responsibility for the care of the beneficiary, the management of his estate, or both.

§ 720.620 Benefit rates.

(a) *Basic rate.* A beneficiary is paid monthly benefits during entitlement at a rate equal to 50 percent of the minimum monthly payment to which a totally disabled Federal employee in Grade GS-2 would be entitled for such month under the Federal Employees' Compensation Act, Chapter 81, Title 5, United States Code. Such benefit rate for a month is determined by:

(1) Ascertaining the lowest annual rate of pay ("step 1") for Grade GS-2 of the General Schedule applicable to such month (see 5 U.S.C. 5332);

(2) Ascertaining the monthly rate thereof by dividing the amount deter-

mined in subparagraph (1) of this paragraph by 12;

(3) Ascertaining the minimum monthly payment under the Federal Employees' Compensation Act by multiplying the amount determined in subparagraph (2) of this paragraph by 75 percent (or 0.75) (see 5 U.S.C. 8112); and

(4) Ascertaining the basic rate under the Act by multiplying the amount determined in subparagraph (3) of this paragraph by 50 percent (or 0.50).

(b) *Augmented benefits in case of dependency.*

(1) A beneficiary's benefit rate, as determined in paragraph (a) of this section, is increased for those months in which the beneficiary has one or more dependents who qualify under this part. This increase is referred to as an "augmentation." The beneficiary's basic rate is augmented at the rate of 50 percent for one such dependent, 75 percent for two such dependents, or 100 percent for three or more such dependents.

(2) A beneficiary's benefit rate is augmented to take account of a particular dependent beginning with the first month in which such dependent satisfies the conditions set forth in this part, and continues to be augmented through the month in which such dependent ceases to satisfy the conditions set forth in this part.

(c) *Computation.* A computation prescribed by paragraph (a) (2), (3), (4), or (b) of this section is made to the third decimal place.

§ 720.625 Certification to dependent of augmentation portion of benefit.

(a) If the benefit of a miner or of a widow is augmented because of one or more dependents (§ 720.620(b)), and it appears to the Office that the best interest of such dependent would be served thereby, the Office may certify payment of the amount of such augmentation (to the extent attributable to such dependent) to such dependent directly or to a representative payee for the use and benefit of such dependent.

(b) Any request to the Office to certify separate payment of the amount of an augmentation in accordance with paragraph (a) of this section, shall be in writing on such form and in accordance with such instructions as are prescribed by the Office, and shall be filed with the Office in accordance with those provisions of Subpart B of this part dealing with the filing of claims as if such request were a claim for benefits (see subpart A of this part).

(c) In determining whether it is in the best interest of such dependent to certify separate payment of the amount of the augmentation in benefits attributable to him, the Office shall apply the standards pertaining to representative payment in §§ 720.690-720.735, and the instructions issued pursuant thereto.

(d) When the Office determines that the amount of a miner's benefit attributable to the miner's wife or child should be certified for separate payment to a person other than such miner, or that

the amount of a widow's benefit attributable to such widow's child should be certified for separate payment to a person other than the widow, and the miner or widow disagrees with such determination and alleges that separate certification is not in the best interest of such dependent, the Office shall reconsider that determination.

(e) Any payment made under this section, if otherwise valid under the Act, is a complete settlement and satisfaction of all claims, rights, and interests in and to such payment.

§ 720.630 Modification of benefit amounts; general.

Under certain conditions, the amount of monthly benefits as computed in § 720.620 must be modified to determine the amount actually to be paid to a beneficiary. A modification of the amount of a monthly benefit is required in the following instances:

(a) *Reduction.* A reduction from a beneficiary's monthly benefit may be required because of:

(1) In the case of benefits to a miner, parent, brother, or sister, the excess earnings from wages and from net earnings from self-employment of such miner, parent, brother, or sister, respectively; or

(2) Failure to report earnings from work in employment and self-employment within the prescribed period of time (see § 720.640); or

(3) The receipt by a beneficiary of payments made on account of any disability of the miner under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance (see § 720.635).

(4) The fact that a claim for benefits from an additional beneficiary is filed, or that such a claim is effective for a month prior to the month of filing, or a dependent qualifies under 20 CFR Part 715 for an augmentation portion of a benefit of a miner or widow for a month for which another dependent has previously qualified for an augmentation.

(b) *Adjustment.* An adjustment in a beneficiary's monthly benefit may be required because an overpayment or underpayment has been made to such beneficiary (see §§ 720.655, 720.680, 720.685).

(c) *Nonpayment.* No benefits under this part are payable to the residents of a State which reduces its payments made to beneficiaries pursuant to certain State laws (see § 720.653).

(d) *Suspension.* A suspension of a beneficiary's monthly benefits may be required when the Office has information indicating that reductions on account of the miner's excess earnings (based on criteria in section 203(b) of the Social Security Act, 42 U.S.C. 403(b)) may reasonably be expected.

(e) *"Rounding" of benefit amounts.* Monthly benefit rates are payable in multiples of 10 cents. Any monthly benefit rate which, after all applicable computations, augmentations, and/or reductions is not a multiple of 10 cents, is increased to the next higher multiple of

10 cents. Since a fraction of a cent is not a multiple of 10 cents a benefit rate which contains such a fraction in the third decimal is raised to the next higher multiple of 10 cents.

(f) *Failure to disclose pertinent evidence.* Any individual entitled to a benefit who is aware of any circumstance which, under the provisions of this part could affect his entitlement to benefits, his eligibility for payment, or the amount of his benefit, or result in the termination, suspension, or reduction of his benefit, shall promptly report such circumstance to the Office of Workmen's Compensation Programs. The Office may at any time require an individual receiving, or claiming that he is entitled to receive a benefit, either on behalf of himself or on behalf of another, to submit a written statement giving pertinent information bearing upon the issue of whether or not an event has occurred which would cause such benefit to be terminated, or which would subject such benefit to reductions or suspension under the provisions of the Act. The failure on the part of such individual to submit any such report or statement, properly executed, to the Office shall subject such benefit to reductions, suspension, or termination as the case may be.

§ 720.635 Reductions; receipt of State benefit.

(a) As used in this section, the term "State benefit" means a payment to a beneficiary made on account of any disability of the miner under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance.

(b) Benefit payments to a beneficiary for a month are reduced (but not below zero) by an amount equal to any payments of State benefits received by such beneficiary for such month.

(c) Where a State benefit is paid periodically but not monthly, or in a lump sum as a commutation of or a substitute for periodic benefits, the reduction under this section is made at such time or times and in such amounts as the Office determines will approximate as nearly as practicable the reduction required under paragraph (b) of this section. In making such a determination, a weekly State benefit is multiplied by $4\frac{1}{3}$ and a bi-weekly benefit is multiplied by 2%, to ascertain the monthly equivalent for reduction purposes.

(d) Amounts paid or incurred, or to be incurred, by the individual for medical, legal, or related expenses in connection with his claim for State benefits (defined in paragraph (a) of this section) or the injury or occupational disease, if any, on which such award of State benefits (or settlement agreement) is based, are excluded in computing the reduction under paragraph (b) of this section, to the extent that they are consonant with State law. Such medical, legal, or related expenses may be evidenced by the State benefit award, compromise agreement, or court order in the State benefit proceedings, or by such

other evidence as the Administration may require. Such other evidence may consist of:

(1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or

(2) Bills, receipts, or canceled checks; or

(3) Other clear and convincing evidence indicating the amount of such expenses; or

(4) Any combination of the foregoing evidence from which the amount of such expenses may be determinable.

Any expenses not established by evidence required by the Administration will not be excluded.

§ 720.640 Reductions; excess earnings.

Benefit payments to a beneficiary are reduced by an amount equal to the deductions which would be made with respect to excess earnings under the provisions of sections 203 (b), (f), (g), (h), (j), and (l) of the Social Security Act (42 U.S.C. 403 (b), (f), (g), (h), (j), and (l)), as if such benefit payments were benefits payable under section 202 of the Social Security Act (42 U.S.C. 402).

§ 720.645 Reductions; retroactive effect of an additional claim for benefits.

Beginning with the month in which a person (other than a miner) files a claim and becomes entitled to benefits, the benefits of other persons entitled to benefits with respect to the same miner, are adjusted downward, if necessary, so that no more than the permissible amount of benefits (the maximum amount for the number of beneficiaries involved) will be paid.

§ 720.650 More than one reduction event.

If a reduction for receipt of State benefits and a reduction on account of excess earnings are chargeable to the same month, the benefit for such month is first reduced (but not below zero) by the amount of the State benefits, and the remainder of the benefit for such month, if any, is then reduced (but not below zero) by the amount of excess earnings chargeable to such month.

§ 720.655 Nonpayment of benefits to residents of certain States.

No benefit shall be paid under this part to the residents of any State which, after December 30, 1969, reduces the benefits payable to persons eligible to receive benefits under this part, under its State laws which are applicable to its general work force with regard to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance benefits which are funded in whole or in part out of employer contributions.

§ 720.660 Overpayments.

(a) *General.* As used in this subpart, the term "overpayment" includes a payment where no amount is payable under Part B of Title IV of the Act; a payment in excess of the amount due under Part

B of Title IV of the Act; a payment resulting from the failure to reduce benefits under section 412(b) of the Act; a payment to a resident of a State whose residents are not eligible for payment; and a payment resulting from the failure to terminate benefits of an individual no longer entitled thereto.

(b) *Overpaid beneficiary is living.* If the beneficiary to whom an overpayment was made is, at the time of a determination of such overpayment, entitled to benefits, or at any time thereafter becomes so entitled, no benefit for any month is payable to such individual, except as provided in paragraph (c) of this section, until an amount equal to the amount of the overpayment has been withheld or refunded.

(c) *Adjustment by withholding part of a monthly benefit.* Adjustment under paragraph (b) of this section may be effected by withholding a part of the monthly benefit payable to a beneficiary where it is determined that:

(1) Withholding the full amount each month would deprive the beneficiary of income required for ordinary and necessary living expenses;

(2) The overpayment was not caused by the beneficiary's intentionally false statement or representation, or willful concealment of, or deliberate failure to furnish material information; and

(3) Recoupment can be effected in an amount of not less than \$10 a month and at a rate which would not extend the period of adjustment beyond 3 years after the initiation of the adjustment action.

(d) *Overpaid beneficiary dies before adjustment.* If an overpaid beneficiary dies before adjustment is completed under the provisions of paragraph (b) of this section, recovery of the overpayment shall be effected through repayment by the estate of the deceased overpaid beneficiary, or by withholding of amounts due the estate of such deceased beneficiary, or both.

§ 720.665 Notice of right to waiver consideration.

Whenever an initial determination is made that more than the correct amount of payment has been made, notice of the provisions of section 204(b) of the Social Security Act regarding waiver of adjustment or recovery shall be sent to the overpaid individual and to any other individual against whom adjustment or recovery of the overpayment is to be effected.

§ 720.670 When waiver of adjustment or recovery may be applied.

There shall be no adjustment or recovery in any case where an incorrect payment under Part B of Title IV of the Act has been made with respect to an individual—

(a) Who is without fault, and

(b) Adjustment or recovery would either:

(1) Defeat the purpose of Title IV of the Act, or

(2) Be against equity and good conscience.

§ 720.675 Standards for waiver of adjustment or recovery.

The standards for determining the applicability of the criteria listed in § 720.670 shall be the same as those applied by the Social Security Administration pursuant to 20 CFR 410.561.

§ 720.680 Collection and compromise of claims for overpayment.

(a) *General effect of the Federal Claims Collection Act of 1966.* Claims by the Office of Workmen's Compensation Programs against an individual for recovery of overpayments under Part B of Title IV of the Act, not exceeding the sum of \$2,000, exclusive of interest, may be compromised, or collection suspended or terminated where such individual or his estate does not have the present or prospective ability to pay the full amount of the claim within a reasonable time (see paragraph (c) of this section), or the cost of collection is likely to exceed the amount of recovery (see paragraph (d) of this section), except as provided under paragraph (b) of this section.

(b) *When there will be no compromise, suspension, or termination of collection of a claim for overpayment.* (1) *Overpaid individual alive.* In any case where the overpaid individual is alive, a claim for overpayment will not be compromised, nor will there be suspension or termination of collection of the claim by the Office if there is an indication of fraud, the filing of a false claim, or misrepresentation on the part of such individual or on the part of any other party having an interest in the claim.

(2) *Overpaid individual deceased.* In any case where the overpaid individual is deceased: (i) A claim for overpayment in excess of \$2,000 will not be compromised, nor will there be suspension or termination of collection of the claim by the Office if there is an indication of fraud, the filing of a false claim, or misrepresentation on the part of such deceased individual, and (ii) a claim for overpayment regardless of the amount will not be compromised, nor will there be suspension or termination of collection of the claim by the Office if there is an indication that any person other than the deceased overpaid individual had a part in the fraudulent action which resulted in the overpayment.

(c) *Inability to pay claim for recovery of overpayment.* In determining whether the overpaid individual is unable to pay a claim for recovery of an overpayment under Part B of Title IV of the Act, the Office will consider such individual's age, health, present and potential income (including inheritance prospects), assets (e.g., real property, savings account), possible concealment or improper transfer of assets, and assets or income of such individual which may be available in enforced collection proceedings. The Office will also consider exemptions available to such individual under the pertinent State or Federal law in such proceedings. In the event the overpaid individual is deceased, the Office will consider the available assets of the estate, taking into account any liens or superior claims against the estate.

(d) *Cost of collection or litigative probabilities.* Where the probable costs of recovering an overpayment under Part B of title IV of the Act would not justify enforced collection proceedings for the full amount of the claim or there is doubt concerning the Office's ability to establish its claim as well as the time which it will take to effect such collection, a compromise or settlement for less than the full amount will be considered.

(e) *Amount of compromise.* The amount to be accepted in compromise of a claim for overpayment under Part B of title IV of the Act shall bear a reasonable relationship to the amount which can be recovered by enforced collection proceedings giving due consideration to the exemptions available to the overpaid individual under State or Federal law and the time which collection will take.

(f) *Payment.* Payment of the amount which the Office has agreed to accept as a compromise in full settlement of a claim for recovery of an overpayment under Part B of title IV of the Act must be made within the time and in the manner set by the Office. A claim for such recovery of the overpayment shall not be considered compromised or settled until the full payment of the compromised amount has been made within the time and manner set by the Office. Failure of the overpaid individual or his estate to make such payment as provided shall result in reinstatement of the full amount of the overpayment less any amounts paid prior to such default.

§ 720.685 Underpayments.

(a) *General.* As used in this subpart, the term "underpayment" includes a payment in an amount less than the amount of the benefit due for such month, and nonpayment where some amount of such benefits are payable.

(b) *Underpaid individual is living.* If an individual to whom an underpayment is due is living, the amount of such underpayment will be paid to such individual either in a single payment (if he is not entitled to a monthly benefit) or by increasing one or more monthly benefit payments to which such individual is or becomes entitled.

(c) *Underpaid individual dies before adjustment of underpayment.* If an individual to whom an underpayment is due dies before receiving payment or negotiating a check or checks representing such payment, such underpayment will be distributed to the living person (or persons) in the highest order of priority as follows:

(1) The deceased individual's surviving spouse who was either:

(i) Living in the same household with the deceased individual at the time of such individual's death, or

(ii) In the case of a deceased miner, entitled for the month of death to widow's black lung benefits.

(2) In the case of a deceased miner or widow, his or her child entitled to benefits as the surviving child of such miner or widow for the month in which such miner or widow died (if more than one such child, in equal shares to each such child).

(3) In the case of a deceased miner, his parent entitled to benefits as the surviving parent of such miner for the month in which such miner died (if more than one such parent, in equal shares to each such parent).

(4) The surviving spouse of the deceased individual who does not qualify under subparagraph (1) of this paragraph.

(5) The child or children of the deceased individual who do not qualify under subparagraph (2) of this paragraph (if more than one such child, in equal shares to each such child).

(6) The parent or parents of the deceased individual who do not qualify under subparagraph (3) of this paragraph (if more than one such parent, in equal shares to each such parent).

(7) The legal representative of the estate of the deceased individual as defined in paragraph (e) of this section.

(d) In the event that a person who is otherwise qualified to receive an underpayment under the provisions of paragraph (c) of this section, dies before receiving payment or before negotiating the check or checks representing such payment, his share of the underpayment will be divided among the remaining living person(s) in the same order of priority. In the event that there is (are) no other such person(s), the underpayment will be paid to the living person(s) in the next lower order of priority under paragraph (c) of this section.

(e) *Definition of legal representative.* The term "legal representative," for the purpose of qualifying to receive an underpayment, generally means the executor or the administrator of the estate of the deceased beneficiary. However, it may also include an individual, institution, or organization acting on behalf of an unadministered estate, provided the person can give the Administration good acquittance (as defined in paragraph (f) of this section). The following persons may qualify as legal representative for purposes of this section, provided they can give the Administration good acquittance:

(1) A person who qualifies under a State's "small estate" statute; or

(2) A person resident in a foreign country who under the laws and customs of that country, has the right to receive assets of the estate; or

(3) A public administrator; or

(4) A person who has the authority, under applicable law, to collect the assets of the estate of the deceased beneficiary.

(f) *Definition of "good acquittance."* A person is considered to give the Administration "good acquittance" when payment to that person will release the Administration from further liability for such payment.

§ 720.690 Relation to provisions for reductions or increases.

The amount of an overpayment or underpayment is the difference between the amount actually paid to the beneficiary and the amount of the payment to which the beneficiary was actually entitled. Such overpayment or underpayment, for example, would be equal to the difference between the amount of a

benefit in fact paid to the beneficiary and the amount of such benefit as reduced under section 412(b) of the Act, as increased pursuant to section 412(a) (1), or as augmented under section 412 (a) (3), of the Act. In effecting an adjustment with respect to an overpayment, no amount can be considered as having been withheld from a particular benefit which is in excess of the amount of such benefit as so reduced. Overpayment and underpayment simultaneously outstanding on account of the same beneficiary are first adjusted against one another before adjustment pursuant to the other provisions of this subpart.

§ 720.695 Payments on behalf of an individual.

(a) When it appears to the Office that the interest of a beneficiary entitled to a payment under Part B of title IV of the act would be served thereby, certification of payments may be made by the Office, regardless of the legal competency or incompetency of the beneficiary entitled thereto, either for direct payment to such beneficiary, or for his use and benefit to a relative or some other person as the "representative payee" of the beneficiary. When it appears that an individual who is receiving benefit payments may be incapable of managing such payments in his own interest, the Office shall, if such individual is age 18 or over and has not been adjudged legally incompetent, continue payments to such individual pending a determination as to his capacity to manage benefit payments and the selection of a representative payee.

(b) As used in §§ 720.695-720.740, the term "beneficiary" includes the dependent of a miner or widow who could qualify for certification of separate payment of an augmentation portion of such miner's or widow's benefits.

§ 720.700 Submission of evidence by representative payee.

Before any amount shall be certified for payment to any relative or other person as representative payee for and on behalf of a beneficiary, such relative or other person shall submit to the Office such evidence as it may require of his relationship to, or his responsibility for the care of, the beneficiary on whose behalf payment is to be made, or of his authority to receive such payment. The Office may, at any time thereafter, require evidence of the continued existence of such relationship, responsibility or authority. If any such relative or other person fails to submit the required evidence within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the beneficiary unless for good cause shown, the default of such relative or other person is excused by the Office and the required evidence is thereafter submitted.

§ 720.705 Responsibility of representative payee.

A relative or other person to whom certification of payment is made on behalf of a beneficiary as representative payee shall, subject to review by the Office and to such requirements as it may from time to time prescribe, apply the payments certified to him on behalf of a beneficiary

only for the use and benefit of such beneficiary in the manner and for the purposes determined by him to be in the beneficiary's best interest.

§ 720.710 Use of benefits for current maintenance.

Payments certified to a relative or other person on behalf of a beneficiary shall be considered as having been applied for the use and benefit of the beneficiary when they are used for the beneficiary's current maintenance—i.e., to replace current income lost because of the disability, retirement, or death of the insured individual. Where a beneficiary is receiving care in an institution, current maintenance shall include the customary charges made by the institution to individuals it provides with care and services like those it provides the beneficiary and charges made for current and foreseeable needs of the beneficiary which are not met by the institution.

§ 720.715 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 720.720, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. savings bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of beneficiary)
by

(Name of representative payee)
representative payee; or

(Name of beneficiary)
by

(Name of representative payee)
trustee.

U.S. savings bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

(Name of beneficiary)
-----, a minor, for
(Social Security No.)
whom ----- is representative payee for black lung
benefits.

U.S. savings bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

(Name of beneficiary)
----- for whom
(Social Security No.)
----- is representative
(Name of payee)
payee for black lung benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. savings bonds purchased with funds from the payment of benefits under Part B of title IV in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

§ 720.720 Use of benefits for beneficiary in institution.

Where a beneficiary is confined in a Federal, State or private institution because of mental or physical incapacity, the relative or other person to whom payments are certified on behalf of the beneficiary shall give highest priority to expenditure of the payments for the current maintenance needs of the beneficiary, including the customary charges made by the institution in providing care and maintenance. It is considered in the best interests of the beneficiary for the relative or other person to whom payments are certified on the beneficiary's behalf to allocate expenditure of the payments so certified in a manner which will facilitate the beneficiary's earliest possible rehabilitation or release from the institution or which otherwise will help him live as normal a life as practicable in the institutional environment.

§ 720.725 Support of legally dependent spouse, child, or parent.

If current maintenance needs of a beneficiary are being reasonably met, a relative or other person to whom payments are certified as representative payee on behalf of the beneficiary may use part of the payments so certified for the support of the legally dependent spouse, a legally dependent child, or a legally dependent parent of the beneficiary.

§ 720.730 Claims of creditors.

A relative or other person to whom payments under Part B of title IV of the Act are certified as representative payee on behalf of a beneficiary may not be required to use such payments to discharge an indebtedness of the beneficiary which was incurred before the first month for which payments are certified to a relative or other person on the beneficiary's behalf. In no case, however, may such payee use such payments to discharge such indebtedness of the beneficiary unless the current and rea-

sonably foreseeable future needs of the beneficiary are otherwise provided for.

§ 720.735 Accountability.

A relative or other person to whom payments are certified as representative payee on behalf of a beneficiary shall submit a written report in such form and at such times as the Office may require, accounting for the payments certified to him on behalf of the beneficiary unless such payee is a court-appointed fiduciary and, as such, is required to make an annual accounting to the court, in which case a true copy of each such account filed with the court may be submitted in lieu of the accounting form prescribed by the Office. If any such relative or other person fails to submit the required accounting within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the beneficiary unless for good cause shown, the default of such relative or other person is excused by the Office, and the required accounting is thereafter submitted.

§ 720.740 Transfer of accumulated benefit payments.

A representative payee who has conserved or invested funds from payments under Part B of title IV of the Act certified to him on behalf of a beneficiary shall, upon direction of the Office, transfer any such funds (including interest earned from investment of such funds) to a successor payee appointed by the Office, or, at the option of the Office, shall transfer such funds, including interest, to the Office for recertification to a successor payee or to the beneficiary.

4. In rules to be promulgated before December 31, 1972, to effectuate provisions of Part C of title IV of the Coal Mine Health and Safety Act of 1969 (83 Stat. 792, 30 U.S.C. 901 et seq.) as amended by the Black Lung Benefits Act of 1972 (Public Law 92-303, 86 Stat. 156), it is proposed to include in a new Part 725 of Chapter 6, Title 20 of the Code of Federal Regulations rules dealing with the determination and adjudication of the liability of coal mine operators for black lung benefits under Part C of title IV of such Act, for which provisions in substance as follows are being considered:

a. New sections on liability of coal mine operators to be included in the proposed new Part 725 of title 20 which would read substantially as follows:

§ 725. Scope and policy.

In enacting the Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972 ("the Act" as used in this part means such Act as amended), Congress sought to transfer the responsibility for the payment of black lung benefits, to the greatest extent possible, from the Federal Government to the coal mine operators as of January 1, 1974. It is the policy of the Department of Labor to implement and execute in this part this congressional intent as fully and fairly as is practicable.

§ 725. Responsible operator defined.

The individuals, corporations, or any other entities, adjudged to be the coal mine operators responsible in whole or in part for a claimant's pneumoconiosis are the "responsible operators" and will, after December 31, 1973, bear the liability, as provided in title IV of the Act, for the payment of benefits awarded pursuant to the provisions of section 415 of Part B and the provisions of Part C of the Act.

§ 725. Prior operator, successor operator.

(a) Any coal mine operator who, after December 30, 1969, acquired his mine or substantially all the assets of his mine from a prior operator, who was an operator of that mine, on, or after December 30, 1969, shall be liable for and shall, in accordance with section 423 of the Act, secure the payment of all benefits which would have been payable by the prior operator with respect to miners previously employed in that mine if the acquisition had not occurred and the prior operator had continued to operate the mine.

(b) Paragraph (a) of this section notwithstanding, any prior operator may, under appropriate circumstances and in accordance with the requirements of due process of law and considerations of fairness and equity, be held liable for the payment of all benefits awarded pursuant to the Act.

§ 725. Presumption of operator's liability.

In the event that an operator is designated a "responsible operator" pursuant to §§ ----- there shall be a presumption that the miner's work related pneumoconiosis arose in whole or in part sufficiently to occasion liability, out of his employment with such operator.

b. A new section to be included in the proposed new Part 725 of title 20, setting forth criteria for determining the identity of responsible operators in language the substance of which would accord with one of the following three alternatives for the text of such section:

ALTERNATIVE I

§ 725.00 Criteria for determining responsible operator I; length of employment concept.

The Office of Workmen's Compensation Programs will determine the identity of the responsible operator in accordance with the following criteria:

(a) The period beginning on January 1, 1955 (15 years prior to the enactment of the Federal Coal Mine Health and Safety Act of 1969), and ending on the date a miner discovers that he is totally disabled due to pneumoconiosis shall be known as the miner's base years.

(1) That coal mine operator for whom the claimant miner had the longest period of cumulative employment within the base years shall be liable for the payment of any benefits awarded on account of that miner's disability, provided that the miner had at least 1 year

of cumulative employment with that operator.

(2) If the operator with whom the miner had the longest period of cumulative employment during the base years is no longer financially responsible, then the Office of Workmen's Compensation programs will determine the mine operator with whom the miner had the longest period of cumulative employment during the base years and who is financially responsible. This operator shall then be designated the responsible operator and shall be liable for the payment of all benefits awarded pursuant to the Act, provided that the miner had at least 1 year of cumulative employment with that coal mine operator.

(b) If the miner had no employment during his base years or if liability under (a) of this section cannot be applied, the operator with whom the miner had the longest period of cumulative employment and who is financially responsible shall be liable for all benefits payable pursuant to the Act, provided that the miner had at least 1 year of cumulative employment with that operator.

ALTERNATIVE II

§ 725. Criteria for determining responsible operator II; last operator concept.

The Office of Workmen's Compensation programs will determine the identity of the responsible operator in accordance with the following criteria. The last coal mine operator with whom the miner had at least 1 year of cumulative employment and who is financially responsible shall be designated the responsible operator and shall be liable for the payment of any benefits awarded on account of that miner's disability due to pneumoconiosis. For purposes of administering this rule, the Office is authorized, beginning with the last operator with whom the miner worked, to chronologically list a miner's entire employment history. The first operator appearing on that list with whom the miner had at least 1 year of cumulative employment and who is financially responsible shall be the responsible operator.

ALTERNATIVE III

§ 725. Criteria for determining responsible operator III; apportionment concept.

The Office of Workmen's Compensation programs will determine the identity of the responsible operator in accordance with the following criteria:

(a) The period beginning on January 1, 1955 (15 years prior to the enactment of the Coal Mine Health and Safety Act of 1969), and ending on the date a miner discovers that he is totally disabled due to pneumoconiosis shall be known as the miner's base years.

(1) The Office shall compile the miner's employment history during the base years. Each operator with whom the miner had at least 1 year of cumulative employment during the base years and who is financially responsible shall be liable for the payment of all benefits in proportion to the number of months in

the base period during which the miner was employed with that operator. For example, if a miner worked 5 years with operator X, 2 years with operator Y, and 8 years with operator Z during the base period and all three operators are financially responsible, operator X shall be liable for $\frac{5}{15}$ of the total benefits; operator Y shall be liable for $\frac{2}{15}$ of the total benefits, and operator Z shall be liable for $\frac{8}{15}$ of the total benefits. If operator X is not financially responsible and operators Y and Z are financially responsible, then operator Y shall be liable for $\frac{2}{10}$ of the total benefits and operator Z shall be liable for $\frac{8}{10}$ of the total benefits. If operators X and Y are not financially responsible and operator Z is financially responsible, then operator Z shall be liable for $\frac{10}{10}$ or all of the benefits payable to the miner.

(2) For purposes of determining the operator with whom a miner worked during any given month, the operator with whom the miner worked on the first day of that month shall have that month attributed to his portion of the liability. If the miner was not employed on the first day of that month or the operator with whom the miner was employed on the first day of that month is not financially responsible, then the first operator with whom the miner was employed during that month and who is financially responsible shall have that month attributed to his portion of the total liability.

(b) If the miner had no employment during the base years or if liability under paragraph (a) of this section cannot be applied, then liability shall be apportioned among all other operators with whom the miner had at least 1 year of cumulative employment and who are financially responsible, in the same fashion as liability is apportioned pursuant to paragraph (a) of this section.

(c) In any event, if there is (are) any operator or operators under paragraphs (a) or (b) of this section with whom the miner had at least 1 year of cumulative employment and who is (are) financially responsible, that operator or those operators shall fully assume or proportionately share the liability for all benefits awarded. In such a case no liability for benefits shall devolve upon the Department of Labor after December 31, 1973, pursuant to section 424 of Part C of Title IV of the Act.

c. New sections providing for the adjudication of the liability of a responsible operator to read substantially as follows:

§ 725. Notification of operators.

(a) Before a claim for benefits under Title IV of the Act is filed with a deputy commissioner for determination, the Office will have ascertained, to the extent possible, the identity of any coal mine operators whose liability as responsible operators for payment of benefits to the claimant may be established by the evidence submitted or obtained in connection with the claim. (See § _____) Each such operator will be notified of the pending claim promptly upon its fil-

ing with the deputy commissioner and of the fact that his liability for payment of benefits will be one of the issues to be resolved in the determination of the claim. Such notification will include a copy of the claimant's completed claim form, the medical evaluation report from an approved physician, and a cover letter informing the operator of the nature of the evidence relied on by the Office to support, prima facie, a determination that the operator is liable for payment of benefits to the claimant. The notification shall advise the operator that a response to the notice as provided in § _____ should be made as soon as possible and that in the event of a failure to respond within 60 days from the date of mailing of the notice the Office will proceed to the final adjudication of the claim.

(b) The notification described in paragraph (a) of this section shall be made by certified mail, with proof of delivery requested.

§ 725. Operator's response to notification.

(a) Within the 60-day period described in § _____ a notified coal mine operator shall respond to the notice as provided in the following paragraphs.

(b) If the operator does not contest the claim or his liability under the Act for payment of benefits to the claimant he shall so state either:

(1) By letter mailed to the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211; or

(2) By completing and mailing Form CM-902 (Employer's First Report and Answer to Claim for Benefits) to such address.

(c) If the notified operator contests the claim or his liability for payment of benefits to the claimant for any period after December 31, 1973, he shall so state by transmitting to the Office a completed Form CM-902 setting forth generally his reasons for controverting the claim or his liability to pay benefits that may be awarded, together with a detailed description of any evidence relied upon as a basis for such contest.

§ 725. Operator's medical evidence.

(a) If a notified operator chooses to contest his liability he may request an additional medical examination of the claimant. This examination shall be conducted by a physician selected by the operator from his panel of specialists approved by the Department of Labor, and shall be performed at the operator's expense. The operator shall make the arrangements for the conduct of the examination and at the conclusion of the examination shall promptly submit to the Office of Workmen's Compensation Programs, in Washington, D.C. a copy of the approved physician's examination report.

(b) In the event that the claimant will not submit to this examination requested by the operator, the deputy commissioner assigned the responsibility for the adjudication of the claim shall be promptly notified. Upon the receipt of such notice

the deputy commissioner shall notify the claimant-miner that no final adjudication of his claim may be had until the claimant-miner undergoes this medical examination.

§ 725. Failure to notify responsible operator; later notification. Procedure for adjudication of operator's liability.

At any time after a mine operator notified pursuant to § 724 has responded to the allegations of his liability pursuant to § 724 the deputy commissioner assigned the responsibility for adjudicating the case may order a prehearing conference or a formal hearing at a time and place convenient to all parties. The particulars describing the organization and conduct of both the prehearing conference and the formal hearing are described fully in Subpart — of this part. (See §§ 724-725.)

§ 725. Failure to notify responsible operator; later notification. Failure to respond to notice of claim.

(a) If a notified operator does not respond within the 60 day period described in § 724 the Office shall proceed to the final adjudication of the claim. In such a case a prehearing conference may be scheduled pursuant to Subpart — of this part. The alleged responsible operator will be given at least 10 days notice by certified mail of the prehearing conference. He or his representative may appear at the conference and at that time contest his liability.

(b) If an allegedly responsible operator does not appear at the prehearing conference the Office shall schedule a formal hearing to be conducted pursuant to Subpart — of this part. The operator will once again be given 10 days notice by certified mail of the time and place of the hearing and he or his authorized representative may appear at and fully participate in the formal hearing.

(c) If at any time after the running of the 60 day period described in § 724 but prior to the issuance of a formal decision and order, an allegedly responsible operator seeks to be heard, that operator may be required to complete and transmit a Form CM-902 to the Office.

(d) If an allegedly responsible operator does not appear at the formal hearing and has not filed an answer to the allegations of his liability, then it shall be presumed that such operator does not contest his liability and the deputy commissioner shall proceed with the conduct of the formal hearing and shall issue findings of fact, conclusions of law, and an order for benefits pursuant to Subpart — of this part. The notified operator shall be bound by the determination of the deputy commissioner and may not thereafter contest his liability for the payment of benefits to the claimant. Nothing in this part shall be construed to require any operator to pay any benefits for any month prior to January 1, 1974.

(e) In the event that a notified coal mine operator or his representative does not appear at the formal hearing and has not responded to the claim filed against him, the hearing shall nevertheless be conducted and stenographically reported pursuant to Subpart — of this

part — of this part. In respect to the issue of such notified coal mine operator's liability, the deputy commissioner shall admit into the record the medical evidence contained in the approved physician's report (See § 724), evidence of the employment history of the miner, and any other information deemed pertinent to the question of the notified mine operator's liability. Upon this record, the deputy commissioner shall determine his findings of fact, conclusions of law, and final decision and order, and shall determine and in his written opinion state whether or not and the extent if any to which such notified coal mine operator is an operator responsible for the payment of benefits to the claimant for any months after December 31, 1973.

§ 725. Failure to notify responsible operator; later notification.

(a) No operator may be bound by any determination as to his liability unless he has been properly notified of all formal adjudicatory proceedings and offered an opportunity to participate. Any operator may intervene without prejudice in the proceedings at any time prior to final adjudication pursuant to §§ 724-725.

(b) If at the time a claim under the Act is ripe for adjudication there appears to be no known or identifiable responsible operator, the deputy commissioner shall proceed to determine the claimant's entitlement to benefits. However, if at any time during or after the adjudicatory proceedings the claimant or the Secretary of Labor becomes aware of the existence of a possibly responsible operator, that operator shall be given notice of the claim and that he may be held liable for payment of benefits, shall be supplied with copies of the record of all proceedings already conducted, and shall be given 60 days within which to answer pursuant to § 724 of this subpart.

(c) If it becomes necessary under circumstances contemplated in this section to hold a new formal hearing to determine the responsibility of a coal mine operator, the subject matter of that hearing shall be limited to the responsibility of that coal mine operator for the payment of benefits on the particular claim after December 31, 1973. There shall be no reopening or readjudication of a claimant's entitlement to benefits under Part B of the Act.

Signed at Washington, D.C., this 5th day of September 1972.

RICHARD J. GRUNEWALD,
Assistant Secretary for
Employment Standards.

[FR Doc. 72-15196 Filed 9-6-72; 8:45 am]

[20 CFR Part 717]

BLACK LUNG BENEFITS ACT OF 1972

Manner and Place of Filing Benefit Claims Between July 1 and December 31, 1973 and Preliminary Processing of Such Claims

Pursuant to authority contained in section 7 of Public Law 92-303, 86 Stat.

156, entitled the Black Lung Benefits Act of 1972, which amended Title IV of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, by adding a new section 415 in Part B thereof, it is proposed to amend 20 CFR Chapter VI by adding thereto a new Part 717 to read as set forth below.

Interested persons are invited to submit written data, views, or arguments concerning the proposed regulations to the Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, on or before September 20, 1972.

The proposed Part 717 reads as follows:

PART 717—FILING AND PRELIMINARY PROCESSING OF CLAIMS FOR BLACK LUNG BENEFITS AFTER JUNE 30, 1973 UNDER TITLE IV, PART B, SECTION 415 OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AS AMENDED

INTRODUCTION

- | | |
|----------------------------|--|
| Sec. 717.1 | Purpose and scope of this part. |
| 717.2 | Applicability of 20 CFR Part 715. |
| WHO MAY FILE CLAIMS | |
| 717.101 | Who may submit and perfect a claim. |
| 717.102 | Evidence of authority to execute a claim on behalf of another. |
| 717.103 | Claimant must be alive when claim is submitted. |

PROCEDURE FOR FILING CLAIMS

- | | |
|---------|--|
| 717.111 | Claims forms. |
| 717.112 | Procedure for submitting claim. |
| 717.113 | When a claim is considered to have been submitted; time of submitting claim. |
| 717.114 | Requests and notices to be in writing. |
| 717.115 | When written statement is considered a claim. |

PROCESSING OF CLAIM

- | | |
|---------|--|
| 717.121 | Completion and transmittal of claims forms. |
| 717.122 | Medical evidence. |
| 717.123 | Reimbursement for reasonable expenses in obtaining medical evidence. |
| 717.124 | Development of evidence. |

AUTHORITY: The provisions of this Part 717 are issued under section 415, 86 Stat. 156.

INTRODUCTION

§ 717.1 Purpose and scope of this part.

(a) This Part 717 contains the general rules of the Departments of Labor and Health, Education, and Welfare, providing for the filing after June 30, 1973, and preliminary processing of claims under Part B of Title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972. The regulations contained in this part implement the policies of the Departments of Labor and Health, Education, and Welfare, and of the Congress to insure a smooth, orderly and equitable transition from the period prior to July 1, 1973, during which the primary responsibility for the administration of the black lung

benefits program lies with the Department of Health, Education, and Welfare, to the period in which the primary responsibility for the administration of that benefit program devolves upon the State workmen's compensation agencies or the Department of Labor pursuant to Part C of Title IV of the Act as amended.

(b) Section 415(a) of the Act requires that the manner and place of filing new claims for benefits under Part B of title IV of the Act after June 30, 1973, shall be in accordance with regulations issued jointly by the Secretary of Health, Education, and Welfare and the Secretary of Labor, which regulations shall provide, among other things, that "such claims may be filed in district offices of the Social Security Administration and thereafter transferred to the jurisdiction of the Department of Labor for further consideration." To effectuate this requirement of the Act, this part is issued as a joint regulation of the Department of Labor and the Department of Health, Education, and Welfare.

§ 717.2 Applicability of 20 CFR Part 715.

Part 715 of this chapter describes generally the statutory provisions pertinent to the responsibilities of the Secretary of Labor under title IV of the Act, including the special responsibilities delineated in section 415 of the Act with respect to claims filed under Part B of title IV during the period commencing July 1, 1973, the definitions applicable thereto, guidelines relating to eligibility for benefits, and the appropriate policy concerning disclosure of program information and records. The matter contained in Part 715 is hereby made applicable, wherever appropriate, to this Part 717.

WHO MAY FILE CLAIMS

§ 717.101 Who may submit and perfect a claim.

The Office determines who is the proper party to execute a claim in accordance with the following rules:

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the claim, the claim shall be executed by him. Where, however, paragraph (d) of this section applies, the claim may also be executed by the claimant's legal guardian, committee, or other representative.

(b) If the claimant is between the ages of 16 and 18, is mentally competent, has no legally appointed guardian, committee, or other representative, and is not in the care of any person, such claimant may execute the claim upon filing a statement on the prescribed form indicating capacity to act on his own behalf.

(c) If the claimant is mentally competent but has not attained age 18 and is in the care of a person, the claim may be executed by such person.

(d) If the claimant (regardless of his age) has a legally appointed guardian, committee, or other representative, the claim may be executed by such guardian, committee, or representative.

(e) If the claimant (regardless of his age) is mentally incompetent or is physically unable to execute the claim, it may be executed by the person who has the claimant in his care or by a legally appointed guardian, committee, or other representative.

(f) Where the claimant is in the care of an institution and is not mentally competent or physically able to execute a claim, the manager or principal officer of such institution may execute the claim.

(g) For good cause shown, the Office may accept a claim executed by a person other than one described in paragraph (b), (c), (d), (e), or (f) of this section.

§ 717.102 Evidence of authority to execute a claim on behalf of another.

Where the claim is executed by a person other than the claimant, such person shall, at the time of submitting the claim or within a reasonable time thereafter, submit evidence of his authority to execute the claim on behalf of such claimant in accordance with the following rules:

(a) If the person executing the claim is the legally appointed guardian, committee, or other legal representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(b) If the person executing the claim is not such a legal representative, the evidence shall be a statement describing his relationship to the claimant, the extent to which he has the care of such claimant, or his position as an officer of the institution of which the claimant is an inmate. The Office may, at any time, require additional evidence to establish the authority of any such person.

§ 717.103 Claimant must be alive when claim is submitted.

For a claim to be effective, the claimant must be alive at the time a properly executed claim is submitted to the Office.

PROCEDURE FOR FILING CLAIMS

§ 717.111 Claims forms.

(a) Claims shall be submitted on approved forms and in accordance with instructions (provided thereon or attached thereto) as are prescribed by the Office.

(b) The forms for filing claims after June 30, 1973, for benefits under Part B of title IV of the Act pursuant to section 415 of the Act and these regulations are CM-903 (Coal Miner's Claim for Benefits), 903A (Widow's Claim for Benefits), 903B (Dependent Survivor's Claim for Benefits), and CM-904 (Medical Report—Pneumoconiosis). These forms shall be made generally available to the public at all local Social Security Administration offices as well as from the Office of Workmen's Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211.

§ 717.112 Procedure for submitting claim.

Claims shall be submitted and received in the following manner:

(a) *Place of submitting claim.* Claims and applications for benefits under this part shall be delivered, mailed, or otherwise presented at any of the various district offices of the Bureau of District Operations of the Social Security Administration.

(b) *Assistance in preparation of forms.* Personnel within the district office where the claim or application is presented will, if necessary, assist claimants or their authorized representatives in completing information required on the application forms, including the development of evidentiary information required to establish all previous periods of coal mine employment by a miner and to determine which of these periods of employment were spent in the service of any particular coal mine operator. These district office representatives of the Social Security Administration will also assist the claimant in securing all other required evidence necessary to support the claim.

§ 717.113 When a claim is considered to have been submitted; time of submitting claim.

(a) *Date of receipt.* For the purposes of determining when a claim has been filed within the meaning of section 415(a) of the Act, a claim is considered to have been filed only as of the date it is received at a district office of the Bureau of District Office Operations of the Social Security Administration or by an employee in the district office who is authorized to receive such claims.

(b) *Date of mailing.* If the claim is deposited in and transmitted by the U.S. mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, it will be considered to have been filed as of the date of mailing. The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing. If there is no postmark or it is not legible, other evidence may be used to establish the mailing date.

(c) *Prospective submitting of a claim.* A claim which is submitted before the first month in which the claimant meets the requirements for entitlement to benefits is a valid claim only if the claimant meets such requirements before a final decision on his claim is made. Such a claim is deemed to have been filed on the first day such requirements are met.

§ 717.114 Requests and notices to be in writing.

Except as otherwise provided in this part, any request to the appropriate district office or to the Department of Labor for a determination or a decision relating to a person's right to benefits, the withdrawal of a claim, the cancellation of a request for such withdrawal, or any notice provided for pursuant to the regulations in this Subchapter 6, shall be in writing and shall be signed by the person authorized to file a claim under § 717.101.

§ 717.115 When written statement is considered a claim.

(a) *Written statement filed by claimant on his own behalf.* Where an individual files a written statement with the district office which indicates an intention to claim benefits and such statement bears his signature or his mark properly witnessed, the filing of such written statement shall be considered to be the filing of a claim for benefits; *Provided*, That the claimant or a proper party on his behalf executes a prescribed claims form that is filed to the district office during the claimant's lifetime and within the period prescribed in Paragraph (c)(1) of this section; or

(b) *Written statement filed by an individual on behalf of another.* A written statement filed by an individual which indicates an intention to claim benefits on behalf of another person shall, unless otherwise indicated thereon, be considered to be the filing of a claim for such purposes; *Provided*, That:

(1) The written statement bears the signature (or mark properly witnessed) of the individual filing the statement; and

(2) The individual filing the statement is the beneficiary of the claimant on whose behalf the statement is being submitted, or a proper party to execute a claim on behalf of a claimant; and

(3) A prescribed claims form (see § 717.111) is executed and filed in accordance with the provisions of paragraph (c)(1) of this section.

(c) *Period within which prescribed claims form must be filed.* After the district office has received from an individual a written statement as described in paragraph (a) or (b) of this section:

(1) Notice in writing shall be sent to the claimant or to the individual who filed the written statement on his behalf, stating that an initial determination will be made with respect to such written statement if a prescribed claims form executed by the claimant or by a proper party on his behalf is submitted to the district office within 1 year from the date of such notice; or

(2) If the district office is notified that the death of such claimant occurred before the mailing of the notice described in subparagraph (1) of this paragraph, or within the 6-month period following the mailing of such notice but before the submitting of a prescribed claims form by or on behalf of such individual, notification in writing shall be sent a person acting on behalf of his estate, or to the deceased's last known address. Such notification will include information that an initial determination with respect to such written statement will be made only if a prescribed claims form is submitted within 6 months from the date of such notification.

PROCESSING OF CLAIM

§ 717.121 Completion and transmittal of claims forms.

(a) All information required to be provided by any claimant shall be determined and entered in the appropriate place on the claims form, when necessary with the assistance of the designated employee of the district office in which the claim is filed.

(b) The designated official in the district office will verify that all information required by the appropriate claims form has been furnished. The forms will then be reviewed for completeness by a senior official in the district office.

(c) When a claims form is completed, the district office shall promptly transmit it by mail to the Office of Workmen's Compensation programs, U.S. Department of Labor, Washington, D.C. 20211.

§ 717.122 Medical evidence.

(a) When a miner has filed a completed claims form CM-903 with a district office of the Social Security Administration, the district office will make the necessary arrangements to refer the miner to a physician from among those physicians previously designated and approved by the Department to conduct and evaluate pneumoconiosis examinations.

(b) The examination will be conducted at a time convenient to both the miner and the approved physician and as soon as is practicable.

(c) The designated physician will complete an examination of the miner to determine the nature and extent of that miner's impairment.

(d) The physician's findings will be entered on form CM-904 pursuant to the instructions on that form and remitted together with the physician's bill for services directly to the Office of Workmen's Compensation programs, U.S. Department of Labor, Washington, D.C. 20211.

(e) Any other appropriate medical evidence submitted by a claimant will be transmitted directly by the district office to the Office of Workmen's Compensation programs, Washington, D.C. 20211.

§ 717.123 Reimbursement for reasonable expenses in obtaining medical evidence.

Claimants filing for benefits under this part shall be reimbursed for reasonable medical expenses incurred by them in establishing their claims, including the reasonable and necessary cost of travel incident thereto. A medical expense generally is not "reasonable" when the medical evidence for which the expense was incurred is of no value in the adjudication of a claim. Medical evidence will be considered to be of "no value" when, for instance, it is only duplicative or when it is wholly extraneous to the medical issue of whether the existence of disability or death is due to pneumoconiosis. In order to minimize inconvenience and ex-

pense to the claimant, he should not generally incur any medical expense for which he intends to claim reimbursement without first contacting the district office to determine what types of evidence not already available may be useful in adjudicating his claim, what types of medical evidence may be reimbursable, and what would constitute a "reasonable medical expense" in a given case.

§ 717.124 Development of evidence.

(a) The designated official in the district office of the Social Security Administration assigned the responsibility for developing any particular case shall in conjunction with this development endeavor to establish a complete and detailed history of the miner's coal mine employment. When this employment history is completed and reviewed for completeness by a senior official, it shall be sent to the Office of Workmen's Compensation programs, U.S. Department of Labor, Washington, D.C. 20211.

(b) In appropriate cases it shall be necessary to develop evidence pertaining to or obtain proof of age, marriage or termination of marriage, death, relationship of parent and child, other relationship or dependence, or any other fact which may be proven as a matter of public record. Evidence pertaining to these matters shall be requested and collected by the district office of the Social Security Administration to which the claim is submitted. For purposes of the Department of Labor's administration of Part B of Title IV of the Act only, this evidence shall be obtained in accordance with Social Security Administration regulations appearing at 20 CFR Part 404. When the necessary documentary evidence has been obtained it shall be promptly sent to the Office of Workmen's Compensation programs in Washington, D.C.

(c) *Certification of evidentiary documents.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated thereon, be certified as a true and exact copy or excerpt by the official custodian of any such record or by an employee of the district office of the Social Security Administration or an employee of the Office authorized to make certifications of any such evidence.

Signed at Washington, D.C., this 1st day of September 1972.

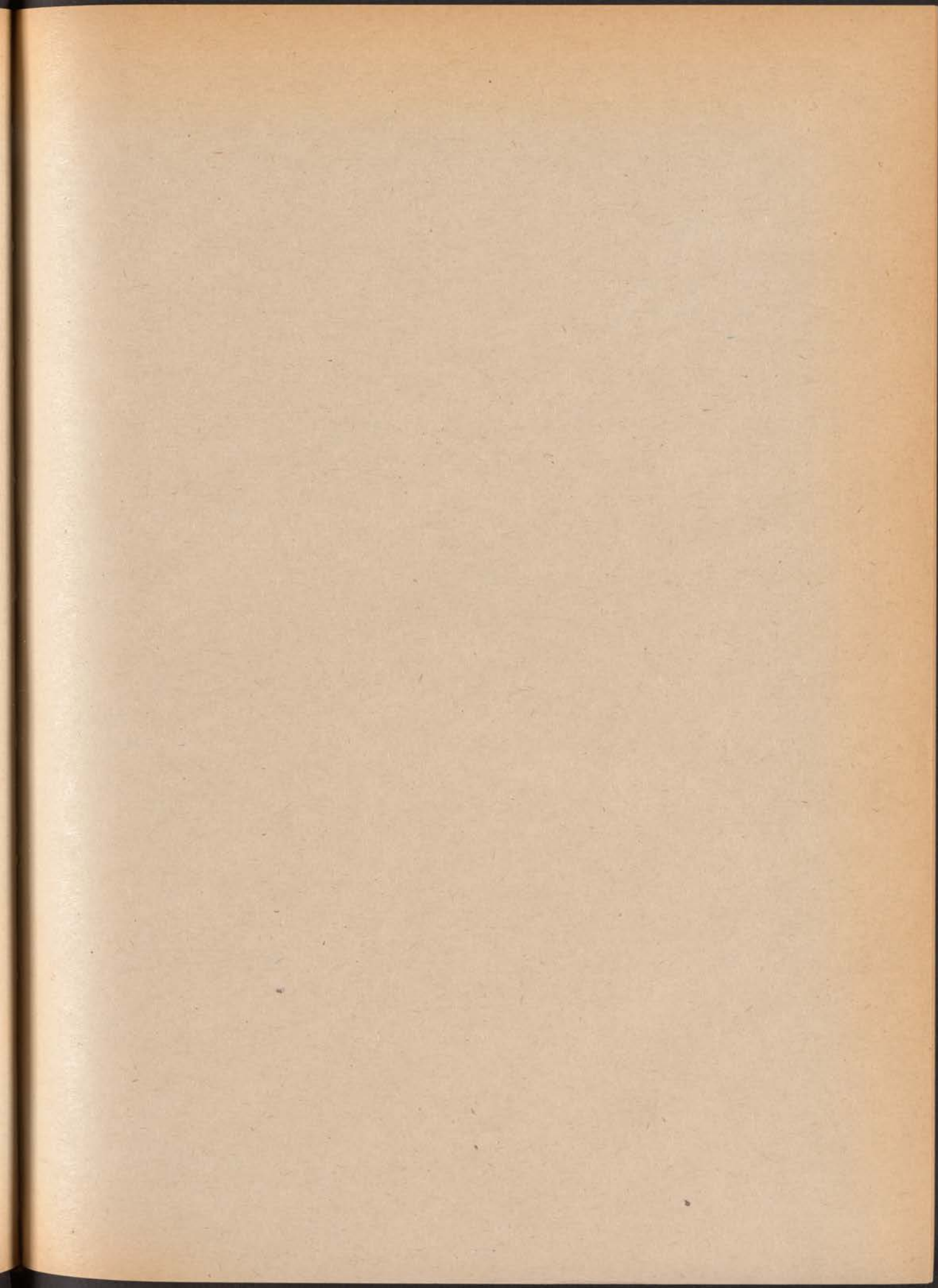
JAMES D. HODGSON,
Secretary of Labor.

ROBERT M. BALL,
Commissioner, Social Security
Administration.

Approved:

ELLIOT L. RICHARDSON,
Secretary of Health, Education,
and Welfare.

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for the year 1970

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January 1970

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January 1970

January 1970

January 1970

January 1970

January 1970

January 1970

January 1970

January 1970

January 1970

January 1970

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