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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.

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List of CFR Parts Affected

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

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.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11643

Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa), it is ordered as follows:

SECTION 1. *Policy.* It is the policy of the Federal Government to (1) restrict the use on Federal lands of chemical toxicants for the purpose of killing predatory mammals or birds; (2) restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles; and (3) restrict the use of both such types of toxicants in any Federal programs of mammal or bird damage control that may be authorized by law. All such mammal or bird damage control programs shall be conducted in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection, to the greatest degree possible, of the Nation's wildlife resources, including predatory animals.

SEC. 2. *Definitions.* As used in this order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies, and establishments of the executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals or birds.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter injested by man,

mammal, bird, or reptile, produces the effects set forth in paragraph (c) of this section.

(f) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings.

SEC. 3. *Restrictions on Use of Chemical Toxicants.*

(a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that any emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

SEC. 4. *Rules for Implementation of Order.* Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this order.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2032 Filed 2-8-72; 12:29 pm]

NOTE: For the text of the President's Environmental Message to the Congress dated February 8, 1972, in which reference is made to E.O. 11643, above, see Weekly Comp. of Pres. Doc., Vol. 8, No. 7, issue of February 14, 1972.

EXECUTIVE ORDER 11644

Use of Off-Road Vehicles on the Public Lands

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

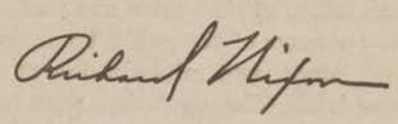
SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.



THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2031 Filed 2-8-72; 12:29 pm]
FEDERAL REGISTER, VOL. 37, NO. 27—WEDNESDAY, FEBRUARY 9, 1972

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15, in the Policy Support Division of the Office of Telecommunications are excepted under Schedule B.

Effective on publication in the FEDERAL REGISTER (2–9–72), paragraph (d) is added to § 213.3214, as set out below.

§ 213.3214 Department of Commerce.

* * * * *

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

(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.72–1880 Filed 2–8–72;8:47 am]

Title 7—AGRICULTURE

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 426.1]

PART 1806—REAL PROPERTY INSURANCE

On pages 20532 and 20533 of the FEDERAL REGISTER of October 23, 1971, there was published a notice of proposed rule making that would amend § 1806.3(c)(1) of Title 7 of the Code of Federal Regulations to eliminate in certain cases the requirement that insurance will be required on buildings repaired with section 504 loans.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed amendment is hereby adopted subject to the following change: The authorities for issuance of the amendment are changed to read as follows:

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Effective date. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER (2–9–72).

Dated: February 1, 1972.

JOSEPH HASPRAY,
Deputy Administrator, Farmers Home Administration.

1. In § 1806.3(c)(1), subdivisions (iv) and (v) are redesignated as subdivisions (v) and (vi), respectively; and a new subdivision (iv) is added. As amended and redesignated, the subdivisions (iv), (v), and (vi) read as follows:

§ 1806.3 Coverage requirements.

* * * * *

(c) * * *
(1) * * *

(iv) Which is being or has been repaired with a section 504 loan. Families receiving section 504 loans should be encouraged but not required to carry insurance on their home.

(v) On LH security property which was not built or repaired with FHA loan funds provided that the State Director determines that the land and other structures adequately secure the FHA loan and any prior liens.

(vi) On which the hazards are so slight because of the character and construction of the building or the cost of the insurance is so high in comparison with the value of the building that, according to common standards of judgment, it should not be insured, including but not limited to windmills, silos, and fire-cured tobacco barns.

* * * * *

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

[FR Doc.72–1883 Filed 2–8–72;8:48 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Ins. 442.7]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart G—Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

PROCESSING APPLICATIONS FOR COMPREHENSIVE PLANNING GRANTS

Subpart G of Part 1823, Title 7, Code of Federal Regulations (36 F.R. 17031) is amended to clarify the subpart as to the use to which interest earned on grant funds may be put by the grantee.

1. In § 1823.209(f), subparagraphs (2), (3), and (4) are redesignated as subparagraphs (3), (4), and (5), respectively, and a new subparagraph (2) is added. As amended and redesignated, the subparagraphs (2), (3), (4), and (5) will read as follows:

§ 1823.209 Processing applications for comprehensive planning grants.

* * * * *

(f) * * *

(2) If for any reason grant funds are invested, income earned on such investments shall be identified as interest income on grant funds and forwarded to the Finance Office, unless the grantee is a State. "State" includes instrumentalities of a State but not political subdivisions of a State. A State grantee is not accountable for interest earned on grant funds.

(3) It is anticipated that most plans will be prepared under contracts with qualified planning consultants. In such cases, the contract, including the schedule of fees and charges and provisions for payment, must be reviewed and approved by FHA before it is executed by the recipient organization. It may be necessary in some instances to accomplish the planning on a force account basis. When the force account method is used, careful control of the disbursement of grant funds must be maintained to insure that such funds are only used to pay additional costs over and above normal personnel and operational costs of the recipient organization.

(4) The County Supervisor, or other employee designated by the State Director, will periodically inspect the progress of the plan. The State Director will review and approve each completed comprehensive plan before final payment is made. Before such approval is granted, he must make sure that the plan has been coordinated with all local units of government which might be affected.

(5) One certified copy of the completed plan will be provided for each FHA County Office located in the area covered by the plan.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: February 1, 1972.

JOSEPH HASPRAY,
Deputy Administrator, Farmers Home Administration.

[FR Doc.72–1882 Filed 2–8–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-3-AD, Amdt. 39-1392]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 and 747-200B Series Airplanes

There has been an incident involving the stabilizer trim system on a 747-100 airplane which resulted in an unscheduled nose up pitch of the airplane after takeoff. The crew was able to control the aircraft through the use of manual stabilizer trim levers and, in addition, large nose down control forces on the control column. Unscheduled stabilizer trim was caused by a failure of the stabilizer control module arming valve retainer cap and control valve seal, on one of the two stabilizer drive systems, plus a degraded stabilizer drive trim motor on the remaining drive system. The latter condition prevented reversal of the unscheduled trim at higher speeds. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require certain tests and additional Airplane Flight Manual instructions. Modification to the stabilizer trim system on 747-100 and 747-200B Series airplanes, per manufacturer's bulletins, constitutes a terminating action for the test procedures.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to 747-100 and 747-200B Series airplanes.

Compliance required as indicated.

To prevent unscheduled stabilizer trim and to maintain stabilizer control capability, accomplish the following:

(a) For airplanes incorporating stabilizer trim modules Boeing P/N 60B80027-2 and 60B80027-3 and/or stabilizer trim drive motors P/N 60B00250-1 without "B" suffix identification following the unit serial number, within 100 hours' time in service after effective date of this A.D., and, thereafter at intervals not to exceed 100 hours' time in service from the last inspection, test the stabilizer trim system components per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent tests approved by the Chief, Aircraft Engineering Division, FAA Western Region, until modified in accordance with paragraph (c), below.

(b) Replace, or modify, prior to further flight, stabilizer trim system components which are found defective by the inspections per paragraph (a), above, in accordance with Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent replacements or modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) The inspections required per (a), above, may be discontinued after accomplishment of the following:

(1) Replace stabilizer trim modules, Boeing P/N 60B80027-2 and 60B80027-3 with stabilizer trim modules modified with improved arming and control valve seals and steel retainer caps per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Boeing Service Bulletin 27-2054 Revision 2, dated January 14, 1972, incorporates LTV Electrosystems Service Bulletins 27-6, 27-8, and 27-9 in "Part II, Terminating Action."

(2) Replace stabilizer trim motor, Boeing P/N 60B00250-1, without suffix "B" identification following unit serial number identification, with stabilizer trim motors modified with solid locking pins, per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Boeing Service Bulletin 27-2054 Revision 2, dated January 14, 1972, incorporates Vickers Service Bulletin 910274-2, dated April 2, 1970.

(d) Within 100 hours' time in service after the effective date of this A.D., unless already accomplished, incorporate in the FAA approved Airplane Flight Manual, "Emergency Procedures" (section 2), the following procedures:

Unscheduled Stabilizer Trim

Recall.

Stabilizer Trim Hydraulic Switches—Cutout.

Reference.

Autopilot—Disengage.

Control column movement in opposition of trim will stop unscheduled trim caused by electrical fault.

Moving stabilizer trim hydraulic switches to Cutout will stop any unscheduled trim. Allow sufficient time for valves to operate.

A portion of the system may be determined to be usable by moving one stabilizer trim hydraulic switch at a time to Norm. If trim is normal that system may be used to adjust trim as required.

This amendment becomes effective February 11, 1972.

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

Issued in Los Angeles, Calif., on January 31, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.72-1866 Filed 2-8-72;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Interferences

A proposal was published at 36 F.R. 18002 to amend, revise, or redesignate §§ 2.27, 2.61, 2.80-2.82, 2.91, 2.92, 2.98, 2.101, and 2.103. Pursuant to this notice, a number of comments have been received from interested persons, and due consideration has been given to all matter presented. Only editorial changes have been made in the rules as proposed.

Effective date. This revision shall become effective on March 1, 1972, and will apply to all applications except those in which a notice of publication was mailed prior to March 1, 1972.

§ 2.27 [Amended]

1. Section 2.27 is amended by changing "2.81" in paragraph (b) to read "2.80".

§ 2.61 [Amended]

2. Section 2.92(c) is redesignated as § 2.61(c).

3. Section 2.81 is redesignated as § 2.80 and revised to read as follows:

§ 2.80 Publication for opposition.

If, on examination or reexamination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition. The mark will also be published in the case of an application to be placed in concurrent use proceedings, if otherwise registrable.

§§ 2.81, 2.82 [Redesignated]

4. Sections 2.82 and 2.83 are redesignated as §§ 2.81 and 2.82, respectively.

5. A new § 2.83 is added and reads as follows:

§ 2.83 Conflicting marks.

(a) Whenever an application is made for registration of a mark which so resembles another mark or marks pending registration as to be likely to cause confusion or mistake or to deceive, the mark with the earliest effective filing date will be published in the Official Gazette for opposition if eligible for the Principal Register, or issued a certificate of registration if eligible for the Supplemental Register. A notice will be sent, if practicable, to the applicants involved informing them of the publication or issuance of the earliest filed mark.

(b) In situations in which conflicting applications have the same effective filing date, the application with the earliest date of execution will be published in the Official Gazette for opposition or issued on the Supplemental Register. A notice will be sent, if practicable, to the applicants involved informing them of the publication or issuance of the application with the earliest date of execution.

(c) Action on the conflicting application which is not published in the Official Gazette for opposition or not issued on the Supplemental Register will be suspended by the Examiner of Trademarks until the published or issued application is registered or abandoned.

6. The heading for §§ 2.91-2.99 entitled "Interferences" is revised to read "Interferences and Concurrent Use Proceedings."

7. Section 2.91 is revised to read as follows:

§ 2.91 Interferences.

(a) An interference will not be declared between two applications or between an application and a registration except upon petition to the Commissioner. Interferences will be declared by the Commissioner only upon a showing of extraordinary circumstances which would result in a party being unduly prejudiced without an interference. In ordinary circumstances, the availability of an opposition or cancellation proceeding to the party will be deemed to remove any undue prejudice.

(b) Registrations and applications to register on the Supplemental Register, registrations under the Act of 1920, and registrations of marks the right to use of which has become incontestable are not subject to interference.

8. Section 2.92 is revised to read as follows:

§ 2.92 Preliminary to interference.

Before the declaration of an interference, the marks which are to form the subject matter of the controversy must have been decided to be registerable by each party except for the interfering mark.

9. Section 2.98 is revised to read as follows:

§ 2.98 Adding party to interference.

If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trademarks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course if no testimony has been taken. If any testimony has been taken or is about to be taken, the case will not be added except upon approval of a member of the Trademark Trial and Appeal Board. If the case is not added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding.

§ 2.101 [Amended]

10. Section 2.101 is amended by changing "2.81", to read "2.80".

§ 2.103 [Amended]

11. Section 2.103 is amended by changing "2.81" in the second sentence to read "2.80".

Dated: February 2, 1972.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.72-1863 Filed 2-8-72;8:46 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

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

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	Arapahoe	Englewood	I 08 005 0740 03 I 08 005 0740 04	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Feb. 11, 1972.
Delaware	Sussex	Rehoboth Beach				Do.
Massachusetts	Hampshire	Hadley				Do.
Do	Bristol	Rehoboth				Do.
Minnesota	Washington	Lakeland	I 27 163 3949 01	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, Village of Lakeland, Lakeland, Minn. 55043.	Do.
Do	Anoka	Anoka				Do.
Do	Houston	LaCrescent Village.				Do.
Do	Polk	Unincorporated areas.				Do.
New Jersey	Morris	Boonton				Do.
Do	Burlington	Morrestown Township.				Do.
Do	Bergen	Paramus Borough				Do.
Texas	Tarrant	Hurst				Do.
Vermont	Windsor	Hartford				Do.

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

Issued: February 2, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-1806 Filed 2-8-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	Arapahoe	Englewood	H 08 005 0740 03.. H 08 005 0740 04	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Feb. 26, 1971.
Delaware	Sussex	Rehoboth Beach				Feb. 11, 1972.
Massachusetts	Hampshire	Hadley				Do.
Do	Bristol	Rehoboth				Do.
Minnesota	Washington	Lakeland	H 27 163 3949 01..	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, Village of Lakeland, Lakeland, Minn. 55043.	Apr. 8, 1971.
Do	Anoka	Anoka				Feb. 11, 1972.
Do	Houston	LaCrescent Village.				Do.
Do	Polk	Unincorporated areas.				Do.
New Jersey	Morris	Boonton				Do.
Do	Burlington	Morrestown Township.				Do.
Do	Bergen	Paramus Borough.				Do.
Texas	Terrant	Hurst				Do.
Vermont	Windsor	Hartford				Do.

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

Issued: February 2, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1807 Filed 2–8–72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Annual Evaluation Report

The following amendments to 45 CFR Part 102, which is applicable to programs of vocational education administered by State boards for vocational education under the Vocational Education Act of 1963, as amended by title I of the Vocational Education Amendments of 1968 (Public Law 90–576) and by title VII of Public Law 91–230 are made to make more effective use of State advisory councils.

In § 102.159, paragraphs (a) and (b) are revised as amended, § 102.159 reads as follows:

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council, on or before December 1 of each year, an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c), in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. The recommendations of the State advisory council shall be considered by the State board in developing the State plan for the ensuing year. Response in writing to each recommendation shall accompany the State plan and may include, among other matters, the results of evaluations by the State board of programs, services, and activities which support, supplement, or differ with the evaluation results of the State advisory council.

(Sec. 104, 82 Stat. 1066; 20 U.S.C. 1244)

These amendments shall take effect 30 days after they are published in the FEDERAL REGISTER (sec. 421(c), Public Law 92–247, as amended).

Dated: January 20, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: February 2, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72–1878 Filed 2–8–72;8:47 am]

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

On page 21600 of the FEDERAL REGISTER of November 11, 1971, there was published a notice of proposed rule making to amend regulations to provide an exception to the exclusion from eligible development costs with respect to applications for annual interest grants. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (2–9–72).

Dated: January 18, 1972.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: February 2, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Section 170.7 is amended by revising paragraph (c)(2) and by adding a new paragraph (d) to read as follows:

§ 170.7 Determination of costs eligible for Federal participation.

* * * * *

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

* * * * *

(2) Except as provided for in paragraph (d) of this section, any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date or concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any title for any such application.

(d) With respect to applications for annual interest grants submitted under Subpart E, where the construction contract or contract for the purchase or installation of built-in equipment was entered into on or before July 1, 1966, an exception to the general rule set forth in paragraph (c)(2) of this section may be made by the Commissioner in unusual cases where he finds that the applicant is financially hard pressed and has secured only short-term (not in excess of 5 years) financing of the academic facilities with respect to which the annual interest grant is requested, which short-term financing must be replaced in order to reduce the financial hardships, and where such academic facilities provide significant additional enrollment capacity for disadvantaged students. In making the foregoing findings the Commissioner will take into account:

(1) The number of disadvantaged students enrolled by the college and the percentage of the total enrollment represented by that number.

(2) The number of low-income families residing in the area served by the college and the average family income in that area,

(3) The immediacy of the college's need to obtain new financing, the availability of financing from other sources, and the effect of the burden of the present and proposed new financing on the college's ability to continue serving disadvantaged students,

(4) The number of disadvantaged students who benefit from the facilities for which the college is seeking financing, and

(5) The extent of programs offered by the college to assist disadvantaged students in taking maximum advantage of their education opportunity.

In no event will an exception be made by the Commissioner pursuant to this paragraph unless the applicant produces evidence that the provisions of §§ 170.2, 170.3, and 170.4 have been met and has satisfied the Commissioner that the reasons for the applicant not having secured the Commissioner's advance concurrence as provided for in § 170.7(c)(2) were not due to any unwillingness on the part of the applicant to meet such conditions.

[FR Doc.72–1879 Filed 2–8–72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Subpart E—Exemptions From Tolerances

ADJUVANT REVISIONS

An order was published in the FEDERAL REGISTER of December 22, 1971 (36 F.R. 24216), adding 90 adjuvants for pesticide chemicals to the tables in § 180.1001 (c) and (d). The lists of new adjuvants as published did not take into consideration the adjuvants already in the tables. Thus, some of the uses for the new adjuvants will not be correctly described when they are inserted in the tables and in some cases will change correctly described uses.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by revising the following items in the tables in paragraphs (c) and (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Calcium citrate		Do.
* * *	* * *	* * *
Calcium phosphate		Solid diluent, carrier.
Calcium silicate		Do.
* * *	* * *	* * *
α-Cellulose		Solid diluent, carrier.
* * *	* * *	* * *
Citrus meal		Solid diluent, carrier.
Cocoa shells		Do.
* * *	* * *	* * *
Corn meal		Do.
* * *	* * *	* * *
Cornstarch		Solid diluent, carrier.
* * *	* * *	* * *
Lard		Do.
* * *	* * *	* * *
Peanut shells		Solid diluent, carrier.
* * *	* * *	* * *
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–9,000.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Potassium chloride		Do.
* * *	* * *	* * *
Silica, hydrated silica		Do.
* * *	* * *	* * *
Sodium dioctylsulfosuccinate		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Zeolite (hydrated alkali aluminum silicate)		Solid diluent, carrier.

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Amine salts of alkyl (C_8-C_{24}) benzenesulfonic acid (butylamine, dimethylaminopropylamine, mono- and diisopropylamine, mono-, di-, and triethanolamine).		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Chlorobenzene	Contains not more than 1% impurities. Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, cosolvent.
* * *	* * *	* * *
Cyclohexane		Solvent, cosolvent.
* * *	* * *	* * *
n-Decyl alcohol		Do.
* * *	* * *	* * *
n-Hexyl alcohol		Do.
* * *	* * *	* * *
Methyl isobutyl ketone		Solvent, cosolvent.
* * *	* * *	* * *
Monophosphate ester of the block copolymer α-hydro-*omega*-hydroxypoly (oxyethylene)-poly-(oxypropylene)-poly (oxyethylene); the poly(oxypropylene) content averages 37–41 moles, and the molecular weight averages 8,000.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Polyoxyethylated sorbitol fatty acid esters; the polyoxyethylated sorbitol solution containing 15 percent water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids; the poly(oxyethylene) content averages 30 moles.		Do.
* * *	* * *	* * *
Sodium butyl naphthalenesulfonate		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium mono- and dimethylnaphthalenesulfonate; molecular weight 245–260.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium salt of partially or completely saponified dark wood rosin (as defined in Title 21, § 121.2592 (a)(1)(v)).		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–9–72).

(Sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e))

Dated: February 1, 1972.

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

[FR Doc.72–1813 Filed 2–8–72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17295]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Frequencies Available; Correction

In the matter of amendment of Parts 2, 81, and 83—Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communications in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony.

1. In the report and order in the above-entitled matter released on July 25, 1968, FCC 68–740 (33 F.R. 10849) a specific correction is necessary to conform to the report and order. In § 83.351(a)(5) the Carrier frequency table inadvertently states that the carrier frequency 156.700 Mc/s is subject to condition of use 58 (not available in Puerto Rico and the Virgin Islands per § 83.351(b)(58)).

2. In view of the foregoing, § 83.351 (a)(5) is amended as set forth below.

Released: February 4, 1972.

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

1. Section 83.351(a)(5) is amended as follows:

§ 83.351 Frequencies available.

(a) * * *

(5) * * *

Carrier frequency (Mc/s)	*Conditions of use*
* * *	* * *
156.675	33, 35, 40, 41, 45
156.700	34, 40, 41, 45
156.725	33, 35, 40, 41, 45
* * *	* * *

* * * * *

[FR Doc.72–1896 Filed 2–8–72;8:48 am]

[Docket No. 18307]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Frequencies Below 3000 kHz for Safety, Business, and Operational Purposes; Correction

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes, Docket No. 18307, RM–1286.

1. In the first report and order in the above-entitled matter released on June 16, 1970, FCC 70–608 (35 F.R. 10212) a specific correction is necessary to conform to the first report and order. Section 83.362(c) should be corrected to indicate that § 81.360(b), rather than § 81.365(b), is the location of certain limitations on the use of the frequencies 2738 Kc/s and 2830 Kc/s.

2. In view of the foregoing, § 83.362(c) is amended as set forth below.

Released: February 4, 1972.

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

1. Section 83.362(c) is amended as follows:

§ 83.362 Frequencies below 3000 kHz for safety, business, and operational purposes.

* * * * *

(c) The frequencies 2738 kHz and 2830 kHz may be used for safety and related navigational communication with limited coast stations authorized to engage in such communication: *Provided,* That use of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 81.360(b) of this chapter.

* * * * *

[FR Doc.72–1894 Filed 2–8–72;8:48 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–68; Amdts. 173–60, etc.]

PORTABLE TANK SPECIFICATIONS

The purpose of these amendments to the Department's Hazardous Materials Regulations is to provide two new specifications for portable tanks and to prescribe uses for these tanks. Existing authorization for fabrication of DOT specifications 52 and 53 portable tanks will terminate on May 31, 1972.

On December 12, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM–68; Notice No. 70–24 (35 F.R. 18919) which proposed these amendments. The Board received several comments regarding these changes.

Several comments were addressed to the material specifications for aluminum and the difficulties of expressing permitted aluminum alloys in a format that would not be unnecessarily restrictive and that would not require frequent updating to be kept current with advancing technology. Also, the Board was requested to treat aluminum in a similar manner as steel. After reviewing all the comments on this matter, the Board concluded that a table similar in principle and format to that for steel would be the most effective solution. This table is included in the amendment.

Many comments were made regarding the criteria for venting of liquids and the inadequacy of the proposal as it was written. The Board agrees with these comments and has included provisions for the use of frangible discs, adjustment of the total emergency venting capacity table, a requirement for total containment under conditions of transportation which include temperatures as high as 130° F., allowance for minimum venting capacity calculated from a tank pressure of 3 p.s.i.g. to 5 p.s.i.g., and clarification that spring-loaded devices are not mandatory.

In response to several comments regarding materials of construction, the Board has clearly noted that pressure relief devices are not required to be made of metal.

The Board received many comments on the written format of the specifications and has adopted the format for which almost all commenters expressed a preference; viz., a general requirement section for all portable tanks followed by separate specification requirements for tanks for dry and liquid products. Under this format the Board further recognized a difference between requirements for containers for liquid and containers for solids. This was in consideration of the overall difference in hazard between the liquid and solid state of a material in the event of a leak.

Several comments were made concerning the adequacy, desirability, and effect of the proposed tests and how they relate to the transportation environment. Although the testing criteria now set forth in the Hazardous Materials Regulations may not be fully responsive, in consideration of results these criteria have produced with respect to the adequacy of present hazardous materials packaging, the Board prefers to retain the conventional drop, vibration, and pressure testing now found in the regulations. The Department has a study in progress regarding the relation of testing to the environment and will await the conclusions of this study before embarking on any extensive changes in testing philosophy. A particular concern in testing was the requirement for vibration testing, especially as it involves solids. Here also, the Board has chosen to retain existing test criteria. With respect to the tanks to be used for solids, it is the opinion of the Board that use of a fine, dry, powdered filling material in the vibration test will be helpful. It should also permit evaluation of closures located low in the tank if the dry powdered material is of sufficiently fine mesh size. However, the Board has chosen not to prescribe the actual mesh size, but will rely on the clear intent of the rule describing testing and the fact that design and testing information must be available to the shipper to assure compliance with § 173.24 of the Hazardous Materials Regulations.

The retest periods remain as proposed because of the exposure these portable tanks receive. The Board believes that a longer retest period would not be responsive to the type of service these smaller portable tanks will see.

Some objection against the tie-down requirements was expressed. Most of these comments did not contain explanatory or supporting data. Consequently, the Board has made adjustments only as it considered were necessary but otherwise maintained the requirement.

Several commenters objected to the joint efficiency requirements as expressed and referred the Board to the current requirements for cargo tanks as a better form for the rule. The Board agrees with these suggestions and has added requirements similar to § 178.340–5 of the Hazardous Materials Regulations.

On the basis of several comments and re-evaluation, the Board has determined that existing requirements and tests for fittings, closures, guards, and supports assure the adequacy of the specifications without the need for specific mounting pad requirements. This proposed section, therefore, is not included in this amendment.

Several comments related to the difficulty in expressing tank failure. The Board originally proposed terms such as "no stress in excess of yield strength" and other similar expressions. The difficulty in describing inadequate strength was demonstrated by several commenters. The Board has changed the rule to refer to the term "significant deformation" or similar expressions, being of the opinion that the term "significant" relating to the projected adequacy of a container to hold product is capable of being determined.

On the basis of some of the comments received, it became obvious to the Board that the purpose of the term "Maximum gross weight" in § 178.251–7(a) was not fully understood. In performance oriented specifications such as these, testing must of necessity be closely allied to the packaging in the "as used" condition in transportation. The maximum gross weight limitation can refer only to a rated weight based on design and testing. The Board noted, however, that although its performance oriented philosophy was expressed in notice No. 70–24, some of the rules applying its philosophy could be clearer. Accordingly, the term "Maximum gross weight" in § 178.251–7(a) has been changed to "Rated gross weight" and §§ 178.251–1(b), 178.252–3(a), and 178.253–5(a) incorporate language relating testing more specifically to the gross weight marking on the certification plate.

Currently, there are at least 25 outstanding permits authorizing use of modified specifications 52 or 53 portable tanks. These are commonly known in the trade as "Tote Tanks", "Tote Bins", "Liqua-Bins", etc. The Board is hereby authorizing their continued usage until April 30, 1974, under special permit, each permit subject to cancellation for cause. This authorization is only in effect for the commodities and modes of transportation specified in each permit. Each permit holder must examine the tanks in use to determine compliance with specifications 56 or 57 and if possible modify, re-rate, and re-mark the tanks according to the applicable specification. If the tank covered by a special permit cannot be brought within specification, the permit holder must advise the Board before July 1, 1973, and explain why the tank can not be brought within specification. The Board will then make individual determinations regarding additional rule making or continuance of the permit.

Those special permit holders having specification 52, 53, 56, or 57 portable tanks or similar modified tanks in services not covered by this amendment must also petition the Board for additional rule making or continuance of the permit under the same conditions.

Permits outstanding for portable tanks related to MC specifications or specifications 51 and 60 are not affected by this amendment.

In consideration of the foregoing, 49 CFR Parts 173, 174, 177, and 178 are amended as follows:

PART 173—SHIPPERS

A. In Part 173 Table of Contents, § 173.32 is amended to read as follows:

Sec.
173.32 Qualification, testing, maintenance, and use of portable tanks.

B. In § 173.32, the heading and paragraphs (e) through (i) are amended; paragraph (d) is added to read as follows:

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

* * * * *

(d) *Use of specification 52 and 53 tanks.* Continued use of an existing portable tank constructed to specification 52 or 53 is authorized only for a tank constructed before June 1, 1972.

(e) *Retest.* Each portable tank used for the transportation of a hazardous material must be successfully retested before further use in accordance with the following:

(1) *Schedule.* Each tank must be retested as prescribed in subparagraph (2) of this paragraph, in accordance with the following schedule:

(i) Specification 51 (§ 178.245 of this chapter): at least once every 5 years.

(ii) Specifications 52, 53, 56, and 57 (§§ 178.246, 178.247, 178.251, 178.252, 178.253 of this chapter): at least once every 2 years.

(iii) Specification 60 (§ 178.255 of this chapter): at the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retesting is not required on a rubber-lined tank except before each relining.

(iv) Any other portable tank authorized by this part for transportation of compressed gases (including liquefied compressed gases): at least once every 5 years.

(2) *Test procedures.* Unless otherwise specified, each tank must be retested in accordance with the following test procedures:

(i) *Pressure.* Each specification 60 tank must be retested in accordance with § 178.255–12 of this chapter. A specification 57 tank must be retested in accordance with § 178.253–5(b) of this chapter. Any other tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 pounds per square inch gage or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater. During each air pressure test, the entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water, heavy oil, or other material suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to assure detection of leaks. During the air or hydrostatic test, relief devices may be removed, but all the closure fittings must be in place and the relief device openings plugged. Lagging need not be removed from a lagged tank if it is possible to maintain the required test pressure at constant temperature with the tank disconnected from the source of pressure.

(ii) *Visual.* While under the test pressure, the tank must be visually inspected for leakage, defective fittings and welds, defective closures, significant dents, and other defects or abnormalities which indicate a potential or actual weakness that could render the tank unsafe for the transportation of a hazardous material.

(iii) *Rejection criteria.* A tank fails to meet the requirements of the pressure test if, during the test, there is permanent distortion of the tank exceeding that permitted by the applicable specification, if there is any leakage, or if any deficiencies described in subdivision (ii) of this subparagraph are found. Any tank that fails must be rejected and may not be used again for the transportation of a hazardous material unless the tank is adequately repaired and thereafter a successful test is conducted in accordance with the requirements of this paragraph.

(3) *Marking.* The date of the most recent periodic retest must be marked on the tank, on or near the metal certification plate. Marking must be in accordance with § 173.24.

(4) *Records.* The owner of the tank or his authorized agent must retain a written record indicating the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

(f) *Special tanks.* Each portable tank authorized by this Part including each special permit tank (other than a tank covered by paragraph (e)(1)(iv) of this section) which is not in compliance with one of the specifications listed in paragraph (e) of this section, must be tested in accordance with the procedures prescribed in paragraph (e) of this section for the type of portable tank most nearly equivalent in design and usage. A tank constructed in accordance with paragraph U–68 or U–69 of previous editions of the ASME Code, and which has not been re-rated, must be hydrostatically retested at twice the design pressure instead of the one and one-half times prescribed in paragraph (e)(2)(i) of this section.

(g) *Deteriorated tanks.* Without regard to any other retest requirements, any tank that shows evidence at any time of bad dents, corroded areas, leakage, or other conditions that indicate weakness which could render the tank unsafe for the transportation of a hazardous material, must be retested as prescribed in paragraph (e)(2) of this section.

(h) *Damaged tanks.* Any tank that has been in an accident and that has been damaged to an extent that may adversely affect its product retention capability, must be retested as prescribed in paragraph (e)(2) of this section.

(i) *Unused tanks.* Any tank that has not been used to transport a hazardous material for a period of 1 year or more may not be returned to hazardous materials service until it has been tested successfully in accordance with the requirements of paragraph (e)(2) of this section.

* * * * *

C. In § 173.128, paragraph (a)(3) is amended to read as follows:

§ 173.128 Paints and related materials.

(a) * * *

(3) Specification 52,[1] or 57 (§§ 178.251, 178.253 of this chapter). Metal portable tank.

* * * * *

D. In § 173.132, paragraph (a)(2) is amended to read as follows:

§ 173.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

(a) * * *

(2) Specification 52[1] or 57 (§§ 178.251, 178.253 of this chapter). Metal portable tank. Authorized for materials irrespective of flash point but only those defined as viscous liquids by § 173.115(b).

E. In § 173.239a, paragraph (a)(2) is added to read as follows:

§ 173.239a Ammonium perchlorate.

(a) * * *

(2) Specification 53[1] or 56 (§§178.247, 178.251, 178.252 of this chapter). Metal portable tank. Lower side or hopper-type product discharge openings are not permitted.

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.532, paragraph (n) is added to read as follows:

§ 174.532 Loading other hazardous materials.

* * * * *

(n) Specification 56 or 57 (§§ 178.251, 178.252, 178.253 of this chapter) portable tanks containing hazardous materials may not be stacked on each other nor may any other freight be stacked on them during transportation.

PART 177—SHIPMENT MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.834, paragraph (n) is added to read as follows:

§ 177.834 General requirements.

* * * * *

(n) Specification 56 or 57 (§§ 178.251, 178.252, 178.253 of this chapter) portable tanks containing hazardous materials may not be stacked on each other nor may any other freight be stacked on them during transportation.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

A. In Part 178 Table of Contents, §§ 178.246 and 178.247 are canceled; §§ 178.251, 178.252, and 178.253 are added to read as follows:

[1] Use of existing tanks authorized. Construction not authorized after April 30, 1972.

Sec.

§ 178.246 [Revoked]

B. Section 178.246 is canceled.

§ 178.247 [Revoked]

C. Section 178.247 is canceled.

D. Section 178.251 is added to read as follows:

§ 178.251 General design and construction requirements applicable to specifications 56 (§ 178.252) and 57 portable tanks (§ 178.253).

§ 178.251–1 General requirements.

(a) These specifications apply to tanks of any shape (cylindrical, conical, cubical, or other).

(b) The rated gross weight of the tank must not exceed the values used during the design qualification vibration and drop tests.

(c) Each tank must be in compliance with all applicable requirements of §§ 173.24 and 173.32 of this chapter.

§ 178.251–2 Materials of construction.

(a) Except for gaskets, pressure relief devices, valve seats, liners, and linings, all construction material must be metal.

(b) Hardware for handling and securing, fitting protection, outlet piping, valves, relief devices, and closures must be made of material that is electrolytically compatible with, or suitably protected from electrolytic action when joined to the product retention components of the tank.

(c) Any material used must not be susceptible to stress corrosion cracking.

(d) Material specification: All sheet, plate, and extruded material for shell, heads, bulkheads, and baffles for portable tanks must meet the following minimum requirements:

(1) *Aluminum alloys.* Aluminum alloys must be suitable for fusion welding and must meet the following requirements:

Minimum yield strength	24,000 p.s.i.
Minimum ultimate strength	30,000 p.s.i.
Minimum elongation of standard 2 inch gage length	8 percent

(2) *Steel.* Steel must meet the following requirements:

	Mild steel	Low alloy low carbon	Stainless
Minimum yield strength, p.s.i.	25,000	45,000	25,000
Minimum ultimate strength, p.s.i.	45,000	60,000	70,000
Minimum elongation of standard 2 inch gage length (percent)	20	25	30

(3) *Magnesium alloys.* Magnesium alloy must conform to ASTM B–90–69, Grade ZE–10A.

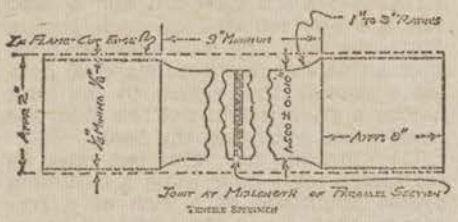
§ 178.251–3 General construction requirements.

(a) *Method of joining.* All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads must be welded in accordance with the requirements of this section.

(b) *Strength of joints (Aluminum Alloy (AL), Magnesium Alloy (MG)).* All welded joints must be made in accordance with recognized good practice. The efficiency of a joint must not be less than 85 percent of the mechanical properties of the adjacent material. Each alloy must be joined by an inert gas arc welding process using filler metals which are consistent with material suppliers recommendations.

(c) *Strength of joints (Mild Steel (MS), High Strength Low Alloy (HSLA), Austenitic Stainless Steel (SS)).* Joints must be welded in accordance with recognized good practice. The efficiency of any joint must not be less than 85 percent of the mechanical properties of the adjacent material.

(d) *Compliance test.* Compliance with the requirements contained in paragraph (b) or (c) of this section for the welded joints must be determined by preparing two test specimens from materials representative of those to be used in each tank. Joints must be made by the same technique of fabrication and must conform to the figure below. Each specimen must be tested to failure under tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt welded specimens tested may be considered as qualifying other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



§ 178.251–4 Stacking, mounting, and tie-down provisions.

(a) *Load support devices.* Each tank designed to be stacked in storage must be provided with load support devices. There may be no significant permanent deformation of the load support devices or the tank under either of the following stress conditions:

(1) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high.

(2) A load on the support devices at least three times the maximum authorized gross weight of the tank.

(b) *Base mounting.* Each tank must be constructed with mountings to provide a secure base during transportation. The mounting may be in the form of a skid or similar structure.

(c) *Tie-down system.* If there are tie-down devices that are a structural part of the tank, the tie-down system must be capable of withstanding the following static loading without significant deformation to the tank. The static loading applied must have, with respect to the center of gravity of the tank a vertical component of at least two times the maximum authorized gross weight of the tank.

(1) If the design of the tank necessitates specific front and side orientation when loaded on a transportation vehicle, the static loading applied must have two horizontal components at right angles to each other, one direction at a time as follows:

(i) A longitudinal component at least seven times the maximum authorized gross weight of the tank in the direction of travel of the vehicle, and

(ii) A component of five times the maximum authorized gross weight of the tank in the transverse direction, or

(2) If the design of the tank does not necessitate specific front and side orientation when loaded on a transportation vehicle, the static loading applied must have two horizontal components at right angles to each other, one direction at a time, of a least seven times the maximum authorized gross weight of the tank.

(d) If there is a structural part of the tank that could be used to tie the tank down and which is not in compliance with paragraph (c) of this section, it must be securely covered or locked during transportation to prevent its use as a tie-down.

§ 178.251–5 Testing.

(a) *Design qualification testing.* Design qualification tests prescribed in this paragraph must be made on at least one of each design and size tank, except that a set of tests, when made on a tank of one size, may serve to qualify smaller tanks made of same kind and thickness of material, by the same fabrication technique, and with identical supports, and equivalent closures, and other appurtenances. Tests must be performed sequentially on a single tank in the order listed in this section. Additional tests must be made if there is any increase in design size of the tank, any reduction in thickness of material, or any change in material, or in fabrication technique. Test samples must be retained for 1 year.

(1) *Vibration and drop tests.* See applicable specification, § 178.252–3(a) or § 178.253–5(a).

(2) *Structural integrity tests*—(i) *Lifting devices.* If there is a system of lifting devices that is a structural part of the tank or is permanently attached thereto or to the support structure, the system must be capable of supporting at least three times the maximum gross weight of the tank, and each individual lifting device must be capable of supporting at least the maximum gross weight of the tank, without significant permanent deformation in either the lifting device system or in any part of the tank.

(ii) *Shipment support structure.* If the tank supports are a structural part of the tank, the supports must be capable of

absorbing a force equal to the maximum gross weight of the tank or breaking without significant permanent deformation to the product retention component of the tank. The force must be applied to the supports at ground level from at least two horizontal directions at right angles to each other, one direction at a time.

(iii) *Stacking support devices.* If stacking support devices are a structural part of the tank, there must be no significant permanent deformation of any device or the tank under either of the following stress conditions:

(*a*) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high.

(*b*) A load on the stacking support devices of at least three times the maximum authorized gross weight of the tank.

(iv) *Fittings and protective devices.* Each fitting (or its protective device) subject to this test requirement must be capable of withstanding a force at least two times the maximum authorized gross weight of the tank without resultant damage to the fitting. The force must be applied to the fitting or its protective device in at least two horizontal directions at right angles to each other, one direction at a time, and in alinement with the fitting.

(b) *Production quality control, testing and inspection.* See applicable specification, § 178.252–3(b) or § 178.253–5(b).

§ 178.251–6 Rejected tanks.

No tank which fails to pass any of the prescribed tests may be placed in service until suitable repairs have been made and satisfactory re-tests results have been obtained.

§ 178.251–7 Identification and marking.

(a) A metal certification plate must be permanently affixed to each tank and must be readily accessible for inspection. The plate must be marked in letters and numerals at least ⅜-inch high by stamping, embossing, or other means of forming letters into or on the metal plate itself. The marking must contain at least the following information:

Tank manufacturer_____
Specification identification: Spec. 56 or Spec. 57 _____
Design pressure (*for specification 57 only*) _____ p.s.i.g.
Test pressure (*for specification 56 only*) _____ p.s.i.g.
Serial number_____
Original test date_____
Tare weight_____ lbs.
Rated gross weight [1]_____ lbs.
Volumetric capacity____ U.S. gal. (or cu. ft.)
Materials of construction [2]_____

[1] The rated (permitted) gross weight may not exceed that weight used during the design qualification tests involving vibration and drop.

[2] E.g., AL for aluminum, MG for magnesium alloy, MS for mild steel, HSLA for high strength low alloy, SS for austenitic stainless steel, including ASTM or ASME reference.

(b) Unless the tank has been designed for stacking and meets the appropriate stacking integrity requirements of this specification, it must also be marked in letters at least 2 inches high in contrasting colors "Do Not Stack" and "Do Not Place Other Freight On Top Of This Tank", on at least two sides of the tank. These instructions must also appear on the certification plate. Plate markings are required to meet the requirements of paragraph (a) of this section and need not be in contrasting color.

E. Section 178.252 is added to read as follows:

§ 178.252 Specification 56; metal portable tank.

§ 178.252–1 General requirements.

(a) Each tank must be in compliance with the general design and construction requirements in § 178.251 in addition to the specific requirements of this section.

(b) Each tank may not exceed a rated gross weight of 7,000 pounds.

§ 178.252–2 Openings.

(a) Each fill and discharge opening must be equipped with a closure and locking device.

(b) A drum-type locking ring closure is authorized for openings not exceeding 23 inches in diameter. A drum-type locking ring closure must be at least a 12-gage bolted ring with forged lugs having at least a ⅝-inch steel bolt tapped into one of the lugs. The locking ring must be equipped with a lock nut or equivalent device.

(c) For a tank that incorporates a hopper-type product discharge opening, the closure device must be constructed to retain product under the test conditions outline in §§ 178.251–5 and 178.252–3(a). Closures for those openings must be designed with positive mechanical locking and sealing devices to prevent leakage during normal conditions incident to transportation.

§ 178.252–3 Testing.

(a) *Design qualification testing.* In addition to the testing prescribed in § 178.251–5(a), a vibration and a drop test are also required on each design. For these tests, the tank must be filled with a fine, dry powdered material having a density that results in the tank having a gross weight not less than the rated gross weight of the tank.

(1) *Vibration test.* This test must be performed for 1 hour using a minimum double amplitude of 1 inch at a frequency that causes the test tank to be raised from the floor of the testing table so a piece of flat steel strap may be passed between the tank and the table. The tank must be restrained so that all horizontal motion is restricted and only vertical motion is permitted.

(2) *Drop test.* The tank must be capable of withstanding without leakage of contents a 2-foot free drop onto a flat unyielding horizontal surface, striking the target surface in the position and attitude from which maximum damage to the tank (including closures) is expected.

(b) *Production quality control, testing, and inspection*—(1) *Leakage test.* Each tank must be tested by a minimum air or hydrostatic pressure of at least 2 pounds per square inch gage applied to the entire tank. If the air pressure is used, the entire surface of all joints under pressure must be coated with, or immersed in, a solution of soap and water, or other material suitable for the purpose of detecting leaks. If the hydrostatic pressure test is used it must be carried out by using water or other liquid having a similar viscosity, the temperature of which may not exceed 100° F. and all joints under pressure must be inspected for leaks. For either test, the pressure must be held for a period of time sufficiently long to assure detection of leaks. All closures must be in place during the test. Any tank that has detectable leakage or significant permanent deformation does not meet the requirements of this specification.

F. Section 178.253 is added to read as follows:

§ 178.253 Specification 57; metal portable tank.

§ 178.253–1 General requirements.

(a) Each tank must be in compliance with the general design and construction requirements in § 178.251 in addition to the specific requirements of this section.

(b) Each tank must have a capacity of at least 110 gallons but not more than 660 gallons.

§ 178.253–2 Openings.

(a) Each fill and discharge opening must be equipped with a closure device that meets the following requirements:

(1) Any closure for a fill opening in excess of 20 square inches must be equipped with a device to prevent the closure from fully opening without first relieving internal pressure.

(2) Any product discharge valve, if used, must be provided with a leak tight device, such as a cap or plug.

(3) Each closure must be vapor tight.

(b) A drum-type locking ring closure is authorized for any opening less than 23 inches in diameter. A drum-type locking ring closure must be at least a 12-gage bolted ring with forged lugs having at least a ⅝-inch steel bolt tapped into one of the lugs. The locking ring must be equipped with a lock nut or equivalent device.

§ 178.253–3 Protection of fittings.

Each fitting which could be damaged sufficiently to result in leakage of tank contents must be protected by suitable guards or protective housings. The term "fitting" includes valves, closure devices, safety relief devices, and other accessories through which contents could leak from the tank. Each fitting or fitting protection device must be capable of withstanding the fitting protection test specified in § 178.251–5.

§ 178.253–4 Vents.

(a) Each tank must be equipped with at least one pressure relief device such as a spring-loaded valve, frangible disc or fusible plug.

(b) Each pressure relief device must communicate with the vapor space of the tank when the tank is in a normal transportation attitude. Shutoff valves must not be installed between the tank opening and any pressure relief device.

Pressure relief devices must be mounted, shielded, or drained to prevent the accumulation of any material that could impair the operation or discharge capability of the device.

(c) The total emergency venting capacity (cu. ft./hr.) of each portable tank must be at least that determined from the following table.

Total surface area square feet[1][2]:	*Cubic feet free air per hour*
20	15,800
30	23,700
40	31,600
50	39,500
60	47,400
70	55,300
80	63,300
90	71,200
100	79,100
120	94,900
140	110,700
160	126,500

[1] Interpolate for intermediate sizes.
[2] Surface area excludes area of legs.

(1) The pressure operated relief device must open at not less than 3 pounds per square inch gage and at not over the design test pressure of the tank. The minimum venting capacity for pressure activated vents must be 6,000 cubic feet of free air per hour (measured at 14.7 p.s.i.a. and 60° F.) at not more than 5 pounds per square inch gage.

(2) If a frangible device is used for relieving pressure, the device must have a minimum area of 1.25 square inches and must be rated at less than the design test pressure of the tank.

(3) If a fusible device is used for relieving pressure, the device must have a minimum area of 1.25 square inches. The device must function at a temperature between 220° F. and 300° F. and at a pressure less than the design test pressure of the tank, unless this latter function is accomplished by a separate device.

(d) No relief device may be used which would release flammable vapors under normal conditions of transportation (temperature up to and including 130° F.).

§ 178.253–5 Testing.

(a) *Design qualification testing.* In addition to the testing prescribed in § 178.251–5, a vibration test, a drop test, and a pressure test are also required on each design. For the vibration and drop tests, the tank must be filled with a liquid to not less than the rated gross weight.

(1) *Vibration test.* This test must be performed for 1 hour using a minimum double amplitude of 1 inch at a frequency that causes the test tank to be raised from the floor of the testing table so a piece of flat steel strap may be passed between the tank and the table. The tank must be restrained so that all horizontal motion is restricted and only vertical motion is permitted.

(2) *Drop test.* The tank must be capable of withstanding without leakage of contents a 2-foot free drop onto a flat unyielding horizontal surface, striking the target surface in the position and attitude from which maximum damage to the tank (including piping and fittings) is expected.

(3) *Pressure test.* The tank must be capable of maintaining, under hydrostatic test for at least 5 minutes, at least one and one-half times the design pressure prescribed in this paragraph, without detectable leakage or significant permanent deformation. The pressure must be measured at the top of the tank. Each closure must be in place and blocked if necessary as for shipment. Each closure must be standard, except that tapping for pressurizing and gaging is permitted. Design pressure must be determined as follows:

$$P=\frac{hd}{115}+3$$

Where:

P = Design pressure in psig;
h = Inside height of tank in inches;
d = Maximum allowable density in pounds per gallon;
115 = Number of cubic inches in 1 gallon (231) divided by a safety factor of two.

(b) *Production quality control, testing and inspection*—(1) *Leakage test.* Each tank must be leak tested by a minimum sustained air pressure of at least three pounds per square inch gage applied to the entire tank. The entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water or other material suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to assure detection of leaks. All closures must be in place during the test, but safety relief devices may be removed and such openings plugged. Any tank that has detectable leakage or significant permanent deformation does not meet the requirements of this specification.

This amendment is effective March 31, 1972, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on February 2, 1972.

MAC. E. ROGERS,
Board Member, for the Federal Highway Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member, for the Federal Highway Administration.

[FR Doc.72–1824 Filed 2–8–72;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1481]

[GR-369]

RICE EXPORT PROGRAM

Notice of Proposed Rule Making

On January 19, 1972, notice was given in the FEDERAL REGISTER (37 F.R. 810) that the Export Marketing Service proposes to amend the provisions of the Rice Export Program (GR-369) (7 CFR 1481) (35 F.R. 7880 and 35 F.R. 8472) as described in the notice. The notice provides that interested persons may submit data, views, and comments in connection with the proposal so as to be received by the Director, Grain Division, Commodity Export, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of the notice in the FEDERAL REGISTER.

The Export Marketing Service has received requests for additional time in which to respond to the notice. To provide all interested parties additional time in which to submit data, views, and comments, the 30 day period is hereby extended to 45 days.

Signed at Washington, D.C., on February 4, 1972.

CLIFFORD G. PULVERMACHER,
Vice President, CCC and General Sales Manager, Export Marketing Service.

[FR Doc.72-1899 Filed 2-8-72;8:49 am]

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Size Regulations

Notice is hereby given of proposals recommended by the California Date Administrative Committee to delete § 987.-204(a)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202-987.218; 36 F.R. 23894) which prescribes size requirements for Deglet Noor whole dates withheld to meet a withholding obligation, and to amend § 987.155(a)(1)(i) of Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 37 F.R. 1159; and 36 F.R. 25431) by deleting the requirements prescribed therein that restricted dates exported to approved countries, other than Mexico, must meet the then current size requirements in § 987.-204(a)(1) for dates handled as free dates. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Amend subparagraph (1) of § 987.-155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100-987.174; 37 CFR 1159; and 36 F.R. 25431) by revising subdivision (i) thereof to read as follows: "Be inspected and certified prior to export as meeting the then current applicable grade requirements in § 987.203 (b)(1) for dates other than dates for further processing."

2. Amend paragraph (a) of §987.204 of Subpart—Grade and Size Regulations (7 CFR 987.202-987.218; 36 F.R. 23894) by deleting therefrom subparagraph (2).

Dated: February 4, 1972.

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

[FR Doc.72-1898 Filed 2-8-72;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Eastern Pacific Tuna Fisheries; Change of Hearing

Notice is hereby given, pursuant to the provisions of the Tuna Conventions Act of 1950, as amended, that the public hearing announced in the FEDERAL REGISTER, February 2, 1972 (37 F.R. 2516-2520) for February 15 has been postponed to February 18, 1972.

Dated at Washington, D.C., February 4, 1972.

PHILIP ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-1889 Filed 2-8-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72-24]

SAN LUIS OBISPO BAY, CALIF.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish an additional special anchorage area in San Luis Obispo Bay, Calif. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

In addition to proposing an additional special anchorage area, the anchorage regulations will be amended to disestablish those waters in the existing special anchorage area not subject to the Inland Rules of the Road. This action is being taken because there is no statutory authority for the existence of a special anchorage area in those waters governed by the International Rules of the Road (33 U.S.C. 44-147d).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126. Each person submitting comments should include his name and address, identifying the notice (CGFR 72-24) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before March 10, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by revising § 110.120 to read as follows:

§ 110.120 San Luis Obispo Bay, Calif.

(a) *Area A-1.* Area A-1 is the water area bounded by the San Luis Obispo County Wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'18.5" N., longitude 120°43'38.5" W.; thence to the southeast corner of the San Luis Obispo County Wharf.

(b) *Area A-2.* Area A-2 is the water area enclosed by a line drawn from the

outer end of Whaler Island Breakwater at latitude 35°09'22" N., longitude 120°-44'56" W., to the Marre' Chimney at latitude 35°10'50" N., longitude 120°44'31" W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2) (36 F.R. 10160))

Dated: February 1, 1972.

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

[FR Doc.72-1891 Filed 2-8-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19314]

INCLUSION OF PROGRAM IDENTIFICATION PATTERNS IN VISUAL TRANSMISSIONS OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, § 73.682(a)(22) of the Commission's rules and regulations concerning the inclusion of program identification patterns in the visual transmissions of television broadcast stations, Docket No. 19314, RM-1783.

1. As extended by an order adopted December 2, 1971 (Mimeo No. 77675), the dates for filing comments and reply comments in the above-entitled proceeding are February 8, 1972, and March 8, 1972, respectively.

2. International Digisonics Corp. (IDC), in a petition filed on January 26, 1972, requests that the deadlines for filing comments and reply comments be postponed until March 10, 1972, and April 10, 1972.

3. In support of its request, IDC states that while its efforts previously had been geared to meeting the presently specified filing dates, the unanticipated actions of Columbia Broadcasting System (CBS) in announcing its intention not to accept film material bearing IDC identification patterns for broadcast after February 1, 1972, necessitated a diversion of the entire energies of IDC and its counsel to the problems engendered by the CBS announcement, and it, accordingly, has fallen behind schedule in its preparation of comments to be submitted in the subject proceeding. It, therefore, requests an additional month to complete, organize, and present the material it wishes to file with its comments, which it believes will contribute significantly to the resolution of the questions at issue in the proceeding.

4. While we are interested in arriving at a decision in this matter expeditiously, we are equally concerned that any conclusions we reach be based on a record which, to be fully adequate, requires the contribution of IDC, as the principal proponent of the visual program identification system. Recognizing that IDC's participation has been delayed by unforeseen circumstances, we find it is in the public interest to allow a further period of time within which IDC and other interested parties may comment.

5. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended to and including March 10, 1972, and the time for filing reply comments is extended to and including April 10, 1972.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 28, 1972.

Released: January 31, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-1893 Filed 2-8-72;8:49 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 9 (Rev.)]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegations of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator.

(2) Assistant Administrator for Program and Management Services.

(3) Assistant Administrator, Bureau for Africa.

(4) Assistant Administrator, Bureau for Asia.

(5) Assistant Administrator, Bureau for Latin America.

(6) Assistant Administrator/Coordinator for Supporting Assistance.

(7) Assistant Administrator for Vietnam.

This delegation of authority supersedes Delegation of Authority No. 9 (revised) of July 27, 1970 (35 F.R. 12415).

This delegation of authority is effective immediately.

Dated: February 2, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc. 72-1867 Filed 2-8-72;8:46 am]

[Delegation of Authority 93]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, and in furtherance of my decisions relating to reformation of the U.S. Economic Assistance Program, as announced in my memorandum of January 24, 1972, it is hereby ordered as follows:

SECTION 1. The title "Assistant Administrator for Administration" is deleted from each delegation of authority within the Agency for International Development, and the title "Assistant Administrator for Program and Management Services" is substituted therefor. These delegations of authority shall include, but not be limited to, those designated as Nos. 15, 17, 19, 27, 36, 41, 44, 56, 57, 64, 67, 80, 85, and 88.

SEC. 2. The title "Assistant Administrator for Administration" is deleted from each redelegation of authority issued by that official, and the title "Assistant Administrator for Program and Management Services" is substituted therefor.

SEC. 3. Currently effective redelegations of authority issued by the Assistant Administrator for Administration shall continue in effect according to their terms until modified or revoked by the Assistant Administrator for Program and Management Services.

SEC. 4. The authorities delegated to the Assistant Administrator for Program and Management Services by section 1 hereof may be redelegated to the extent specified in the delegations of authority affected thereby, and shall be subject to the same limitations or restrictions as are provided in such delegations.

SEC. 5. Any functions of the Assistant Administrator for Administration which are specified in any regulation (published or unpublished), manual order, policy determination, manual circular, airgram, instruction or communication of any nature, shall henceforth be the responsibility of the Assistant Administrator for Program and Management Services.

SEC. 6. This delegation of authority shall be effective immediately.

Dated: February 1, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-1868 Filed 2-8-72;8:46 am]

[Delegation of Authority 94]

ASSISTANT ADMINISTRATOR, BUREAU FOR ASIA

Delegation of Various Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, and in furtherance of my decisions relating to reformation of the U.S. Economic Assistance Program, as announced in my memorandum of January 24, 1972, it is hereby ordered as follows:

SECTION 1. Each of the following delegations of authority is amended, (1) by deleting the titles "Assistant Administrator for Near East and South Asia", "Director, Office of East Asia Development Programs", "Assistant Administrator for East Asia", and (2) by inserting among the titles of the officers named in those delegations, the title of the following officer: "Assistant Administrator for Asia".

A. Delegation of Authority No. 5, dated December 29, 1961 (27 F.R. 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 17, dated April 12, 1963 (27 F.R. 5914), as amended, with respect to Authority to Sign Contracts;

C. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements;

D. Delegation of Authority No. 23, dated December 28, 1962 (28 F.R. 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

E. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

F. Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

G. Delegation of Authority No. 40, dated April 17, 1964 (29 F.R. 5695), relating to Waivers of Procurement Source Requirements;

H. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to Section 607 of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 43, dated June 12, 1964 (29 F.R. 8122), relating to the Acceptance of Donated Non-military Property and Services pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended;

J. Delegation of Authority No. 75, dated January 11, 1968 (33 F.R. 919), relating to Certifications under section 611(e) of the Foreign Assistance Act of 1961, as amended; and

K. Delegation of Authority No. 88, dated November 4, 1970 (35 F.R. 17675) relating to Housing Guaranties.

SEC. 2. Delegation of Authority No. 92, dated July 29, 1971 (36 F.R. 14483), relating to authorities granted to the Coordinator, Supporting Assistance, et al., is amended by deleting the title "Director, Office of East Asia Development Programs", whenever that title appears in Delegation of Authority No. 92.

SEC. 3. There is hereby delegated to the Assistant Administrator for Asia, with respect to the countries or areas which are within his responsibilities, all those authorities or functions which are conferred on A.I.D. Assistant Administrators in any regulations (published or unpublished) manual orders, policy directives or determinations, manual circulars or circular airgrams or instructions or communications of any nature.

SEC. 4. The authorities made available to the Assistant Administrator for Asia may be delegated successively according to the terms of the delegations of authority set forth in Sections 1 and 3 of this Delegation of Authority.

SEC. 5. Currently effective redelegations of authority issued by the Assistant Administrator for Near East and South Asia and the Director, Office of East Asia Development Programs are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 6. This delegation of authority shall be effective immediately.

Dated: February 1, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-1869 Filed 2-8-72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Bishop, Julius Edward, 1814 29th Avenue South, Seattle, WA, convicted in 1946, on July 29, 1957, and on May 8, 1962, in the U.S. District Court for the Western District of Washington.

Bortell, Arthur Eugene, Sr., 273 Spring Street, Portland, ME, convicted on December 19, 1956, in the Portland, Maine, Municipal Court; and on July 10, 1957, and on May 18, 1960, in the Cumberland County, Maine, Superior Court.

Bradford, Prentice Levern, 6851 North Fessenden Street, No. 1, Portland, OR, convicted on May 9, 1956, and on May 15, 1958, in the Circuit Court of Multnomah County, Oregon.

Buie, Leroy Daniel, 659 Dogwood Batesville, Ark., convicted on June 16, 1967, by the U.S. District Court, Kansas City, Mo.

Chambers, Jack Andrew, General Delivery, Greenfield Road, Vanderbilt, Pa., convicted on August 9, 1966, in the Somerset County Court, Pennsylvania.

Charlton, Richard V., 11009 Kettle Run Road, Nokesville, VA, convicted on October 31, 1967, in the Culpeper County Circuit Court, Virginia; and on January 8, 1968, in Rappahanock County Circuit Court, Virginia.

DeGrio, Robert Carl, 407 East Ninth Street, Grand Rapids, MN, convicted on May 7, 1970, in the Sixth Judicial District Court, St. Louis County, Duluth, Minn.

Dyer, Leon Andrew, 442 South State No. 87, Clearfield, UT, convicted on June 16, 1965, in the District Court of the Second Judicial District in and for Weber County, State of Utah.

Eckenroth, Charles H., 907 Cherry Street, Reading, PA, convicted on March 20, 1958, in the Court of Quarter Sessions, Berks County, Reading, Pa.

Elukovich, George Jerry, 42 James Street, Waterbury, CT, convicted on January 19, 1961, in the Corporation Court (Part 2) of the city of Norfolk, Va.; and on November 6, 1962, and on November 12, 1963, in the Superior Court, New Haven County, Waterbury, Conn.

Ferro, Joseph John, 100 Dickinson Street SW., Grand Rapids, MI, convicted on March 14, 1931, in the Circuit Court for the County of Allegan, Mich.; and on January 30, 1940, and on August 27, 1951, in the Superior Court of Grand Rapids, Michigan.

Foster, Robert Drain, Route 1, Mauk, GA, convicted on March 9, 1956, in the U.S. Court, Middle District of Georgia.

Fusco, Louis H., Route 1, Box 64, Swansea, SC, convicted on October 19, 1967, in the U.S. District Court for the District of South Carolina, Columbia Division.

Hernandez, Antonio Arce, 4243 West Portland, Phoenix, AZ, convicted on December 9, 1958, by the Superior Court of Maricopa County, Phoenix, Ariz.; and on September 25, 1959 and on September 4, 1964, by the Superior Court of San Jose, California.

Holt, Earl W., Route 1, McRae, AK, convicted on May 28, 1951, in the District Court of Genesse County, Flint, Mich.

Hunter, Charles Ross, 350 South Bailey Street, Fresno, CA, convicted on December 14, 1959, in the Fresno County Superior Court, California; and on August 11, 1960, in the Superior Court, County of Kern, California.

Johnson, James Collins, Jr., 4702 Buckner Lane, Paducah, KY, convicted on April 22, 1949, in the U.S. District Court for the Western District of Kentucky.

Lewis, Roy, 3562 North Seventh Street, Milwaukee, WI, convicted on October 25, 1966, in the Circuit Court of Milwaukee County, Wisconsin.

Martin, Irvid Ralph, 6553 Balmoral Terrace, Waterford, MI, convicted on September 29, 1941, in the Circuit Court for the County of Oakland, Pontiac, Mich.

Meadows, John Victor, 1080 Stillman Avenue, Eugene, OR, convicted on November 3, 1965, in the Lane County, Oregon, Circuit Court; and on January 27, 1966, in the Deschutes County, Oregon, Circuit Court.

Mickler, Bobby Ray, 8400 Beach, Apartment 106, Austin, TX, convicted on December 1, 1961, and on June 22, 1962, in the Criminal District Court, Houston, Harris County, Tex.; and on February 2, 1965, in the U.S. District Court for the Southern District of Texas.

Munger, Burton D., 20052 Rosemont Street, Detroit, MI, convicted on December 29, 1944, in the Detroit Recorder's Court, Michigan.

Napier, Albert Claude, Keysville, Va., convicted on March 4, 1970, in the Charlotte County Circuit Court, Virginia.

Petrie, Alfred J., 440 Del Norte, Denver, CO, convicted on December 9, 1966, by the District Court, in and for the County of Denver, Colorado.

Phillips, Donald Jay, 1138 Woodbine Road, Saginaw, MI, convicted on April 27, 1954, in the Circuit Court for Midland County, Michigan.

Polk, Willie J., 2563 North Richards Street, Milwaukee, WI, convicted on July 7, 1960, in the Municipal Court for the City and County of Milwaukee, Wisconsin.

Pugh, Donald Ray, 19922 Moenart Street, Detroit, MI, convicted on October 21, 1965, in the Henrico County, Virginia, Circuit Court.

Rider, Theodore, 141-10 28th Avenue, Flushing, Long Island, NY, convicted on October 28, 1959, in the U.S. Federal Court, Southern District of New York.

Rosek, Roger F., Route 2, Greenleaf, WI, convicted on March 4, 1970, in the Brown County Court, Branch No. 2, at Green Bay, Wis.

Ross, David W., 2998 St. Clair Street, Detroit, MI, convicted on March 30, 1938, and on March 26, 1941, in the Fifth Judicial District Court for the Parish of Franklin, Louisiana.

Schindewolf, Junior Edgar, 128 Northeast 112th Street, Seattle, WA, convicted on October 5, 1945, in the Superior Court of the State of California, in and for the County of Los Angeles.

Sollinger, Schuyler Howard, 16822 Quarry Road, Southgate, MI, convicted on October 4, 1949, by the U.S. District Court, Detroit, Mich.

St. Clair, Huston Elbert, Star Route, Phenix, Va., convicted on May 14, 1952, and on April 30, 1956, in the Hustings Court, Roanoke, Va.

Stanberry, Allen Bell, 415 20-Foot Avenue South, Selma, AL, convicted on December 1, 1967, in the U.S. District Court for the Southern District of Alabama.

Stille, Michael Howard, 422 Lake Avenue, Storm Lake, IA, convicted on April 1, 1969, in the District Court, Buena Vista County, Storm Lake, Iowa.

Stock, Benjamin W., 103 Valley Road, Papillion, NE, convicted on October 25, 1937, in the District Court, Johnson County, Tecumseh, Nebr.

Thomas, Lucious, 9669 Woodlawn Street, Detroit, MI, convicted on June 28, 1954, in the Recorder's Court for the City of Detroit, Michigan.

Vernier, Robert Warren, Jr., 4089 Ranchero Drive, Dorr, MI, convicted on November 13, 1968, in the Ottawa County, Michigan, Circuit Court.

Wiegner, Gustav, 1200 Turpin Road, Anchorage, AK, convicted on December 23, 1941, in the Montgomery County Court, Pennsylvania; and on January 27, 1945, at Fort Ord, Calif.

Worley, Lafon Reese, 16060 Hocking Boulevard, Cleveland, OH, convicted on April 17, 1970, in the U.S. District Court for the Northern District of Ohio.

Wyatt, Clayburn, Rural Delivery No. 1, Rising Sun, MD, convicted on December 29, 1959, and on September 30, 1970, in the Magistrate's Court, Rising Sun, Md.

Signed at Washington, D.C., this 2d day of February 1972.

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

[FR Doc.72-1905 Filed 2-8-72;8:49 am]

[Pay Board Ruling 1972-2]

EXISTING CONTRACTS

Pay Board Ruling

Facts. As the result of negotiations with the union representative for the employees of Corp. A, Corp. A agreed on October 25, 1971, to increase the wages of its employees effective December 1,

1971, to an amount representing 10 percent of all wages and salaries paid its employees.

Issue. Is Corp. A prohibited from making payments under the agreement?

Ruling. No. The agreement will be allowed to operate according to its terms even though it exceeds the 5.5 percent standard, for it was entered into prior to November 14, 1971. It will be subject to review if challenged by a party at interest or five or more members of the Pay Board. Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 8, 1972.

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

Approved: February 8, 1972.

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

[FR Doc.72-2033 Filed 2-8-72;12:45 p.m.]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

NARCOTICS AND COCAINE

Aggregate Production Quotas

On April 24, 1971, § 303.42 of the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) was published in the FEDERAL REGISTER (36 F.R. 7789). This section required that all persons requesting a 1972 procurement quota, according to § 303.12 of the regulations, or a 1972 individual manufacturing quota, according to § 303.22 of the regulations, for basic classes of controlled substances listed in §§ 308.11 (Schedule I) and 308.12 (Schedule II) of the regulations, file an appropriate application with the Bureau.

On December 23, 1971, the Bureau published the proposed aggregate production quotas for 1972 for narcotics and cocaine (36 F.R. 24828). All interested parties were provided the opportunity to submit written comments or objections. Only two comments were submitted, both requesting minor modifications in selected proposed quotas.

In determining the narcotic and cocaine aggregate production quotas for 1972, which are adequate to provide for the

(1) Estimated medical, scientific, research and industrial needs of the United States;

(2) Lawful export requirements; and

(3) Establishment and maintenance of reserve stocks, the Bureau has considered the following as required by section 306 of the Act (21 U.S.C. 826) and § 303.11 of Title 21 of the Code of Federal Regulations:

(1) Total net disposal by all manufacturers during the current and preceding 2 years and trends in the national rate of net disposal;

(2) Total actual (or estimated) inventory of narcotics and cocaine and of all substances manufactured from them and trends in inventory accumulation;

(3) Projected demand as indicated by procurement quotas requested pursuant to § 303.12 of Title 21 of the Code of Federal Regulations; and

(4) Other relevant factors affecting the medical, scientific, research, and industrial needs in the United States and lawful export requirements, including:

(a) Changes in currently accepted medical use in treatment with narcotics and cocaine or substances which are manufactured from them;

(b) Economic and physical availability of raw materials for use in manufacturing and for inventory purposes;

(c) Yield and stability problems;

(d) Potential disruptions to production; and

(e) Unforeseen emergencies.

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, orders that the aggregate production quotas for 1972 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous base, be established as follows:

Substance	
1. Alphaprodine	52,000
2. Anileridine	315,000
3. Apomorphine	2,250
4. Codeine (for conversion)	230,000
5. Codeine (for sale)	28,660,000
6. Diphenoxylate	614,270
7. Dihydrocodeine	121,430
8. Ecgonine	381,610
9. Ethylmorphine	30,000
10. Fentanyl	2,000
11. Hydrocodone	512,000
12. Hydromorphone	58,000
13. Levorphanol	8,000
14. Methadone	2,602,569
15. Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenyl butane)	725,000
16. Morphine (for conversion)	25,891,000
17. Morphine (for sale)	500,000
18. Norpethidine	530,000
19. Opium (tinctures, extracts, etc.) (expressed in terms of opium)	1,943,000
20. Oxycodone (for conversion)	18,000
21. Oxycodone (for sale)	1,198,000
22. Oxymorphone	8,500
23. Pethidine	14,250,000
24. Phenazocine	500
25. Thebaine (for conversion)	448,500
26. Thebaine (for sale)	2,724,500
1. Cocaine	1,374,000

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1972 will be notified by mail as to their respective 1972 quota established by the Bureau.

This order is effective upon the date of its publication in the FEDERAL REGISTER (2-9-72).

Dated: February 3, 1970.

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

[FR Doc.72-1884 Filed 2-8-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 20590]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 31, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20590 for the withdrawal of public lands described below from the public land laws but not from the mining and mineral leasing laws.

The applicant desires to use the land as part of the Wise River Ranger Station Administrative Site on the Beaverhead National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 11 W.,
Sec. 35, SW¼SW¼.

The area contains 40 acres in Beaverhead County, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-1871 Filed 2-8-72;8:46 am]

Bureau of Mines

ENVIRONMENTAL IMPACT STATEMENTS

Directives on Preparation

Notice is hereby given of the publication of procedures of the Bureau of Mines to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); and Office of Management and Budget Bulletin No. 72-6 (September 14, 1971).

Set forth below is the Bureau of Mines Manual Part 516, Chapter 2, entitled "Environmental Impact Statements." The numbering system used is that of the Bureau of Mines Manual.

E. F. OSBORN,
Director, Bureau of Mines.

The Council on Environmental Quality Guidelines (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin 72-6 (September 14, 1971); and various format illustrations which are used for reference and guidelines but not published in this notice are available in the Office of the Deputy Director—Mineral Resources and Environmental Development.

ENVIRONMENTAL QUALITY—PART 516 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

CHAPTER 2—ENVIRONMENTAL IMPACT STATEMENTS—516.2.1

.1 *Purpose.* These procedures are to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970), hereafter referred to as the Act; section 2(f) of Executive Order No. 11514 (March 5, 1970); the Guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971); Departmental Manual, Part 517, Chapter 2, Statement of Environmental Impact (September 27, 1971); and to provide guidance to offices of the Bureau in the preparation of environmental statements for major Federal actions significantly affecting the quality of the human environment.

.2 *Policy.* All activities and proposed or recommended actions of the Bureau will be assessed for their environmental impact. Environmental statements shall be prepared and submitted to the Council on Environmental Quality on all legislation of other major actions proposed by the Bureau, and favorable reports on bills principally concerning the Bureau, which will have significant impacts on the quality of the environment. All draft and final statements shall be available to the public as provided by the Freedom of Information Act (5 U.S.C. section 552).

.3 *Scope*—A. *Actions affected by this chapter.* (1) All activities initiated or authorized by the Bureau after the effective date of the Act (January 1, 1970) which significantly affect the environment.

(2) All ongoing or incomplete programs and projects, which were authorized or initiated prior to January 1, 1970, shall be reconsidered to determine whether they constitute major Federal actions significantly affecting the quality of the human environment. If the program or project has significant impact, alternatives should be considered and an environmental statement must be prepared.

.4 *Responsibilities*—A. *The Director.* (1) May establish or approve task forces, composed of representatives of appropriate offices, to prepare environmental statements in special cases;

(2) Shall review and endorse all draft and final environmental statements;

(3) Shall transmit draft and final environmental statements to the Department;

(4) Shall review and approve all Bureau procedures for the preparation and utilization of environmental statements.

B. *Deputy Directors.* (1) Shall maintain general supervision of the offices under their jurisdiction in their compliance with this chapter and section 102(2)(C) of the Act;

(2) Shall review and approve all environmental statements prepared by offices under their jurisdiction before they are forwarded to the Director;

(3) Shall identify those actions requiring environmental statements.

(4) The Deputy Director—Mineral Resources and Environmental Development shall, acting for the Director, maintain continuing supervision of all Bureau offices in their compliance with this chapter and with the Act.

C. *Special Assistant for Environmental Activities.* (1) Shall designate those officials or parties responsible for preparing environmental statements;

(2) Shall consult with and assist all such officials and parties in complying with the procedures contained herein;

(3) Shall review and approve all draft and final environmental statements as to their form and content, and conformity with this chapter;

(4) Shall forward all draft and final statements to the appropriate Deputy Director, and shall provide the Chief, Office of Mineral Information, with copies of draft and final environmental statements that have been transmitted to the Department.

D. *Chief, Office of Mineral Information.* (1) Shall maintain a public file or index of draft and final environmental statements which have been transmitted to the Department and to the Council on Environmental Quality;

(2) Shall arrange for making such statements available for inspection in accordance with provisions of the Freedom of Information Act (5 U.S.C. section 552).

E. *Assistant Directors.* (1) Shall obtain the information needed for the preparation of environmental statement;

(2) Shall consult with appropriate bureaus and offices, other Federal agencies, and other appropriate sources of special environmental expertise not available within the Bureau;

(3) Shall prepare proposed draft environmental statements, and submit them to the Special Assistant for Environmental Activities;

(4) Shall give public notice in the manner herein prescribed of the availability of these statements and invite comments;

(5) Shall prepare proposed final environmental statements, considering all relevant comments received.

.5 *Determination of major actions requiring Environmental Statements.* A. Types of Federal actions to be considered include, but are not limited to:

(1) Recommendations or reports relating to legislation and appropriations.

(2) Projects and continuing activities:

(a) Directly undertaken by the Bureau;

(b) Supported wholly or in part by Bureau funds, i.e. grants, subsidies, loans, etc.;

(c) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) Promulgation of policies, principles, standards, and procedures which affect the environment.

(4) Performance of research programs which have an impact upon the environment.

(5) Actions relating to natural, cultural, or historic resources.

B. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed, and of further actions contemplated. Such actions may be localized in their impact, but if the environment or its uniqueness may be significantly affected, the statement is to be prepared. Any proposed action that has an environmental impact likely to be highly controversial should be covered.

C. In considering what constitutes major action significantly affecting the environment, it should be borne in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited, but cumulatively considerable. This can occur when the Bureau over a period of years puts into a project individually minor but collectively major resources, or when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action.

D. Significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, or serve short-term, to the disadvantage of long term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects even if, on balance, the Bureau believes that the effect will be beneficial. Significant effects on the quality of the human environment include both those that directly and indirectly affect human beings through adverse effects on the environment.

.6 *Content of Environmental Statements.*—A. *Cover sheet.* Every environmental statement shall have a cover sheet indicating the type of statement, a brief but descriptive title, the signature of the Director, and include the complete address and title of the Bureau.

B. *Summary sheet.* A summary statement of no more than one page should contain the following:

(1) Indication whether statement is draft or final;

(2) Indication of whether proposed action is

(a) Legislative,

(b) Administrative;

(3) A summary of environmental impact, and adverse environmental effects;

(4) List of alternatives considered;

(5) A complete listing of all Federal, State, and local agencies from which comments have been received (final), or requested (draft);

(6) Dates statement made available to Council on Environmental Quality and Public.

C. *Body of statement.* The body of the statement shall contain the following eight sections:

(1) *Description of the proposal.* This section shall describe the proposed or recommended action, its purpose, where it is to be

located, when it is proposed to take place, and its interrelationship with other projects or proposals, and shall contain information and technical data sufficient to permit assessment of environmental impact by commenting agencies. Supporting project or program documents shall be referenced and one-page maps included as necessary.

(2) *Description of the environment.* This section shall include a comprehensive description of the existing environment without the proposal and the probable future environment without the proposal. The description shall focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. This section shall also include a description of the present and projected level of economic development, land use, and related cultural factors, where appropriate.

(3) *The environmental impact of the proposed action.* This section shall describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. Wherever possible, these impacts shall be quantified. This discussion will include the impact not only upon the natural environment, but upon land use and social well-being as well. Separate discussion shall be provided for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

(4) *Mitigating measures included in the proposed action.* A section on mitigating factors may be prepared, where appropriate, and shall include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

(a) With respect to water quality aspects of proposed actions which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards under the provisions of the Federal Water Pollution Control Act, as amended, discussion shall include reference to that certification and the comments of the Environmental Protection Agency.

(b) With respect to water and air quality aspects of proposed actions which have been found by the Environmental Protection Agency to meet the requirements of section 4(a)(1) of Executive Order 11507, Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities, discussion shall include reference to this finding.

(5) *Any adverse effects which cannot be avoided should the proposal be implemented.* This section shall describe those adverse effects which cannot be eliminated. This section shall include a discussion of the unavoidable adverse impacts described in (3) and (4) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

(6) *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This section shall discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risks to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

(7) *Any reversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* This section shall discuss, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

(8) *Alternatives to the proposed action.* This section shall describe the environmental impacts, both beneficial and adverse, of the various alternatives considered by and available to the Department, specifically taking into account the alternative of no action. In addition, and where appropriate, there will be a brief discussion of possible alternatives which are beyond the authority of the Bureau.

D. *Consultation and coordination with others.* This part will have two sections as follows:

(1) *Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.* This section shall describe the public participation efforts of the Bureau or office concerned and the consultations with Federal, State, local, and individual interests in the development of the proposal and the preparation of the draft environmental statement.

(2) *Coordination in the review of the draft environmental statement.* This section shall indicate the procedures used in disseminating the draft environmental statement and will list those organizations and experts from whom comments have been requested. Upon preparation of the final environmental statement, this section shall be expanded to indicate those organizations and experts from whom comments were received, their disposition, and any unresolved conflicts; and to summarize any public response.

E. *Attachments*—(1) *Draft statements.* Normally draft environmental statements shall not have attachments; however, in some cases, it shall be appropriate to attach environmental assessments, evaluations, or reports prepared by applicants or solicited from consultants or other Federal agencies.

(2) *Final statements.* In addition to appropriate environmental assessments, evaluations, or reports prepared by applicants or consultants, attachments to final environmental statements shall include all written responses from:

(a) Bureaus and offices with delegated jurisdiction or special environmental expertise;

(b) Other Federal agencies with jurisdiction by law or special environmental expertise;

(c) State and local agencies which are authorized to develop and enforce environmental standards;

(d) Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action or its environmental impact;

(e) Recognized experts.

.7 *Coordination.* In conjunction to the procedures set forth herein, existing mechanisms for obtaining the views of Departmental bureaus and offices and of other Federal, State, and local agencies will be utilized to the maximum extent practicable in the preparation and subsequent review of draft environmental statements.

A. *Departmental Bureaus and Offices.* (1) Draft statements shall be circulated to all of the Department's bureaus and offices which have delegated jurisdiction or special environmental expertise. Comments received from these bureaus and offices shall be attached to the final environmental statement.

B. *Other Federal and Federal-State Agencies.* (1) Other Federal and Federal-State agencies shall be consulted in connection with preparation of environmental statements where those agencies have jurisdiction by law or special environmental expertise with respect to any environmental impact involved, and comments shall be obtained from those Federal and Federal-State agencies which are authorized to develop and enforce environmental standards.

(2) The Environmental Protection Agency shall be consulted and comments requested on matters related to air or water quality standards, noise control, solid waste disposal, or other provisions of the authority of EPA.

(3) A period of not less than forty-five (45) days should be established for reply, after which it may be presumed, unless the agency requests a specific extension of time, that the agency consulted has no comment to make. Where time is a critical factor, time limits of thirty (30) days may be established. A period of forty-five (45) days will always be allowed for EPA review.

C. *State and local review.* (1) Provision for public hearings on the proposed action may be made where machinery for conducting such hearings is or can reasonably be made available to the office concerned or to the task force. Notice of such hearing shall include publication in the FEDERAL REGISTER no less than thirty days before hearing date, and such other notice as is deemed appropriate.

(2) Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects, and for projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments shall be through the State and Regional or Metropolitan Clearinghouses in accordance with the procedures set forth under Part 1 of OMB Circular No. A-95 and 511 DM 5, Intergovernmental Relations.

(b) For actions affecting the cultural or historic environment, review by State and local agencies shall be through procedures set forth by the Advisory Council on Historic Preservation (36 F.R. 3310), and draft environmental statements shall reflect consultations with the State Liaison Officer for Historic Preservation and with the State Archaeologist.

(c) For actions having an impact on Indian lands or communities, review by State and local agencies shall also include review by any Indian tribal governing bodies.

(3) Where the procedures in (1) above are not appropriate, review and comment by State and local agencies authorized to develop and enforce environmental standards may be obtained by distributing the draft environmental statement to the appropriate State and Regional or Metropolitan Clearinghouses, unless the Governor of the State involved has designated some other point for obtaining this review.

(4) Clearinghouse procedures allow State and local agencies thirty (30) days for initial comment with an extension of thirty (30) days upon request.

.8 *Procedures for preparing and processing environmental statements*—A. *General procedures.* (1) All offices shall identify at what stage or stages of a series of actions the environmental statement procedures of this directive will be applied. It may be necessary

to use these procedures both in the development of a national program and in the review of proposed projects within the national program. Care should be exercised so as not to duplicate the review process, but when actions being considered differ significantly from those that have already been reviewed pursuant to this chapter, an environmental statement should be provided.

(2) When a proposed grant, leasing, or similar program does not entail approval by other agencies of numerous, but relatively minor, projects within the program, the views of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals.

B. *Types of Environmental Statements*—(1) *Draft Statement.* This document is as complete as possible and is formally circulated to Federal, State, and local agencies and to other interested parties for their review and comment.

(2) *Final statement.* This is the completed document which incorporates review comments and discusses unresolved issues. It is the document which must accompany the proposed action through the Bureau's final decision-making process.

C. *Administrative actions.* (1) Administrative actions are defined as any proposed action subject to section 102(2)(C) of the Act other than proposals for legislation to the Congress or reports on legislation.

(2) To the maximum extent practicable, no administrative action is to be taken sooner than ninety (90) days after a draft environmental statement has been furnished to CEQ, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(3) To the maximum extent practicable, no administrative action is to be taken sooner than thirty (30) days after a final environmental statement has been made available to CEQ and the public. If the final statement is filed within the ninety (90) day period in (2) above, the two periods may run concurrently to the extent that they overlap.

D. *Legislative proposals and favorable reports on legislation.* (1) Environmental statements for legislative proposals and reports shall be handled in accordance with section 3a of OMB Bulletin 72-6, section 10 (c) of the CEQ Guidelines, section 2-9D of Departmental Manual 516, and, except as modified herein, section .8.E of this chapter.

E. *Processing of Environmental Statements.* (1) The responsible office or task force shall consult with and solicit inputs and informal comments from appropriate bureaus and offices; other Federal agencies; and other specific individuals, organizations, and governmental entities with special expertise regarding the environmental impact of the proposed action. A description of the proposed action may be circulated at this stage in order to solicit such inputs. These inputs and comments received and sent are intended to provide technical assistance in the preparation of a draft environmental statement and shall be considered informal.

(2) Where appropriate, environmental information may be required of applicants for grants, contracts, loans, leases, licenses, or permits. This material may be circulated for comment pursuant to (1) above as long as it is properly identified. It shall not be circulated as a draft statement; however, it may be circulated as an attachment to a draft statement.

(3) Draft statements may be circulated at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the Assistant Secretary—Mineral Resources to the Assistant Secretary—Program Policy, who will clear the statement.

(b) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the Federal Register at the same time that he transmits the statement to CEQ, except for statements on legislation and budget estimates.

(c) Upon notification of the actions in (b) above, the Bureau shall make formal distribution to reviewing entities. The circulation to other Federal agencies will be through the offices designated in Appendix III of the CEQ Guidelines.

(4) Final environmental statements may be distributed at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the Assistant Secretary—Mineral Resources to the Assistant Secretary—Program Policy.

(b) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the Federal Register at the same time that he transmits the statement to CEQ.

(c) Upon notification of the actions in (b) above, the Bureau shall distribute the statement to all bureaus, offices, agencies, and organizations from whom comments were received.

[FR Doc.72-1864 Filed 2-8-72;8:46 am]

Office of the Secretary

[Order 2508, Amdt. 94]

COMMISSIONER OF INDIAN AFFAIRS

Delegations of Authority Regarding Elections and Referendums

Paragraph (b) of section 18 of Order 2508, as amended (19 F.R. 4585; 31 F.R. 6551), is further amended to read as follows:

SEC. 18. *Tribal ordinances, resolutions, constitutions, and charters.* * * *

(b) The Commissioner may exercise the authority of the Secretary with respect to the calling and conducting of elections or referendums for the adoption or amendment of constitutions and charters and the calling and conducting of other elections or referendums as prescribed in tribal organic documents. The Commissioner may approve only the results of those elections which simply involve changing the voting age requirement.

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

FEBRUARY 1, 1972.

[FR Doc.72-1872 Filed 2-8-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

EGG PRODUCTS

Notice of Uniform Standards and Origin Labeling

The following is a notice of uniform standards and origin labeling as they apply to the Egg Products Inspection Act (Public Law 91-597, 84 Stat. 1620 et seq., 21 U.S.C. 1031-1056).

The Egg Products Inspection Act (Public Law 91-597) became law on December 29, 1970. It provides for the continuous inspection of egg products whether in interstate, intrastate, or foreign commerce. This phase of the Act has been in effect since July 1, 1971. It also controls, effective July 1, 1972, the disposition of restricted eggs (checks, dirties, incubator rejects, loss, and inedible eggs). Further, the law provides for uniformity of standards, grades, and weight classes for eggs in interstate commerce by prohibiting State or local jurisdictions from imposing the use of standards of quality, condition, weight, quantity, or grade, which are in addition to or different from the official Federal standards. Another provision on labeling prohibits any State or local jurisdiction other than those in noncontiguous areas of the United States (Alaska, Hawaii, Puerto Rico, and the Virgin Islands) from requiring labeling for eggs showing the State or other geographical area of production or origin.

Uniformity of standards for eggs in interstate commerce is highly desirable to promote the free movement of the product. The adequacy of the present U.S. standards to achieve this purpose is important, since these standards will be used exclusively for such eggs when the shell egg phase of the Egg Products Inspection Act becomes effective on July 1, 1972.

At the 1969 meeting of the National Association of State Departments of Agriculture, the egg study committee passed a resolution stating, "Resolved, That the National Association of State Departments of Agriculture and U.S. Department of Agriculture form a joint committee to review and develop a set of Federal-State uniform egg standards, meeting all health requirements, including grade and weight standards, applicable to today's egg quality and merchandising systems that can be offered to the several States for adoption for achieving uniformity throughout the United States." The Chairman of NASDA's marketing committee appointed a joint NASDA-USDA committee to study the USDA standards and grades. The committee met on several occasions in the period from June 1970 to June 1971. All phases of the quality and weight standards were studied intensively, and the Chairman of the committee was in contact with the States not represented on the committee, seeking their advice and recommendations. During the discussions, special emphasis was placed on the adequacy of the standards to achieve the uniformity required by the impending program created by the Egg Products Inspection Act. Other than a slight change in the U.S. Grade AA standards, which has since been accomplished, the committee did not recommend any immediate changes in the official U.S. quality or weight standards for eggs.

In the testimony at the hearings on the Egg Products Inspection Act, there was no opposition to uniform standards for eggs in interstate commerce, or any

reference to a need to amend the official U.S. standards for eggs.

The proposed regulations to govern the program created by the Egg Products Inspection Act (7 CFR Part 59) were published in the FEDERAL REGISTER, Vol. 36, No. 52, on Wednesday, March 17, 1971. Interested persons were invited to comment on the proposed regulations to the USDA Hearing Clerk by no later than April 19, 1971. "Official standards" were defined in part in the regulations as amending "the standards of quality, grades, and weight classes for eggs as described under Part 56, as amended, or as hereafter amended." Part 56, the grading regulation for shell eggs, sets forth the standards in detail. No comments were received on the standards or their applicability to the regulation. In addition, the Department held a series of six well publicized public meetings to discuss implementation of the Act in the spring of 1971. At these meetings, no objection was raised as to the adequacy of the present standards.

All of the States have egg laws to govern their surveillance programs to determine grade compliance of eggs sold in their States. Most States have closely patterned their requirements for shell eggs after the official standards of the USDA. Only six States have grade standards substantially different from the official standards, and only four differ in their weight requirements. A few other States have standards in addition to the official standards. In September of 1971, the Department contacted those States with substantially different standards requesting them to initiate steps to bring their standards in line with the official USDA standards. These States have agreed to take such action.

Accordingly, based on the recommendation of the joint NASDA–USDA committee to study egg standards, the comments received during rule making and public meetings, and the almost unanimous support of the present U.S. standards by the various States, no changes in the present U.S. standards are necessary. As noted in the regulations issued pursuant to the Egg Products Inspection Act (7 CFR Part 59), the standards, grades, and weight classes set forth in the Regulations governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes For Shell Eggs (7 CFR Part 56) will be applicable to the shell egg phase of the Egg Products Inspection Act on July 1, 1972.

Signed at Washington, D.C., this 3d day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72–1881 Filed 2–8–72;8:48 am]

EGG PRODUCTS INSPECTION ACT

Cooperative Agreement With Food and Drug Administration for Administration and Enforcement

Correction

In F.R. Doc. 72–1620 appearing at page 2686 in the issue for Friday, February 4, 1972, make the following changes:

1. On page 2687, column 2, the heading "States Supervised by Des Moines Regional Grading Office" should be transposed so that it appears above the State listings beginning with "Colorado".

2. On page 2687, column 2, "Western Region", last line, following "Area Code" add "415 556–6488".

Forest Service

SISKIYOU NATIONAL FOREST HERBICIDE PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Siskiyou National Forest Herbicide Program in Oregon, USDA–FS–ES(Adm) 72–19.

The environmental statement concerns the application of 2,4–D, 2,4,5–T or atrazine on 11,858 acres in 213 separate tracts on the Siskiyou National Forest to control certain types of vegetation.

This draft environmental statement was filed with CEQ on January 28, 1972.

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

USDA, Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue SW., Washington, D.C. 20250.
Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oregon 97208.
Siskiyou National Forest, 1504 Northwest Sixth Street, Grants Pass, OR 97526.

A limited number of single copies are available upon request to R. A. Resler, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

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

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. R. A. Resler, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

FEBRUARY 4, 1972.

[FR Doc.72–1900 Filed 2–8–72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 26(71)–9]

AMINDA ENTERPRISES (OVERSEAS) AND KHOW AMIHYIA

Order Denying Export Privileges for an Indefinite Period

In the matter of Aminda Enterprises (Overseas), and Khow Amihyia, Accra, Ghana, and 75 West Cromwell Road, London, S.W. 5, England, Respondents, File No. 26(71)–9.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all U.S. export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Khow Amihyia is the owner of the respondent firm Aminda Enterprises (Overseas) and that he is managing director of said firm; that said firm is an importer and dealer in textile fabrics and has a place of business in Accra, Ghana, and that the respondent Amihyi has an address in London, England. The evidence presented further shows that in the latter part of the year 1970 Amihyia, acting on behalf of Aminda Enterprises, placed an order with a Swiss distributor of a U.S. manufacturer of magnetic tapes for approximately $163,000 worth of such tapes; that said commodity is a strategic item and requires a validated license for export from the United States; and that in connection with the ordering of the magnetic tapes Amihyia represented that they would be used by Aminda Enterprises in its own installations. The evidence further shows that Aminda Enterprises has no installations for facilities for the use of such magnetic tapes.

The Compliance Division is conducting an investigation to ascertain the facts and circumstances relating to respondents' ordering of said strategic magnetic tapes, to ascertain what other parties, if any, were involved in said transaction, and to ascertain if it was contemplated that said tapes be diverted to a destination that would not have been authorized.

It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 388.15 of the Export Control

Regulations. The respondents, also pursuant to said section, were requested to furnish certain documents relating to the aforesaid matters. Said respondents have failed to respond to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969:

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on February 9, 1972.

Dated: February 2, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-1836 Filed 2-8-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF DEFENSE COORDINATOR

Statement of Organization, Functions, and Delegation of Authority

Chapter 2-580 of the Statement of Organization and Functions and Delegations of Authority has been renumbered and revised as follows:

SECTION 1U13.00 *Mission.* (a) The primary mission of the Office of Defense Coordinator (ODC) is to develop and maintain throughout the Department and in the regions a condition of operational readiness designed to cope with and overcome the effects of all types of emergencies—ranging from major disasters to enemy attack upon the United States.

(b) A secondary mission is to coordinate and direct HEW disaster assistance and relief operations—particularly following the declaration of a major natural disaster.

(c) ODC performs these missions by providing staff support to the Secretary in fulfilling the Secretary's Executive order assignments for emergency preparedness and natural disaster response.

SEC. 1U13.10 *Organization and Relationships.* (a) The Office of Defense Coordinator is headed by the Defense Coordinator, who reports to the Assistant Secretary for Administration and Management.

(b) In the absence of the Defense Coordinator, the Deputy Defense Coordinator serves as Acting Coordinator.

(c) Pursuant to ODC mission assignments, the Defense Coordinator represents the Secretary in dealing with the heads of HEW staff offices, operating agencies, and regional directors, and with the Office of Emergency Preparedness, the Office of Civil Defense, and the defense coordinators of other departments and agencies.

(d) The Office of Defense Coordinator is organized into the following component sections: (1) Emergency Planning and Operations, (2) Administration and Management, (3) HEW Officers-in-Charge, Headquarters Relocation Sites.

SEC. 1U13.20 *Functions.* (a) The Defense Coordinator serves as the HEW focal point for all emergency preparedness, planning, and operations activities. Specific functions are as follows:

(1) Participates in conferences or negotiations with representatives of Federal agencies, such as Department of Defense, Office of Management, and Budget, Office of Emergency Preparedness, and other governmental and nongovernmental agencies, for the purpose of developing or implementing national mobilization and readiness measures, including those related to natural disasters.

(2) Maintains continuing liaison with Federal agencies (DOD, OEP, etc.) and with private organizations (American National Red Cross, State Association of Civil Defense Directors, etc.) which have nonmilitary defense assignments or interests; facilitates the day-to-day working relationships of HEW operating units with these agencies.

(3) Coordinates readiness measures for the Department related to nonmilitary defense under the overall leadership and guidance of the Office of Emergency Preparedness (located in the Executive Office of the President) and provides stimulus and leadership to HEW operating units and staff offices in the development of plans and procedures required by continuity of Government, civil defense, and resources mobilization assignments made to the Department under Public Law 920, 81st Congress, Reorganization Plan No. 1 of 1958, and related legislation, and Executive Orders 11490 and 10958.

(4) Keeps the Secretary and senior staff of the Department (Assistant Secretaries, agency heads and members of the Secretary's immediate staff, as appropriate) informed of all major government-wide developments in readiness

planning and of progress in developing and maintaining HEW readiness capability. Recommends additional steps and, when necessary, corrective action.

(5) Develops and maintains the Emergency Planning and Operations Manual of the Department. The Defense Coordinator is also custodian for the Secretary of important policy guidance and emergency action documents which are required to be classified.

(6) Supervises readiness cadres at two headquarters relocation sites; maintains and tests the Department's alerting procedures for notification of relocatees, prepares instructional material governing the actions of key officials (relocatees) in the event of a national emergency.

(7) Provides direct personal consultation, guidance, and assistance to the HEW Regional Directors to aid in their development and maintenance of regional emergency operational readiness as required by the Secretary's directive (35 F.R. 13546).

(8) Coordinates HEW participation in national and regional interagency readiness tests and exercises.

(9) Prepares budget estimates and justification and other supporting material required by the Office of Emergency Preparedness, the Office of Management and Budget, and the Congress, and participates in Appropriations Committee hearings having to do with the Department's defense activities when requested.

(10) Coordinates the receipt and approval of all contracts and agreements with other Federal agencies involving defense assignments and related research.

(11) Provides staff and facilities for the receipt, control, and safekeeping of classified defense information and material, and for observing security regulations.

(12) Performs special assignments for the Secretary, Under Secretary, and Assistant Secretaries, as requested, on matters involving defense readiness and natural disasters, prepares special reports, staff papers, and correspondence. Reviews and concurs in defense-related correspondence prepared by HEW operating units for the Secretary's signature.

(13) Coordinates HEW natural disaster assistance and relief activities to assure expedited response to State and local government requests for HEW aid; manages disaster information and reporting system; coordinates the performance of other actions required of the Department by Public Law 91–606 and Executive Order 11575, section 4.

SEC. 1U13.30 *Committee assignments.* (a) The Defense Coordinator serves as the Secretary's representative and HEW member of the following interagency committees: (1) Interagency Emergency Preparedness Committee, chaired by the Office of Emergency Preparedness; (2) Interagency Civil Defense Committee, chaired by the Office of Civil Defense, Department of Defense.

(b) The Defense Coordinator serves on behalf of the Secretary as Chairman of the Department Staff Committee for Defense Planning.

Dated: February 1, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.72-1888 Filed 2-8-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL RADIO FREQUENCY ASSIGNMENT

Proposed Integration of 25 kHz Spaced VHF Communication Channels Into National Airspace System; Notice of Invitation for Comments

This notice requests comments and suggestions in accordance with the Department of Transportation policy of regular consultation with the aviation users, aviation industry, State and local governments, other Federal agencies and the general public concerning planning of the National Aviation System.

The Federal Aviation Administration (FAA) on October 20, 1971 established the policy that all radio communication equipment ordered by the FAA for use in the VHF Aeronautical Mobile (R) band (117.975 to 136.0 mHz) shall be capable of being tuned to and operating without harmful interference on 25 kHz spaced channels with appropriate collocation criteria applied.

The FAA proposes to commence integration of 25 kHz spaced channels into the National Airspace System in the above-mentioned band about January 1976. This proposed course of action has been brought about by the existing problems of frequency congestion and the expected growth in aviation. At present, there are 253 Air Traffic Control (ATC) channels spaced 50 kHz apart in the 117.975 to 136.0 mHz Aeronautical Mobile (R) band. There are more than 3,700 discrete assignments on these frequencies within the United States, administered by the FAA. To accommodate this number of assignments, the level of co-channel frequency protection afforded, in many instances, is substantially lower than desirable and significantly lower than specified by the International Standards and Recommended Practices for Aeronautical Communications (Annex 10 to the Convention on International Civil Aviation). To further complicate the situation, the projected growth in air traffic will result in an associated increase in services and facilities which will substantially increase the demand for VHF channels in the next 10 years. A recent study of existing and planned (through fiscal year 1972) frequency requirements disclosed that the situation is already critical in many areas of the country.

Technological methods for coping with the problems created by severe frequency congestion have been investigated extensively but there are none that offer both sufficient relief and reasonable promise of implementation during the required time period. The only logical solution remaining is the increase in the number of available channels by dividing the available spectrum into 25 kHz channels.

The proposed schedule for integration of 25 kHz spaced channels is as follows:

January 1976—Introduced into selected high altitude en route sectors.

June 1976—Deployment at high altitude en route sectors. Introduction into selected high density low altitude en route sectors.

June 1977—Deployment at low altitude en route sectors.

June 1979—Deployment at selected air traffic control tower facilities and selected flight service stations.

The above action would obviously have considerable impact on all users of the National Airspace System as well as the FAA. Therefore, early notification of the proposed plan is essential. In September 1970, the FAA issued an Advisory Circular, AC–90–50, wherein the public was advised of the need for 25 kHz spacing at some future date and that the purchase of 720 channel equipment would insure full service for a greatly extended period. This notice furthers our previous notification with more specific information.

Every effort is being made to delay implementation of 25 kHz spacing as long as possible. Among the expedients used to delay the implementation until January 1976 was a critical and continuing review of all requirements for frequencies to insure that all assignments in use, or proposed, are absolutely necessary; a redeployment of existing assignments to assure optimum utilization of 50 kHz channels and the use of crystal filters, cavity resonators, and other devices to improve the performance of existing ground equipment and reduce co-siting constraints. These actions are expected to keep the deterioration of the air/ground communication system within bounds until the proposed implementation date.

The basic effect of the proposed schedule set forth herein is that aircraft flying en route on an IFR flight plan would have to be capable of receiving and transmitting with 25 kHz spacing by June 1977. By June 1979 all aircraft, IFR or VFR, will require this capability at some high density terminals and certain FSS's associated with high density traffic. As in the transition from 100 kHz spacing to 50 kHz spacing there will be an interim period wherein aircraft not as yet equipped with the 25 kHz spaced equipment will be handled by procedural techniques.

Interested persons are invited to submit such written data and comments as they may desire on this proposed plan. Comments should be submitted to: Director, Office of Aviation Policy and Plans; Federal Aviation Administration; 800 Independence Avenue SW., Washington, DC 20591, on or before April 4, 1972.

All comments submitted will be available for inspection in Room 935; Federal Office Building 10A; 800 Independence Avenue SW., Washington, DC.

Issued in Washington, D.C., on February 2, 1972.

RICHARD H. SEAMAN,
Acting Director, Office of Aviation Policy and Plans, Federal Aviation Administration.

[FR Doc.72-1865 Filed 2-8-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report" and "Supplement No. 1 to Applicant's Environmental Report—Construction Permit Stage," submitted by the Consolidated Edison Company of New York, Inc., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, NY 10548. The report is also being made available to the public at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207 and the Metropolitan District Review Coordinator, Office of Planning Coordination, 1841 Broadway, New York, NY 10023.

These reports discuss environmental considerations related to the construction of the Indian Point Nuclear Generating Unit No. 3, located in the town of Buchanan, Westchester County, NY.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 3d day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1874 Filed 2-8-72;8:47 am]

[Docket No. 50-147]

NORTH AMERICAN ROCKWELL CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. CX-17. The license presently authorizes the North American Rockwell Corp. (NARC), Atomics International Division of Canoga Park, Calif., to possess, use and operate the "Epithermal Critical Experiment Laboratory (ECEL)" facility located in Ventura County, Calif., at power levels up to 200 watts (thermal). The amendment changes the name of the facility from the above name to "Fast Critical Experiment Laboratory (FCEL)". The name change was requested by NARC in its application dated November 23, 1971, because it more specifically describes the facility's use since the current concentration of work is on the physics problem associated with fast reactors. The action does not involve a change in facility operations authorized by Facility License No. CX-17.

The Commission has found that the application for the amendment dated November 23, 1971, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) NARC's application for license amendment, dated November 23, 1971, and (2) the amendment to the facility license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1875 Filed 2-8-72;8:47 am]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 21, 1971 (36 F.R. 20380), the Atomic Energy Commission (the Commission) has issued Facility License No. R-119 to the Westinghouse Electric Corp. (WEC), Pittsburgh, Pa. The license authorizes WEC to possess, use and operate a nuclear research reactor, designated as the "Nuclear Training Reactor" and located in Zion, Ill., at steady State power levels up to 10 kilowatts (thermal), in accordance with the provisions of the operating license and the Technical Specifications appended thereto, and WEC's application dated September 24, 1970, as amended. The facility will be used in support of WEC's reactor program for reactor operator training.

The Commission has found that the application, as amended, for the license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Facility License No. R-119, including the Technical Specifications, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1876 Filed 2-8-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24114]

CHINA AIRLINES, LTD.

Notice of Postponement of Prehearing Conference and Hearing

Renewal and amendment of foreign air carrier permit authorizing service

between points in China, intermediate points, and Honolulu, Hawaii; Los Angeles and San Francisco, Calif.

Notice is hereby given that a prehearing conference in the above-entitled matter now assigned to be held on February 29, 1972, is hereby postponed to March 1, 1972, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

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 February 18, 1972.

Dated at Washington, D.C., February 3, 1972.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.72-1892 Filed 2-8-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

GEIGY AGRICULTURAL CHEMICALS

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1229) has been filed by Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide *O,O*-dimethyl phosphorodithioate *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one in or on the raw agricultral commodities grapefruit and oranges at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive flame photometric detector.

Dated: February 3, 1972.

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

[FR Doc.72-1925 Filed 2-8-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19301, 19302; FCC 72R-30]

EMPIRE COMMUNICATIONS CO. AND LANE PAGING, INC.

Memorandum Opinion and Order Regarding Construction Permit To Establish Additional or New Facilities

In regard applications of Empire Communications Co., for a construction permit to establish additional facilities for Station KLF 595 in the Domestic Public Land Mobile Radio Service at Eugene, Oreg., Docket No. 19301, File No. 531-C2-P-70; Lane Paging, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service in Eugene, Oreg., Docket No. 19302, File No. 1895-C2-P-70.

1. By order, FCC 71-856, released August 26, 1971, the Commission designated the mutually exclusive applications of Empire Communications Co. (Empire), and Lane Paging, Inc. (Lane), for construction permits to establish one-way signalling (paging) service in the Domestic Public Land Mobile Radio Service (DPLMRS) at Eugene, Oreg., for hearing under various issues. Presently before the Review Board is a petition to enlarge, change, or delete issues, filed September 8, 1971, by Empire,[1] seeking the addition of the following issues:

(1) To determine whether Lane Paging, Inc., is qualified to be a licensee of this Commission in the light of the actions of Lane and J. Robert Kelley, a principal and officer of Lane, in connection with allowing Stations KKM62, KLC968, and other Business Radio Service stations, licensed to J. Robert Kelley, to be used by Lane to page Lane's customers; and in light of the lack of candor by Lane in connection with the furnishing of mobile equipment to Dr. J. H. Hessel in File No. 5239-PS-100.

(2) To determine whether Lane Paging, Inc., is financially qualified to construct its proposed station and to operate such station for a reasonable time.

(3) To determine whether harmful adjacent channel interference will be caused to the reception of mobile radio signals by Empire Station KOK331, on the frequency 158.67 MHz, by a grant of the Lane application to use the transmitter frequency 158.70 MHz, at the location proposed by Lane.

(4) To determine whether the amendment filed by Lane Paging, Inc., on or about November 10, 1970, effected a change of control of Lane, so as to constitute a major change in the Lane application, subject to the cutoff §§ 1.227(b)(3) and 21.30(b).

and the deletion of Issue (c) which reads as follows:

(c) To determine the nature and extent of services now rendered by Empire Communications Co., the capacity of its existing facilities, and in light of § 21.516(b) of the Commission's rules, or other pertinent regulations or Commission policy, whether the grant of Empire's application for an additional channel is justified in the public interest.

[1] Other related pleadings before the Board for consideration are: (a) supplement to motion to enlarge, change or delete issues, filed Sept. 24, 1971, by Empire; (b) opposition, filed Sept. 29, 1971, by Lane; (c) opposition to (a), filed Oct. 7, 1971, by Lane; (d) Common Carrier Bureau's comments, filed Sept. 29, 1971; and (e) reply, filed Oct. 12, 1971, by Empire.

CHARACTER QUALIFICATIONS ISSUE

2. The first part of Empire's requested issue is based upon the allegation that Lane and one of its officers and directors, J. Robert Kelley, improperly used business radio service stations, which were licensed to J. Robert Kelley, for purposes of paging Lane's customers. According to Empire, the Chief of the Safety and Special Radio Services Bureau, by letter dated June 19, 1969,[2] notified Lane that the Commission had information indicating that Lane had been using facilities in violation of Commission rules and that such use should be discontinued; by another letter, dated that same day, the Bureau Chief notified Lane's attorneys that use of such facilities was tantamount to an unlawful transfer of control. Despite two subsequent letters from the Bureau Chief, one directed to Kelley and one to another Lane principal, Empire alleges that Lane did not cease to use Kelley's facilities until August 20, 1969.

3. As explanation for its conduct, Lane, in opposition, states that the use of Kelley's facilities was made pursuant to the advice of noncommunications counsel to the effect that such an operation was permissible; and thus, that the improper operation was not willful. Upon being informed that its operation was in violation of Commission rules, Lane asserts, it ceased use of the facilities in a timely fashion; the fact that 2 months elapsed between the time the Commission first requested cessation of operation and actual compliance can be explained, Lane avers; during this period of time both Lane and Kelley were engaged in determining the precise legal status of the operation and in retaining communications counsel. Lastly, Lane notes that the Commission took no action, punitive or otherwise, upon the cessation of the unlawful operations.

4. In reply, Empire alleges that the excuse of "ignorance" is simply untenable in light of the Commission's clearly articulated prohibition against unauthorized control of radio stations. Thus, Empire reasons, it is apparent that Kelley and Lane "deliberately" delayed cessation of the unlawful operations in order to continue such service. In fact, the petitioner asserts (for the first time), Art Steele, principal of Lane, was advised by a representative of the paging equipment supplier that his "paging for hire" proposal was violative of Commission rules as early as May 1968.[3]

5. It is undisputed that the radio facilities licensed to Kelley were used by Lane to page its own customers. Thus, there is a clear and substantial question as to whether or not Kelley transferred the use and control of these facilities to Lane

[2] This same letter notified Lane that its application for business radio service facilities, filed on or about Dec. 18, 1968, was being returned for failure to comply with Commission rules.

[3] In an attached affidavit, F. Bryan Gilmore, describes a conversation in which he advised Steele that his proposal was questionable without the acquisition of a Commission license.

without prior Commission authorization in violation of the Communications Act as well as Commission rules.[4] Moreover, in the Board's view, Lane has not satisfactorily explained its improper conduct. Its assertion that it acted in good faith upon the erroneous advice of counsel[5] is belied by the affidavit of the paging equipment supplier in which he represents that Art Steele, principal of Lane, was aware of the questionable legality or propriety of his proposal as early as May 1968. These contradictory representations serve to raise a question as to whether or not Lane did, in fact, act in good faith. In any event, erroneous advice of counsel does not excuse compliance with Commission requirements. Moreover, Lane's explanation for the 2-month delay in complying with the Commission's injunctive to discontinue the illegal operation immediately is unpersuasive. There was no question about the precise legal status of the operation; the Commission had clearly stated that the use of these particular facilities was improper and should be ceased immediately. Accordingly, the Board will add an issue to inquire into the matter at the evidentiary hearing.

6. Empire bases the second part of its requested character qualifications issue on Lane's asserted lack of candor concerning its alleged violation of the Commission's rules governing multiple licensing of radio transmitting equipment in the mobile radio service.[6] According to Empire, at the request of Art Steele, Dr. J. H. Hessel, on October 7, 1969, filed an application in the Special Emergency Radio Service (File No. 5239-PS-100) to serve, cooperatively, an association of doctors in the Eugene, Oreg., area.[7] Empire alleges that the Hessel application was amended on November 10, 1970, in order to attempt to show a "breaking of the package" of services to the Hessel group; the applicant indicated that the supplier of answering services (Steele) was divorced from the company which would provide equipment to the Hessel group (Lane).[8] In actual fact, however, Empire contends that Steele will continue to provide answering service to the cooperative and, indirectly, he will provide equipment through Lane, as well. In support of this assertion, Empire submits an affidavit executed by Jack W. Gossard, describing a conversation between Leslie F. Smith, Jr., president of Empire, and J. Robert Kelley, president of Lane.[9] The statements of Kelley,[10] Empire asserts, indicate that as recently as September 17, 1971, Lane, Kelley and Steele did not intend that the divorce of Steele from Lane would be permanent; rather, petitioner concludes, they attempted to mislead the Commission into believing that there had been a permanent divorce of Steele from Lane, and, thus, of the Steele answering services for the Hessel application from the furnishing of equipment to that group.

7. In opposition, Lane asserts that since Steele has no interest in or connection with Lane Paging whatsoever, there is no conceivable way in which he could indirectly supply equipment to the Hessel group through Lane. With respect to the Gossard affidavit, Lane explains that the discussion arose in the context of other business matters and that the statements of Kelley were merely general speculations regarding a possible future event and not proof of future plans or intentions.[11] Moreover, Lane continues, the Gossard affidavit is hearsay based upon hearsay and thus not reliable. In any event, the applicant contends, a temporary separation, if genuine, is not prohibited by Commission rules, since it results in a present and legitimate breaking of the package.

8. In "Multiple Licensing—Safety and Special Radio Services," supra, the Commission adopted rules which would prohibit dispatching by any person (other than the licensee) who furnishes or supplies, directly or indirectly, any of the equipment used in a communications system. In other words, third parties providing telephone answering service to the licensee may not sell, rent or lease, or otherwise provide any of the equipment to be used in the shared system. Since the Hessel application proposes to obtain answering services from Steele and equipment from Lane, it was necessary for Steele to divorce himself from the paging company in order to comply with the Commission's rules. This was done by amendment to both the Lane and Hessel applications. Empire alleges that the parties to this corporate action did not intend that this separation should be permanent in the event that Lane receives a grant of its application; rather, according to Empire, the divorce would exist only for so long as and in the event that Steele would provide answering services to Hessel, assuming that application were granted. Thus, Empire concludes, the divorce is a sham and indicates that the paging company, Lane, its president Kelley and Steele presented a fiction to the Commission as legal fact; this, Empire suggests, is misrepresentation. The Review Board does not agree. As Lane argues, there is no basis for concluding that the present separation between Steele and Lane is anything but genuine; in other words, there are no facts which suggest that Steele actually retains any present interest in the paging company. As long as the divorce is genuine and exists for so long as Steele provides answering services and Lane supplies equipment to the Hessel licensee, the Commission policy concerning multiple licensing is satisfied. The Commission will be assured that Hessel will have a proprietary interest in the equipment (as a lessee) used in the system which will not be subsumed in any relationship which it may have with the dispatcher Steele. Thus, Empire has failed to show that either Kelley, Steele, or Lane intend to violate Commission rules; accordingly, the request for an issue inquiring into this matter will be denied.[12]

FINANCIAL QUALIFICATIONS ISSUE

9. Empire takes issue with Lane's total costs estimate of $4,913.90 for its base station equipment and installation. Petitioner contends that the actual costs will be greatly in excess of that amount, since the estimate does not contain the cost of paging receivers (according to schedules attached to the Lane application) which will, collectively, amount to $15,667.86. In opposition, Lane explains that the cost of the receivers, payable in monthly installments, will be met by subscriber payments on a current and continuing basis.[13] Initially, the Board notes that both Empire and Lane have misconstrued the nature of the financial showing required of a DPLMR applicant (as well as the actual financial demands on Lane during its first year of operation); an applicant must demonstrate that it is financially qualified to construct its proposed facilities and meet operating expenses during the first year of operation. Arlington Telephone Company, 27 FCC 2d 1, 20 RR 2d 1115; Long Island Paging, FCC 71R-190, 30 FCC 2d 405, 22 RR 2d 309 (1971), review denied FCC 71-1100, released November 1, 1971. According to the credit arrangement schedules for equipment (including receivers) Lane will be called upon to pay approximately $4,360 in monthly installments during the first year of operation. Since Lane has estimated only $4,913.90 for total costs, it must meet all other costs of construction, e.g., installation, engineering and legal fees, etc., from the remaining $550. Moreover, no estimate for first-year operating

[4] See 47 U.S.C. 310(b) and § 93.6 of the rules.

[5] Lane did not submit an affidavit from counsel substantiating this assertion.

[6] See "Multiple Licensing-Safety and Special Radio Services," FCC 70-773, 24 FCC 2d 510.

[7] On Oct. 10, 1969, Lane filed the instant application in the Domestic Public Land Mobile Service to serve, among others, the same group of doctors which the Hessel application proposes to serve with a one-way paging system. By memorandum opinion and order, FCC 72-26, released Jan. 12, 1972, the Commission reinstated a previous grant of the Hessel application.

[8] In an amendment to its application, Lane also informed the Commission on Nov. 10, 1970, that Steele was no longer associated with it, either as a director or stockholdler.

[9] Leslie Smith attests to the accuracy of Gossard's affidavit in a supporting affidavit.

[10] Gossard related that Kelley had stated that "* * * if Dr. Hessel got his license Art (Steele) would do the dispatching and that if Lane got the license that he would do the dispatching for Lane and be back in Lane Paging as a Director as he was before."

[11] Lane submits a supporting affidavit from Kelley explaining his statements detailed in the Gossard affidavit.

[12] Our conclusion in this regard is reinforced by Dr. J. H. Hessel, FCC 72-26, released Jan. 12, 1972, in which the Commission reinstated a grant of the Hessel application in the face of similar allegations.

[13] Lane did not submit any reliable or substantiated revenue projections. It merely submitted a list of physicians who had requested such service.

costs has been made. Under these circumstances, it is clear that an inquiry into Lane's estimated costs is required.

10. Second, Empire alleges that Lane's current financial posture, as reflected in its February 26, 1971, amendment, is inadequate to sustain the costs of construction and operation of its proposed facility. A careful analysis of the applicant's balance sheet supports this view. As Empire correctly notes, there is an excess of current liabilities over current assets in the amount of $8,090.78, in addition to a capital deficit of $5,468.46. Further, the statement signed by J. Robert Kelley to the effect that he and Lee Andrews (another principal) are prepared to contribute whatever additional capital is necessary to operate the proposed station does not cure the serious financial disability.[14] In this connection, the Board notes that the personal balance sheet of neither principal shows sufficient liquid current assets over liabilities to lend the applicant sufficient funds. Moreover, even though substantial fixed and other assets are reflected in the two statements, there is no showing as to the liquidity or ready convertibility of these assets. Accordingly, an availability of funds issue will also be added.

ADJACENT CHANNEL INTERFERENCE ISSUE

11. In support of its request for an adjacent channel interference issue, Empire notes that it is the licensee of two-way Station KOK331, which receives on the frequency of 158.67 MHz at its receiver site located 350 feet or less from the site proposed by Lane for its one-way paging facility which would transmit on a frequency of 158.70 MHz, or 30 kHz removed from the KOK331 receiver frequency. Petitioner contends that no technical changes can be made in the KOK331 receiving equipment which would eliminate the interference that might be caused by the proposed Lane operation and that the only solution is a physical separation of sites of at least 1 mile.[15]

12. Empire's motion is supported by the statement of the manager of product service engineering for the General Electric Co. (G.E.), manufacturer of the receiver presently in use at KOK331. The statement sets forth pertinent operating characteristics of that receiver, along with the transmitter noise characteristics of a typical transmitter located 350 feet from the receiver operating on a frequency 30 kHz removed from the receiver frequency. Receiver desensitization resulting from the Lane operation according to the statement, would reduce the Empire receiving range to one-eighth of its present distance, and even with G.E.'s newer (more selective) receiver this distance would be reduced to one-fourth. The statement indicates that even by adding preselecting filters to the newer receiver the receiving distance would be 70 percent of the present distance. More important, petitioner asserts, another factor, the transmitter noise signal, which would appear on the receiver frequency when the Lane transmitter is operated, is the controlling factor in reducing the receiving radius. The G.E. statement contends that the transmitter noise could not be eliminated anywhere but at the source, and that there is no known technique which can provide the required reduction in such noise level. Based on the combination of the receiver desensitization and the transmitter noise, Empire alleges that its receiver will be "rendered useless" by the Lane proposed operation, and that no alternatives are known that would eliminate the potential problem except a site change or a frequency change. In sum, Empire asserts that no other site is available which would not result in a degradation of the service it presently provides;[16] that the burden of a move should be placed on Lane rather than itself; and that Section 309 of the Communications Act provides for a hearing on the question of interference.

13. In opposition, Lane argues that Empire has not raised anything which differs from that considered by the Commission at the time of designation. Moreover, Lane argues that the instant situation is not without precedent because the Commission has granted 24 allocations on 152.21 MHz (with receivers on 158.6 MHz) in communities with allocations on 158.70 MHz, and the Commission's rules provide for such allocations without qualification or limitation. In any event, Lane notes, the engineering statement attached to its pleading indicates its express intention to be "good neighbors" and install equipment (transmitter, filters, etc.), which will afford Empire protection.

14. The Common Carrier Bureau, in its comments, opposes the addition of the interference issue contending that the problem was evaluated both before the designation order was issued, and since receiving Empire's petition, and that the Bureau's position remains the same. The Bureau asserts that the determination in the Commission's report and order in Docket 11253 (39 FCC 487 (1956)) is that "30 kHz separation was feasible and that assignment would be made without regard to geographical separation for frequencies in the 152–162 MHz band."[17]

15. In reply, Empire argues that neither Lane nor the Bureau has refuted the G.E. statement, and that Lane's intention to be a good neighbor will not eliminate the interference problem. Petitioner argues that the reference to the 24 communities with allocations on both 152.21 MHz and 158.70 MHz is meaningless because no showing was made of the proximity of the allocations. Empire disagrees with the Bureau's interpretation of the ruling in Docket No. 11253, contending that the 30 kHz separation theory pertains to Safety and Special Radio Service assignments, not to Common Carrier assignments,[18] and that the "decision left to case-by-case determination the circumstances under which adjacent channel interference may be considered or eliminated."

16. In its order, FCC 71–856, supra, the Commission, although recognizing the possibility of adjacent channel interference, refused to specify an interference issue in this proceeding, stating: "Empire can resolve the problem by making minor technical changes in its equipment or by moving its mobile receiver to one of its other sites." Empire, however, has submitted new factual engineering data and allegations, which were not before the Commission at the time of designation, which warrant a different conclusion as to the specification of an appropriate issue. Thus, since the Commission's ruling was based upon an incomplete showing, there is no impediment to the Board's consideration of the merits of Empire's allegations. See Atlantic Broadcasting Company (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1965); Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 141 (1965). Empire has submitted computations which indicate that the Lane transmitter will emit noise on the Empire receiver channel which cannot be eliminated at the receiver; and Lane has not submitted calculations in opposition which indicate that its proposed transmitter can be adequately filtered, or otherwise adjusted, to satisfactorily resolve the problem raised by Empire. Additionally, neither Lane nor the Bureau has contested Empire's allegation that no other site is available from which the same general service could be provided. In the Board's view,

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[14] Kelley's balance sheet shows current assets of $968.20 with current liabilities of $2,656.68. Although Andrews' balance sheet reflects an excess of current assets over liabilities, the liquid assets appear to be more than offset by current liabilities; and the remaining assets are primarily composed of accounts receivable and stock, neither of which is shown to be readily convertible. Compare FCC Form 301, section III, page 3, which requires a specific showing of current reliability with respect to assets of this nature.

[15] In the order of designation, the Commission considered the question of adjacent channel interference, stating that Empire could eliminate interference with minor technical changes or by changing the receiver site.

[16] One site considered by Empire (referred to as Location No. 1) is, according to Empire, located more than nine miles from the present KOK331 site. Empire asserts that use of Location No. 1 would not cover the same service area which presently contains numerous subscribers using hand-held mobile units which do not have the range of vehicular units.

[17] Docket No. 11253 was a rule making proceeding that, in part, established standards to permit an increase in the number of usable channels for the land mobile service in the frequency bands 25–50 MHz and 152–162 MHz. The report and order in Docket No. 11253, supra, does not establish the meaning of the "same geographical area" to be that no further consideration of other facilities 30 kHz removed in frequency will be required of applicants without regard to proximity and related potential problems.

[18] The introductory paragraph to the report and order in Docket No. 11253, supra, clearly establishes that the number of useable channels available to the Common Carrier service, among others, was involved in that proceeding.

Empire has presented specific engineering data which raises a substantial question as to whether Lane's proposed operation would cause harmful interference to the Empire operation, and warrants the addition of an appropriate issue.

CHANGE OF CONTROL ISSUE

17. Empire alleges that the November 10, 1970, amendment to the Lane application effected a change of control in that applicant. Prior to the amendment, petitioner explains, each of the three directors—Steele, Andrews and Kelley—owned one-third interest in the Lane stock and, in addition to being one of three directors, Steele was also President of the paging company. By virtue of the amendment, however, Kelley has acquired effective de facto control, Empire asserts; not only has Kelley acquired 50 percent of the stock as a result of Steele's divestiture, he has also gained control of the management and the board of directors since he was elected president, his wife was elected secretary-treasurer and he and his wife presently constitute two-thirds of the board of directors. This change in control is a major change or amendment which, in turn, Empire concludes, subjects the Lane application to cutoff §§ 21.30(b) and 1.227 (b)(3). In support of its argument, Empire urges that this was the position of the Broadcast Bureau in Martin Lake Broadcasting Co., 26 FCC 2d 963 (1970), which was allegedly a factually similar situation.

18. In opposition, Lane initially notes that the November 10, 1970, amendment reflects that Steele had sold his one-third interest in Lane back to the company and had resigned as an officer and director, that no new stockholder was introduced into the company, and that no additional stock was issued to the two remaining stockholders.[19] In any event, Lane argues that the November 10 amendment does not come within the definition of a "major amendment" as defined by § 21.23 (c) of the rules, nor within § 21.23(d) which provides, in effect, that amendments not enumerated in subsection (c) will be considered major changes only "if found to materially alter an existing or proposed station." The changes in the amendment clearly do not fall into the subsection (c) categories, Lane asserts; nor do such changes materially alter the application so as to come within subsection (d). Finally, Lane asserts that Martin Lake Broadcasting Co., supra, does not stand for the proposition for which it is cited.

19. The Common Carrier Bureau also opposes the addition of this issue, contending that Empire misconstrues the position of the Broadcast Bureau in Martin Lake Broadcasting Co., supra. In explanation, it states that the Broadcast Bureau's position (not the holding of the case) was that "the net result of substantial financial and ownership changes in conjunction with the site change is the introduction of an entirely new applicant." Moreover, the Bureau adds, that case involved the propriety of postdesignation amendments which is not the case here.

20. The change of control issue will be denied. As Lane correctly notes, the changes reflected in the November 1970 amendment do not fall within any of the enumerated categories contained in § 21.23(c) of the rules.[20] Nor, in the Board's view, do the changes materially alter the nature of the proposed station so as to fall within the ambit of § 21.23 (d) of the rules. Although the rules do not specifically make reference to ownership amendments in those sections pertaining to classification of predesignation amendments to DPLMR applications, it is helpful to examine such provisions applicable to standard broadcast proceedings. Section 1.572(j)(2) provides that a new file number will be assigned to an application when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application. The clear intention of this section is to consider ownership amendments as major amendments only when they constitute very fundamental changes in the overall ownership scheme. Clearly, this is not the case in the instant proceeding. Two of the parties which collectively possessed 66⅔ percent ownership interest in the original application, currently possess 100 percent ownership interest in the amended application. Under the circumstances, we find no basis for further inquiry into this matter.

SECTION 21.516(b) ISSUE

21. Petitioner seeks the deletion of the § 21.516(b) issue. See paragraph 1, supra. Empire takes issue with the Commission's reasoning to the effect that since the present channel capacity appears sufficient to meet traffic needs for the foreseeable future for the proposed additional channel, the application is of such a nature that a showing of necessity for the proposed service is required. The Commission and the Review Board have consistently held that, except in unusual circumstances, petitions to delete issues on the basis of material contained in pleadings or amendments will be denied. See, for example, Veterans Broadcasting Company, FCC 62–131, 22 RR 949; and L. B. Wilson, Incorporated, FCC 63R–58, 24 RR 1018. The basis for this long standing policy is that designated factual issues are better resolved in an evidentiary hearing than by interlocutory pleadings, where an evidentiary hearing must be held in any event. Empire's deletion request is based upon its interpretation of § 21.516. However, the Commission addressed itself to the application of this section of its rules in the designation order. Thus, in accordance with Atlantic Broadcasting Company (WUST), supra, and Fidelity Radio, Inc., supra, the Board is foreclosed from substituting its judgment for the reasoned analysis of the Commission.

22. *Accordingly, it is ordered,* That the motion to enlarge, change or delete issues, filed September 8, 1971, by Empire Communications Company is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered,* That the issues in this proceeding are enlarged to include the following:

(1) To determine the circumstances regarding the actions of Lane Paging, Inc., and J. Robert Kelley, a principal and officer of Lane, in connection with allowing Stations KKM62, KLC968 and other Business Radio Service stations, licensed to J. Robert Kelley, to be used by Lane to page Lane's customers, and, the effect of these actions on the basic or comparative qualifications of Lane Paging, Inc.

(2) To determine whether Lane Paging, Inc., is financially qualified to construct its proposed station and to operate such station for a reasonable time.

(3) To determine whether harmful adjacent channel interference will be caused to the reception of mobile radio signals by Empire Station KOK331, on the frequency 158.67 MHz, by a grant of the Lane application to use the transmitter frequency 158.70 MHz, at the location proposed by Lane.

24. *It is further ordered,* That the burden of proceeding with the introduction of evidence under Issue 1, added herein, shall be on Empire Communications Co., and the burden of proceeding on the remaining issues added herein and the burden of proof under all of these issues shall be on Lane Paging, Inc.

Adopted: February 2, 1972.

Released: February 7, 1972.

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

[FR Doc.72–1895 Filed 2–8–72;8:48 am]

[19] A subsequent amendment dated Feb. 26, 1971, indicates, however, that Andrews and Kelley each currently own 50 percent of the company.

[20] Section 21.23 (c) and (d) read as follows:
(c) An application amended by a major amendment thereto (as e.g., any amendment which will change or add a frequency; or improve the operating characteristics of an existing or proposed station; or enlarge the service contour or significantly change the location or points of communication of an existing or proposed station; or which will materially alter the nature of an existing or proposed service) is subject to the provisions of § 21.27.
(d) Amendments, other than major amendments within the meaning of paragraph (c) of this section will be considered on a case-by-case basis and, if found to materially alter an existing or proposed station, will be deemed to be a major change and will thereafter be listed in a public notice and subject to the provisions of § 21.27.

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Members

FEBRUARY 1, 1972.

The Federal Power Commission by orders issued April 6, 1971, established an

Executive Advisory Committee of the National Gas Survey.

1. *Membership.* Two additional members to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

A. F. Grospiron, President, Oil, Chemical, and Atomic Workers International Union.
Frank E. Fitzsimmons, General President, International Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America.

By the Commission.

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

[FR Doc.72-1858 Filed 2-8-72;8:45 am]

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Notice of Amendment to Petition To Amend

FEBRUARY 1, 1972.

Take notice that on January 21, 1972, Arkansas Louisiana Gas Co. (petitioner), Post Office Box 1734, Shreveport, LA 71102, filed in Docket No. CP72-9 an amendment to its petition to amend the order of the Commission heretofore issued pursuant to section 7(c) of the Natural Gas Act in said docket on November 1, 1971, by requesting authorization for the construction and operation of a delivery point and related delivery facilities, all as more fully set forth in the amendment to the petition to amend which is on file with the Commission and open to public inspection.

Petitioner seeks authorization, in its petition to amend, to deliver under an exchange agreement natural gas from Mesa Petroleum's Risely Well in Hemphill County, Tex., to Cities Service Gas Co.'s pipeline at a mutually agreeable point in section 72, Block A-2, H&GN Survey, Hemphill County, Tex. Petitioner now seeks authorization to construct and operate a delivery point and delivery facilities at Mesa's Risely Well. Petitioner estimates the cost of the facilities at $13,780.

Any person desiring to be heard or to make any protest with reference to said amendment to petition to amend should on or before February 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.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1859 Filed 2-8-72;8:45 am]

[Docket No. CP72-187]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 24, 1972, Montana-Dakota Utilities Co. (applicant), 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP72-187, a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by §§ 157.7(b) and 157.7(c) of the regulations under said Act for a certificate of public convenience and necessity authorizing during the period April 1, 1972, through March 31, 1973, the construction and operation of gas purchase facilities and gas-sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate during the period April 1, 1972, to March 31, 1972, gas purchase facilities to permit it to augment its ability to contract and connect to its integrated natural gas system additional wells in existing producing areas and new sources of gas supply contiguous to its system. Applicant also seeks authorization to construct and operate during the period April 1, 1972, through March 31, 1973, gas-sales or transportation facilities for the purpose of making direct sales of natural gas to consumers, for the transportation and sale of previously authorized volumes in existing market areas, and for miscellaneous rearrangements.

The total cost of the proposed gas purchase facilities is not to exceed $1 million and no single project is to exceed $200,000, and the total cost of the sales and transportation facilities is not to exceed $200,000. Applicant proposes to finance the projects from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 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, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1860 Filed 2-8-72;8:45 am]

[Docket No. CP72-188]

TRUNKLINE GAS CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 24, 1972, Trunkline Gas Co., Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP72-188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate approximately 17.9 miles of 16-inch diameter pipeline and appurtenant facilities necessary to connect gas to be purchased from Oil & Gas Futures et al., at their production platform in Grant Isle Block 81, offshore Louisiana, to its existing 18-inch diameter pipeline in Block 63, South Timbalier Area, offshore Louisiana. Applicant estimates the cost of the proposed facilities at $4,160,000, which it plans to finance from funds on hand.

Applicant states that the proposed facilities will materially assist in meeting its contract demands in a time when it is presently curtailing deliveries to its customers. Applicant states further that it is estimated that recoverable reserves should be at least 87,500,000 Mcf, with daily deliverability of at least 35,000 Mcf, and that further development and exploration can be expected to occur on these leases.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 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, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review on the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1862 Filed 2-8-72;8:45 am]

[Docket No. E-7698]

UNION ELECTRIC CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 10, 1972, Union Electric Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short term, unsecured promissory notes in the amount of $150 million, of which aggregate amount up to $75 million may be in the form of commercial paper with final maturities not later than December 31, 1974. In an order issued April 23, 1971, in Docket No. E-7413, the Commission authorized applicant to issue up to $150 million of short-term promissory notes, of which aggregate amount up to $75 million could be in the form of commercial paper, with final maturities not later than December 31, 1972.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at St. Louis, Mo., and authorized to do business in the States of Missouri, Illinois, and Iowa.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect during the period they are; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The applicant contemplates the issuance of promissory notes, including the "rollover" of commercial paper promissory notes without further application to this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1974.

The proceeds will be used to finance in part applicant's construction program to December 31, 1974. The construction program of applicant as now scheduled, calls for plant expenditures of approximately $566 million for the 3-year period 1972–74. This program includes two generating units of 6,000 megawatts each which are being installed at applicant's Labadie Plant, located on the Missouri River approximately 38 miles from St. Louis, and two generating units of 600 megawatts each which are being installed at applicant's Rush Island Plant, located on the Mississippi River approximately 35 miles from St. Louis. The Labadie Plant units are expected to be placed in service in the Springs of 1972 and 1973 and the Rush Island Plant units are expected to be placed in service in the Springs of 1975 and 1976. During the 3-year period 1972–74, it is expected that approximately $87 million will be spent on the two Labadie Plant units and $246 million on the two Rush Island Plant units.

Any person desiring to be heard or to make any protest with reference to the application should, on or before February 18, 1972 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1861 Filed 2-8-72;8:45 am]

[Docket No. E-7697]

MINNESOTA POWER & LIGHT CO.

Notice of Application

FEBRUARY 7, 1972.

Take notice that on December 29, 1971, Minnesota Power & Light Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 170,000 shares of its serial preferred stock.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

The preferred stock will be sold at competitive bidding in accordance with the Commission's regulations, will be pari passu with the issued and outstanding preferred stock and will be entitled to dividends at an annual rate to be determined after competitive bidding shall have taken place.

The proceeds from the sale of the preferred stock will be used to reduce an estimated $24 million in short-term borrowings and will finance, in part, the applicant's construction program which is expected to require the expenditure of $48 million in 1972. This program includes $40 million for production facilities and $8 million for transmission, distribution and general plant purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2005 Filed 2-8-72;8:50 am]

FEDERAL RESERVE SYSTEM

UNITED NATIONAL CORP.

Proposed Acquisition of Rushmore State Insurance Agency

United National Corp., Vermillion, S. Dak., 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 the assets of Rushmore State Insurance Agency, Hill City, S. Dak. Notice of the application was published on November 11, 1971, in the Hill City Prevailer and The Guide, a newspaper circulated in Hill City, S. Dak.

Applicant states that the proposed subsidiary would engage in the general sale of insurance in a community with a population not exceeding 5,000. 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 Minneapolis.

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 March 3, 1972.

Board of Governors of the Federal Reserve System, February 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1873 Filed 2-8-72;8:46 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the National Commission on State Workmen's Compensation Laws at Room 305, Federal Building, 26 Federal Plaza, New York, N.Y., on March 20, 1972. The hearing will commence at 9:30 a.m. At the hearing, interested parties may make oral or written presentations of data, views, and arguments which would assist the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616). Of particular interest to the Commission would be presentations commenting on the questions of whether, and to what extent, the Federal Government should have a role in the State workmen's compensation system, and if so, what the appropriate methods of implementation of the Federal Government's role should be.

Interested persons shall, not later than March 6, 1972, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of request to appear which shall include the following:

1. Name and address of the person requesting to appear.

2. Three copies of the prepared statement the person intends to present, or if this is not practicable, a detailed outline of the subject matter to be discussed.

3. If such person would appear in a representative capacity, the name and address of the persons or organizations he represents.

4. The approximate length of time requested for his presentation.

From the persons filing timely notice of request to appear, the Commission will schedule personal appearances for the maximum number who can be heard within the time available. Statements submitted by persons who cannot be scheduled for personal appearances will be distributed to the Commissioners and will be made a part of the official record of the hearing. Other interested persons may also file written data, views, or arguments with the Commission at the above address for inclusion in the official record.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 4th day of February 1972.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.72-1886 Filed 2-8-72;8:47 am]

TARIFF COMMISSION

[AA1921-91]

ASBESTOS CEMENT PIPE FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 2, 1972, that asbestos cement pipe from Japan is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 21, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: February 4, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-1887 Filed 2-8-72;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

TEMPORARY COMPENSATION

Notice of Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period in Fourteen States

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week beginning January 9, 1972, for each of the following States:

Alaska	New Jersey
California	New York
Connecticut	Oregon
Maine	Puerto Rico
Massachusetts	Rhode Island
Michigan	Vermont
Nevada	Washington

This determination is based on my findings—

(a) That the rate of unemployment as defined in the Act for the 13-week period ending January 15, 1972, equaled or exceeded 6.5 per centum in each of the States; and

(b) That there is a national "on" indicator for the week beginning January 9, 1972.

2. A temporary benefit period, as provided in section 202(c)(3)(A)(i)(I) of the Act and 20 CFR 617.5, begins on January 30, 1972, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in each of the States listed above, each of which, before January 30, 1972, entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to any of the States listed above. However, no temporary compensation under the Act is payable for any week of unemployment, even though such week is in a temporary benefit period, if it—

(a) Ends after June 30, 1972; or

(b) Ends after September 30, 1972, in the case of an individual who had a week ending before July 1, 1972, with respect to which temporary compensation was payable to him.

Signed at Washington, D.C., this 28th day of January 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1967 Filed 2-8-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 4, 1972.

The following letter-notices of proposals 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-1515 (Deviation No. 605), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed January 24, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Washington Highway 906 and Interstate Highway 90 (West Summit Interchange), over Interstate Highway 90 to junction Washington Highway 906 (Hyak Interchange), and return over the same route, 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 Seattle, Wash., over Interstate Highway 90 to junction Washington Highway 906 (formerly U.S. Highway 10) West Summit Interchange, thence over Washington Highway 906 to junction Interstate Highway 90, Hyak Interchange, thence over Interstate Highway 90 to junction Washington Highway 10 (formerly U.S. Highway 10), West Cle Elum Junction, thence over Washington Highway 10 to Ellensburg, Wash., and return over the same route.

No. MC-1515 (Deviation No. 606), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed January 26, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Business Route Interstate Highway 15 and Interstate Highway 15 (North Beaver Junction, Utah), over Interstate Highway 15 to junction Business Route Interstate Highway 15 (South Beaver Junction, Utah), and return over the same route, 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 Salt Lake City, Utah, over U.S. Highway 91 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction Business Route Interstate Highway 15 (North Beaver Junction), thence over Business Route Interstate Highway 15 to junction U.S. Highway 91 (South Beaver Junction), thence over U.S. Highway 91 to the Utah-Arizona State line. (Connects with Arizona Highway 17.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1902 Filed 2-8-72;8:49 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 4, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31879 (Sub-No. 32) (Amendment), filed July 16, 1971, published in the FEDERAL REGISTER of October 7, 1971, and republished as amended this issue. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, CO., INC., 101 West 10th Avenue, North Kansas City, MO 64116. Applicant's representative: Warren A. Goff, 2122 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods, as defined in 17 M.C.C. 467, commodities in bulk, in livestock, restricted so that no service shall be rendered in the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location, on any 1 day, and further restricted against the transportation of any single parcel, package, or article weighing more than 100 pounds; "(a) Between points in Weld, Adams, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo.; points in Laramie and Goshen Counties, Wyo.; points in Nebraska and points in New Mexico in the following described area and on a line commencing at the northwest corner of Colfax County, N. Mex., at its junction with the Colorado-New Mexico State line; over the western boundary of Colfax County to the western boundary of Mora County, N. Mex.; thence over the western boundary of Mora County to the boundary of Santa Fe County, N. Mex.; thence in a north and westerly direction over the Santa Fe County boundary to the boundary of Los Alamos County, N. Mex.; thence in a north and westerly direction over the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County; thence over the Santa Fe County boundary to U.S. Highway 85 and/or Interstate Highway 25; thence over U.S. Highway 85 and/or Interstate Highway 25 to its junction with U.S. Highway 60; thence over U.S. Highway 60 to the New Mexico-Texas State line, thence over the New Mexico State line in a north and westerly direction to the point of beginning." "(b) Between points in (a) above on the one hand, and, on the other, points in Kansas. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Kansas, to provide through service to points in Boone and Carroll Counties, Ark.; and the western two thirds of Missouri. The purpose of this republication is to redescribe the scope of authority sought, and to reflect the hearing information. Hearing: March 6, 1972, at Kansas City, Mo., March 13, 1972, at Denver, Colo., March 20, 1972, at Albuquerque, N. Mex.

No. MC 106398 (Sub-No. 547) (republication), filed May 26, 1971, published in the FEDERAL REGISTER June 24, 1971, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). An order of the Commission, Operating Rights Board, dated November 30, 1971, and served January 31, 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 (1) trailers, designed to be drawn by passenger automobiles

in initial movements, and (2) prefabricated buildings in sections, from Saratoga Springs, N.Y., to points in Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and Vermont; that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in the FEDERAL REGISTER and issuance of the 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 in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 121684 (Republication), filed February 19, 1970, under State Docket No. 70067–CCB as published in the FEDERAL REGISTER issue of March 18, 1970, and republished under MC 121684 this issue. Applicant: ORLANDO TRANSIT COMPANY, a corporation, 46 Weber Avenue, Orlando, FL 32803. Applicant's representative: John G. Baker, 1001 Citizens National Bank Building, Orlando, Fla. An order of the Commission, Operating Rights Board, dated January 5, 1972, and served January 26, 1972, finds a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting the passengers from, to, or between the points, over the routes, or within the territory, and in the manner described below, and subject (1) to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended, and (2) That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration 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 the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPENDIX

[No. MC–121684]

ORLANDO TRANSIT COMPANY (ORLANDO, FLA.)

Description of the transportation service authorized to be conducted solely within the State of Florida, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Certificate of Public Convenience and Necessity No. 209, dated November 22, 1971, issued by the Florida Public Service Commission:

* * * transportation of passengers between Orlando and Winter Garden on the one hand and Walt Disney World area on the other, over the following routes:

Route 1. From downtown Orlando south on Interstate 4 to the turnoff at State Road 535, thence on State Road 535 to Buena Vista and the entrance to Walt Disney Preview Center and return over the same route;

Route 2. From Winter Garden south on State Road 535 and Reams Road to Gate 2 of the Walt Disney World Complex and return over the same route.

Route 3. From downtown Orlando south on Interstate 4 to the turn-off at former State Road 530 (now U.S. 192) thence along State Road 530 (U.S. 192) to Walt Disney World Gate 3 and return over the same route;

Route 3A. From the Orlando metropolitan area south on U.S. 17–92 to Kissimmee, thence west on State Road 535 and U.S. 192 to Walt Disney World Gate 3 and return over the same route;

Route 3B. From Orlando metropolitan area north on Interstate 4 to State Road 436, thence east and south on State Road 436 to Beeline Expressway (State Road 528), thence west along State Road 528 to Interstate 4, thence along Interstate 4 to U.S. 192 (formerly State Road 530) to the Walt Disney World Gate 3 and return over the same route;

and sightseeing service over the following routes:

Route 4. Leave Orlando on Highway 50 to NASA Spaceport and return via Highway 50;

Route 5. Leave Orlando via Interstate 4, U.S. 27 and State Road 542 to Cypress Gardens. Return via same route.

Route 6. Leave Orlando via Interstate 4 east to U.S. 92 to Daytona and Daytona Beach; north on State Road A1A to Marineland and St. Augustine. Leave St. Augustine, south via U.S. 1, Interstate 95 and Interstate 4 to Orlando.

NOTICE OF FILING OF PETITION

No. MC 128648 (Sub-No. 3), (Notice of Filing of Petition for Modification of Permit To Add a Contract Shipper), filed January 13, 1972. Petition: TRANS-UNITED, INC., Torrance, Calif. Petitioner's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Petitioner holds a permit in No. MC 128648 (Sub-No. 3) authorizing the transportation of Cany, in vehicles equipped with mechanical refrigeration, from points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and Virginia, to points in California, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Customer Warehouse Co., of Maywood, Calif. By the instant petition, petitioner seeks to modify its permit to add the name of Beatrice Foods Co., its divisions, subsidiaries, and affiliates, as a contract shipper. Any interested person desiring to participate 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 publication in the FEDERAL REGISTER.

APPLICATIONS 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 43475 (Sub-No. 53), filed January 21, 1972. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, MN 55113. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, and commodities which because of size or weight require special equipment), between points in Illinois in Lake, Cook, Du Page, Kendall, Kane, and Will Counties; that part of McHenry County on and east of Illinois Highway 47; and that part of Kankakee County on and north of Illinois Highway 17. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The instant application is a matter directly related to MC–F–11443 published in the FEDERAL REGISTER issue of February 2, 1972. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136322, filed January 10, 1972. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, PA 19106. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toiletries*, between the facilities of Kolmar Manufacturing Laboratories at Port Jervis, N.Y., on the one hand, and, on the other, the facilities of Menley and James Laboratories at Bellmawr, N.J. NOTE: Applicant is presently authorized under permit No. MC 133568 (Sub-No. 1), to provide the same service as a contract carrier. Applicant states the purpose of instant application is to convert that authority to common carrier. This application is a matter directly related to MC–F–11434, published in the FEDERAL REGISTER issue of January 19, 1972. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or 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–10339. (Supplement) (HENNIS FREIGHT LINES, INC.—Control—RED BALL EXPRESS CO.), published in the December 27, 1968, issue of the FEDERAL REGISTER. By petition filed January 24, 1972, BENTON-SPRY, INC., join in as party applicant.

No. MC–F–10716, SCOTT TRUCK LINE, INC.—Control—CARGO SYSTEMS, INC., MC–F–11076, SCOTT TRUCK LINE, INC.—Control—NEBRASKA TRANSPORT CO., INC., AND MERCHEIM TRANSFER, INC., and MC–121066 SUB 3, NEBRASKA TRANSPORT CO., INC., published in the January 21, 1970, and February 10, 1971 issues of the FEDERAL REGISTER. By petition filed January 28, 1972, Applicant-Vendee desires to change the nature of the above transactions to one of control and merger rather than of control as originally filed.

No. MC–F–11447. Authority sought for purchase by THE A. G. BOONE COMPANY, 1117 South Clarkson Street, Charlotte, NC 28208, of the operating rights and property of R. H. GARLAND & COMPANY, INC., 2216 Freedom Drive, Charlotte, NC 28208, and for acquisition by JAMES F. BOONE and A. G. BOONE, JR., both of 1117 South Clarkson Street, Charlotte, NC 28208, of control of such rights and properties through the purchase. Applicants' attorneys: Dotson G. Palmer, 1215 American Building, Charlotte, NC 28202, and Mark B. Edwards, 811 Johnston Building, Charlotte, NC 28202. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, materials, and supplies used in the conduct of such business, as a *contract carrier* over irregular routes, (a) between points in a defined area of North Carolina and South Carolina, (b) between points in the above-specified territory, on the one hand, and, on the other, Galax, Va., and Copperhill, Tenn., (c) between Asheville and Charlotte, N.C., on the one hand, and, on the other, McCaysville, Ga., (d) between points in a defined area of southwestern Virginia and northeastern Tennessee, (e) between points in the area as described in (d) on the one hand, and, on the other, points in North Carolina and South Carolina, (f) between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Fannin County, Ga.; *fruits, vegetables, farm products, poultry, and sea food*, in the respective seasons of their production, from points in North Carolina, South Carolina, Virginia, and Tennessee, to points in the above-specified territory in North Carolina and South Carolina; *chemical products*, from Charleston, S.C., to Granite Falls and Charlotte, N.C.; *automobile accessories, and materials and supplies* used in the conduct of automobile-accessory manufacture, between Charleston, S.C., and Gastonia and Charlotte, N.C., with restrictions. Vendee is authorized to operate as a *contract carrier* in North Carolina, South Carolina, Virginia, Tennessee, Georgia, Alabama, Mississippi, and Florida. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11448. Authority sought for purchase by CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222, of the operating rights of CHAMPION TRANSPORTATION, INC., Post Office Box 82028, Lincoln, NE 68501, and for acquisition by J & T ASSOCIATES, INC., also of Dallas, Tex. 75222, of control of such rights through the purchase. Applicants' attorneys: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, and Earl H. Scudder, Jr., 300 NSEA Building, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Glass and glassware* (except glass containers), as a *common carrier* over irregular routes, from the plantsite and storage facilities of Indiana Glass Co., at Dunkirk, Ind., to Memphis, Tenn., and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky (except points within the Louisville, Ky., and Cincinnati, Ohio, commercial zones as defined by the Commission), Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, South Dakota, Texas, North Dakota, Oklahoma, Oregon, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11450. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: ANAHEIM TRUCK & TRANSFER CO., 505 South Anaheim Boulevard, Anaheim, CA 92805 (MC–4983), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC–71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. ANAHEIM TRUCK & TRANSFER CO., is authorized to operate as a common carrier in California.

No. MC–F–11451. Authority sought for purchase by EAST COAST FREIGHT LINES, INC., 3005 West Marshall Street, Richmond, VA 23230, of the operating rights of METRO TRUCKING, INC., 7202 Washington Highway, Richmond, VA 23227, and for acquisition by SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08902, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, NY 10007. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within 1 mile of U.S. Highway 360. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11452. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 727, Sidney, OH 45365, of a portion of the operating rights and property of BARNUM MOVING AND STORAGE, INC., Box 101, South Brooklyn Avenue, Sidney, OH 45365, and for acquisition by PAUL B. LONG, SR., Post Office Box 727, Sidney, OH 45365, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–106023 Sub-3, covering the transportation of property as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11453. Authority sought for purchase by DAVE'S TRUCKING COMPANY, INC., 31 Purdy Avenue, Portchester, NY 10573, of a portion of the operating rights of SEIGLE'S EXPRESS, INC., 73 Porete Avenue, North Arlington, NJ 07032, and for acquisition by DAVID AZORSKY, also of 31 Purdy Avenue, Portchester, NY 10573, of control of such rights through the purchase. Applicants' representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Westchester County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11454. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling

of traffic. Applicants: KERNER TRUCKING SERVICE, INC., 2601 East 26th Street, Los Angeles, CA 90058 (MC-121634), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC-71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. KERNER TRUCKING SERVICE, INC., is authorized to operate as a common carrier in California.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1903 Filed 2-8-72;8:49 am]

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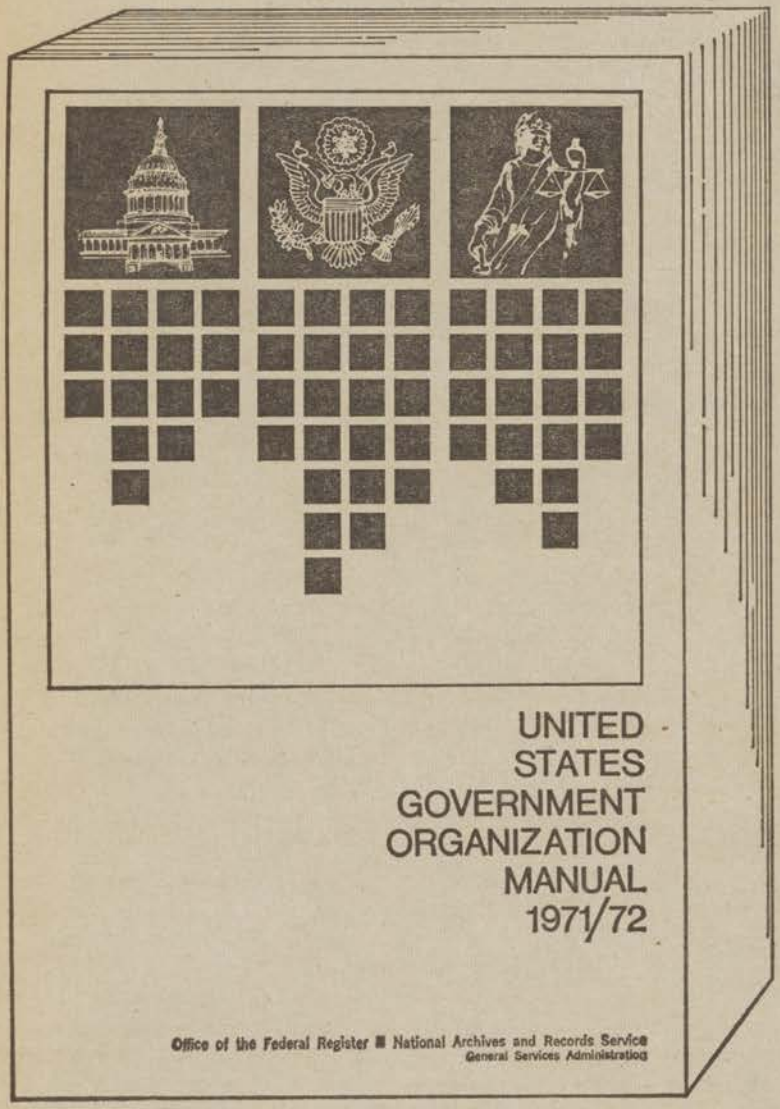

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