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Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a) (1) relating to the State of California, subdivisions (iii) and (iv) relating to Sonoma County are deleted.

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

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

The amendment excludes portions of Sonoma County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantine areas, as contained in 9 CFR Part 82, as amended, will not apply to said county.

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

Done at Washington, D.C., this 24th day of March 1972.

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

[FR Doc.72-4895 Filed 3-29-72;8:53 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS, INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Exemption From Requirements

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations is hereby amended in the following respects:

Sections 92.31(a), 92.34(a), and 92.40 are amended by adding the name of the Mexican State of Aguas Calientes immediately preceding the name of the State of Tamaulipas in the first sentence of each of these sections.

(Sec. 2, 32 Stat. 792, as amended; sections 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (3–30–72).

The purposes of these amendments are to add the State of Aguas Calientes to the list of Mexican States from which ruminants and swine may be imported into the United States under certain conditions at a land border port without an import permit; to exempt cattle, other ruminants and swine originating in said State from quarantine at the port of entry and to provide for the detention, inspection, testing, and dipping of cattle from such State as required to determine freedom from disease; to allow importation for immediate slaughter of swine and ruminants (other than sheep and goats) from such State if they comply with specified conditions including inspection on the premises of origin by a salaried veterinarian of the Mexican Government and certification by him of freedom from communicable diseases and exposure thereto.

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

Done at Washington, D.C., this 24th day of March 1972.

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

[FR Doc.72-4896 Filed 3-29-72;8:53 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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

Reporting of Deficiencies in Design and Construction of Nuclear Powerplants

On July 27, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 12076) for public comment proposed amendments to 10 CFR Parts 50 and 115, "Licensing of Production and Utilization Facilities" and "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would establish uniform requirements for reporting deficiencies occurring during nuclear powerplant design and construction.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received in response to the notice of proposed rule making and other factors involved, the Commission has adopted the amendments in the form set out below. The amendments, as adopted, reflect a number of the comments received on the notice of proposed rule making.

In summary, the comments on the proposed rule were: (1) The extensive use of many adjectives and phrases, such

as "significant," "not indicative of," "minor," "magnitude," "extensive," "frequently occurring," etc., leads to ambiguity and vagueness; (2) the provision requiring that no remedial action shall be taken until the Commission has been notified of the deficiency is not necessary, is burdensome, and represents a possible unnecessary loss of time and money to the permit holder or his contractors; and (3) the rule itself is unnecessary, since existing quality assurance programs require maintenance of records of the deficiencies and these are available to the Commission.

With respect to the last comments, the Commission believes that the rule is necessary, so that the AEC staff will have prompt notification of the deficiency and timely information on which to base an evaluation of the potential safety consequences of the deficiency and determine if further regulatory action is required. Some changes have been made which are intended to resolve some of the problems indicated regarding clarity and ambiguity. Other significant changes from the proposed rule are:

a. Examples of deficiencies have been eliminated, since these made the reporting requirements appear more complex than was actually intended.

b. The rule has been modified to permit construction to continue subject to the risk of subsequent disapproval by the Commission.

Among other requirements in the Commission's "Quality Assurance Criteria for Nuclear Power Plants," Appendix B to 10 CFR Part 50, Criterion XVI "Corrective Action" requires that significant conditions adverse to quality be reported to appropriate levels of licensee management. The following amendment to § 50.55 of 10 CFR Part 50 requires the holder of a construction permit for a nuclear powerplant to report the more important of these deficiencies to the Commission.

It is not the intent of the Commission to require reporting of trivial matters. Notification is required, however, of significant deficiencies in design and construction. The holder of a permit for construction of a nuclear powerplant is required to notify the Commission of each deficiency found in the processes of design, manufacture, fabrication, installation, construction, testing, and inspection which, were it to have remained uncorrected, could have affected adversely the safety of operations of the nuclear powerplant at any time throughout the expected lifetime of the plant, and which represents either (1) a significant breakdown in any portion of the quality assurance program, (2) a significant deficiency in final designs approved and released for construction, (3) a significant deficiency in the construction of or significant damage to a structure, system, or component requiring corrective action involving extensive effort, or (4) a significant deviation from performance specifications requiring corrective action involving extensive effort.

A similar amendment to § 115.43 of 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," has also been adopted.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Parts 50 and 115 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new paragraph (e) is added to § 50.55 of 10 CFR Part 50 to read as follows:

§ 50.55 Conditions of construction permits.

* * * * *

(e) (1) If the permit is for construction of a nuclear power plant, the holder of the permit shall notify the Commission of each deficiency found in design and construction, which, were it to have remained uncorrected, could have affected adversely the safety of operations of the nuclear power plant at any time throughout the expected lifetime of the plant, and which represents:

(i) A significant breakdown in any portion of the quality assurance program conducted in accordance with the requirements of Appendix B; or

(ii) A significant deficiency in final design as approved and released for construction such that the design does not conform to the criteria and bases stated in the safety analysis report or construction permit; or

(iii) A significant deficiency in construction of or significant damage to a structure, system, or component which will require extensive evaluation, extensive redesign, or extensive repair to meet the criteria and bases stated in the safety analysis report or construction permit or to otherwise establish the adequacy of the structure, system, or component to perform its intended safety function; or

(iv) A significant deviation from performance specifications which will require extensive evaluation, extensive redesign, or extensive repair to establish the adequacy of a structure, system, or component to meet the criteria and bases stated in the safety analysis report or construction permit or to otherwise establish the adequacy of the structure, system, or component to perform its intended safety function.

(2) The holder of a construction permit shall promptly notify the appropriate Atomic Energy Commission Regional Compliance Office of each reportable deficiency.

(3) The holder of a construction permit shall also submit a written report on a reportable deficiency within 30 days to the Director, Division of Compliance, with a copy to the Regional Compliance Office. The report shall include a description of the deficiency, an analysis of the safety implications and the corrective action taken, and sufficient information to permit analysis and evaluation of the deficiency and of the corrective action. If sufficient information is not available for a definitive report to be submitted within 30 days, an interim report containing all available information shall be filed, together with a statement as to when a complete report will be filed.

(4) Remedial action may be taken both prior to and after notification of the Division of Compliance subject to the risk of subsequent disapproval of such action by the Commission.

2. A new paragraph (c) is added to § 115.43 of 10 CFR Part 115 to read as follows:

§ 115.43 Conditions of construction authorizations.

* * * * *

(c) (1) If the authorization is for construction of a nuclear powerplant, the holder of the authorization shall notify the Commission of each deficiency found in design and construction, which, were it to have remained uncorrected, could have affected adversely the safety of operations of the nuclear powerplant at any time throughout the expected lifetime of the plant, and which represents:

(i) A significant breakdown in any portion of the quality assurance program established for the design and construction of the powerplant; or

(ii) A significant deficiency in final design as approved and released for construction such that the design does not conform to the criteria and bases stated in the safety analysis report or construction authorization; or

(iii) A significant deficiency in construction of or significant damage to a structure, system, or component which will require extensive evaluation, extensive redesign, or extensive repair to meet the criteria and bases stated in the safety analysis report or construction authorization or to otherwise establish the adequacy of the structure, system, or component to fulfill its intended safety function; or

(iv) A significant deviation from performance specifications which will require extensive evaluation, extensive redesign, or extensive repair to establish the adequacy of a structure, system, or component to meet the criteria and bases stated in the safety analysis report or construction authorization or an operating authorization or to otherwise establish the adequacy of the structure, system, or component to perform its intended safety function.

(2) The holder of a construction authorization shall promptly notify the appropriate Atomic Energy Commission Regional Compliance Office of each reportable deficiency.

(3) The holder of a construction authorization also shall submit a written report on a reportable deficiency within 30 days to the Director, Division of Compliance, with a copy to the Regional Compliance Office. The report shall include a description of the deficiency, an analysis of the safety implications and the corrective action taken, and sufficient information to permit analysis and evaluation of the deficiency and of the corrective action. If sufficient information is not available for a definitive report to be

submitted within 30 days, an interim report containing all available information shall be filed, together with a statement as to when a complete report will be filed.

(4) Remedial action may be taken both prior to and after notification of the Division of Compliance subject to the risk of subsequent disapproval by the Commission.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 24th day of March 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-4876 Filed 3-29-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-SO-27, Amdt. 39-1419]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G-159 Airplanes

There has been a failure of a Grumman Model G-159 airplane main landing gear drag brace to operate which resulted in the failure of the gear to extend. Since in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the P/N 159L10003 drag brace for wear, galling, bearing misalignment, and improper down lock geometry on Model G-159 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures 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:

GRUMMAN. Applies to all Model G-159 airplanes certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent jamming of the main landing gear drag brace assembly, P/N 159L10003, accomplish the following:

(a) For airplanes having been inspected and modified, if necessary, in accordance with Grumman Customer Bulletin Number 99 or 217 within the last 50 hours' time in service, comply with paragraph (e) below within the next 50 hours' time in service after the effective date of this AD.

(b) For all airplanes incorporating a new drag brace lower bearing, P/N 159LM10011-3 or -5, within the last 100 hours' time in service, comply with paragraph (e) below within the next 15 hours' time in service after the effective date of this AD.

(c) Airplanes having been inspected and modified, if necessary, in accordance with Grumman Customer Bulletin 217A have met the requirements of this AD.

(d) All airplanes that do not meet the requirements set forth in paragraphs (a), (b), or (c) above, must comply with paragraph (e) below within the next 15 hours' time in service after the effectve date of this AD.

(e) (1) Inspect the following areas of the main landing gear drag brace assembly in accordance with Grumman Customer Bulletin 217A dated February 18, 1972 or later FAA approved revision:

(a) Inner cylinder, P/N 159LM10001, for wear and galling;

(b) The lower bearing, P/N 159LM10011, for wear and proper wall thickness:

(c) The down lock, P/N 159LM10007, for the presence of a 0.030±0.010 inch radius on the 2.735 inch major diameter.

(2) If bearing wear or improper wall thickness is found, before further flight, replace with a P/N 159LM10011-7 bearing.

(3) If the down lock radius is absent, or if wear or galling of the inner cylinder is noted, before further flight, rework in accordance with Grumman Customer Bulletin 217A.

(f) Airplanes requiring any action under subparagraph (e)(2) or (e)(3) above, may be flown with the landing gear in the down and locked position in accordance with FAR 21.197 to a base where the repair or modification can be accomplished.

This amendment becomes effective March 30, 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 East Point, Ga., on March 22, 1972.

Duane W. Freer,
Acting Director, Southern Region.

[FR Doc.72-4912 Filed 3-29-72;8:53 am]

[Airspace Docket No. 72-SW-4]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Frederick, Okla.

On February 2, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2524) stating the Federal Aviation Administration proposed to designate the Frederick, Okla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

FREDERICK, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of a 001° bearing from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 6-mile-radius area to 11.5 miles north of the RBN.

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

Issued in Fort Worth, Tex., on March 20, 1972.

Henry L. Newman,
Director, Southwest Region.

[FR Doc.72-4849 Filed 3-29-72;8:47 am]

[Docket No. 11811, Amdt. 802]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective April 20, 1972:

Lebanon, N.H.—Lebanon Regional Airport; VOR-A, Amdt. 10; Revised.
Lebanon, N.H.—Lebanon Regional Airport; VOR-B, Amdt. 1; Canceled.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective April 27, 1972:

Battle Creek, Mich.—W. K. Kellogg Regional Airfield; VOR Runway 4, Amdt. 8; Revised.
Battle Creek, Mich.—W. K. Kellogg Regional Airfield; VOR Runway 22, Amdt. 6; Revised.
Battle Creek, Mich.—W. K. Kellogg Regional Airfield; VOR Runway 31, Amdt. 4; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; VOR Runway 4L, Amdt. 1; Revised.
Dallas, Tex.—Dallas Love Field; VOR Runway 18, Amdt. 15; Revised.
Dallas, Tex.—Dallas Love Field; VOR Runway 36, Amdt. 7; Revised.
Davenport, Iowa—Davenport Municipal Airport; VOR Runway 2, Original; Established.
Davenport, Iowa—Davenport Municipal Airport; VOR Runway 20, Amdt. 1; Revised.
El Paso, Tex.—El Paso International Airport; VOR Runway 26, Amdt. 25; Revised.
Everett, Wash.—Snohomish County (Paine Field); VOR Runway 16, Amdt. 1; Revised.
Fortuna, Calif.—Rohnerville Airport; VOR Runway 11, Amdt 2; Revised.
Glens Falls, N.Y.—Warren County Airport; VOR Runway 1, Amdt. 7; Revised.
Hot Springs, Ark.—Memorial Field; VOR Runway 5, Amdt. 9; Revised.
Jacksonville, Ill.—Jacksonville Municipal Airport; VOR Runway 13, Amdt. 1; Revised.
Lafayette, La.—Lafayette Airport; VOR Runway 1, Amdt. 9; Revised.
Mayaguez, P.R.—Mayaguez Airport; VOR Runway 8, Amdt. 1; Revised.
Morristown, Tenn.—Moore-Murrell Airport; VOR Runway 5, Amdt. 1; Revised.
Napa, Calif.—Napa County Airport; VOR Runway 6, Amdt. 3; Revised.
Oroville, Calif.—Oroville Municipal Airport; VOR–A, Original; Established.
Pasco, Wash.—Tri-Cities Airport; VOR–A, Amdt. 1; Revised.
Pellston, Mich.—Emmett County Airport; VOR Runway 23, Amdt. 6; Revised.
Provo, Utah—Provo Municipal Airport; VOR–A, Amdt. 1; Revised.
Reno, Nev.—Reno International Airport; VOR–A, Amdt. 1; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; VOR Runway 17, Amdt. 8; Revised.
Santa Rosa, Calif.—Sonoma County Airport; VOR Runway 32, Amdt. 5; Revised.
Shreveport, La.—Shreveport Downtown Airport; VOR Runway 14, Amdt. 8; Revised.
Terre Haute, Ind.—Sky King Airport; VOR–A, Original; Established.
Wichita, Kans.—Beech Factory Airport; VOR–A, Amdt. 5; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective April 27, 1972.

De Quincy, La.—De Quincy Industrial Airport; VOR/DME–A, Original; Established.
Glens Falls, N.Y.—Warren County Airport; VOR/DME Runway 1, Amdt. 1; Revised.
Glens Falls, N.Y.—Warren County Airport; VOR/DME Runway 19, Amdt. 5; Revised.
Marshalltown, Iowa—Marshalltown Municipal Airport; VOR/DME–A, Original; Established.
Pellston, Mich.—Emmett County Airport; VOR/DME Runway 5, Amdt. 1; Revised.
Tulsa, Okla.—Tulsa Riverside Airport; VOR/DME Runway 36L, Amdt. 1; Revised.

3. Section 97.25 is amended by establishing, revising or canceling the following SDF–LOC–LDA SIAP's effective April 27, 1972.

Anchorage, Alaska—Anchorage International Airport; LOC Runway 6L, Original; Established.
Dallas, Tex.—Dallas Love Field; LOC (BC) Runway 13R, Amdt. 5; Revised.
Dallas, Tex.—Dallas Love Field; LOC (BC) Runway 31R, Amdt. 19; Revised.
Lafayette, La.—Lafayette Airport; LOC (BC) Runway 1, Amdt. 2; Revised.
Reno, Nev.—Reno International Airport; LOC–A, Amdt. 1; Revised.
Reno, Nev.—Reno International Airport; LOC/DME (BC)–B, Amdt. 2; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; LOC (BC) Runway 17, Amdt. 1; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective April 27, 1972.

Dallas, Tex.—Dallas Love Field; NDB Runways 13L/13R, Amdt. 6; Revised.
Dallas, Tex.—Dallas Love Field; NDB Runway 31L, Amdt. 5; Revised.
Dallas, Tex.—Dallas Love Field; NDB Runway 31R, Amdt. 9; Revised.
Davenport, Iowa—Devenport Municipal Airport; NDB Runway 2, Amdt. 5; Revised.
Hot Springs, Ark.—Memorial Field; NDB Runway 5, Amdt. 2; Revised.
Lafayette, La.—Lafayette Airport; NDB Runway 19, Amdt. 4; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; NDB Runway 4, Amdt. 7; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; NDB Runway 11L, Amdt. 2; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; NDB Runway 29L, Amdt. 14; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; NDB Runway 29R, Amdt. 2; Revised.
Morristown, Tenn.—More-Murrell Airport; NDB Runway 5, Amdt. 1; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 13; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 17, Amdt. 1; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 35, Amdt. 21; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective April 27, 1972:

Albany, Ga.—Albany-Dougherty County Airport; ILS Runway 4, Original; Canceled.
Anchorage, Alaska—Anchorage International Airport; ILS Runway 6L, Original; Canceled.
Baton Rouge, La.—Ryan Airport; ILS Runway 13, Amdt. 15; Revised.
Dallas, Tex.—Dallas Love Field; ILS Runway 13L, Amdt. 18; Revised.
Dallas, Tex.—Dallas Love Field; ILS Runway 31L, Amdt. 7; Revised.
Everett, Wash.—Snohomish County (Paine Field); ILS Runway 16, Amdt. 10; Revised.
Hot Springs, Ark.—Memorial Field; ILS Runway 5, Amdt. 2; Revised.
Lafayette, La.—Lafayette Airport; ILS Runway 19, Amdt. 5; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 4, Amdt. 12; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 29L, Amdt. 31; Revised.
Reno, Nev.—Reno International Airport; ILS–A, Amdt. 1; Revised.
Rockford, Ill.—Greater Rockford Airport; ILS Runway 36, Amdt. 15; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; ILS Runway 35, Amdt. 22; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective April 27, 1972:

Oklahoma City, Okla.—Will Rogers World Airport; Radar-1 Amdt. 12; Revised.
Reno, Nev.—Reno International Airport; Radar-1, Original; Established.
Wichita, Kans.—Beech Factory Airport; Radar-2, Amdt. 2; Revised.

7. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective April 27, 1972:

Fullerton, Calif.—Fullerton Municipal Airport; RNAV Runway 24, Amdt. 4; Revised.
Napa, Calif.—Napa County Airport; RNAV Runway 36, Amdt. 1; Revised.
Torrance, Calif.—Torrance Municipal Airport; RNAV Runway 29R, Amdt. 2; Revised.
Wichita, Kans.—Beech Factory Airport; RNAV Runway 18, Original; Established.
Wichita, Kans.—Beech Factory Airport; RNAV Runway 36, Original; Established.
Wichita, Kans.—Wichita Municipal Airport; RNAV Runway 19R, Original; Established.

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

Issued in Washington, D.C., on March 22, 1972.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

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

[FR Doc.72-4712 Filed 3-29-72;8:45 am]

[Docket No. 10204, Amdt. 121-89]

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

Doppler Radar and Inertial Navigation Systems

This amendment to Part 121 of the Federal Aviation Regulations prescribes requirements for the approval and use of Doppler Radar and Inertial Navigation Systems, and updates the requirements of §§ 121.355 and 121.389.

This amendment is based on a notice of proposed rule making Notice 70–32, published in the FEDERAL REGISTER on August 5, 1970 (35 F.R. 12479). Nine public comments were received in response to the notice, and the recommendations contained therein are discussed below, insofar as they relate to matters within the scope of the notice.

One commentator objected to the proposed amendment to § 121.355 requiring approval of Doppler Radar and Inertial Navigation Systems (INS), because as worded it would have required currently approved systems to be reapproved under proposed Appendix G to Part 121. The FAA agrees with this commentator's recommendation that currently approved systems be excepted from compliance with the approval requirements of Appendix G, as required by § 121.355, and this amendment adopts this change to the notice accordingly.

In addition to this change, proposed § 121.355 is also changed by adding language indicating that the requirements apply to these navigation systems when used in operations outside the 48 contiguous States and the District of Columbia, thus making § 121.355 consistent with § 121.389 in this respect and indicating that the amendment is concerned solely with long-range navigation situations. This change is partially in response to a commentator who objected to the provision in proposed Appendix G which would require that both systems in the required dual system be operational at takeoff. The commentator contended that such a requirement would be too stringent when such systems were used in conjunction with the area navigation concept. Because the area navigation concept does not involve long-range navigation, the FAA believes that the commentator's suggestion is not a basis for changing the requirement that both systems be operational at takeoff.

Finally with regard to § 121.355, paragraph (a)(2) has been changed for clarity to require that a certificate holder who elects to use Doppler Radar or an Inertial Navigation System on operations within the 48 contiguous States and the District of Columbia, or other specialized means of navigation (regardless of the geographic area of use), show that an adequate airborne system is provided for the specialized navigation authorized for the particular operation. Consequently, no approval in accordance with Appendix G would be required in such cases.

With regard to the proposals concerning § 121.389, minor editorial changes to paragraphs (b) and (c) have been made to cover those situations where both a flight navigator and specialized navigation equipment may be required.

The majority of comments received dealt with proposed Appendix G, and generally speaking, the points raised by the commentators indicate an objection to both the general scheme of the appendix with regard to standards, and to particular standards concerning the accuracy and reliability of Doppler Radar and INS. With regard to the former objection, some commentators expressed the view that Appendix G fails to establish realistic minimum standards with regard to the actual operation of such systems, as well as the collateral problems of proper maintenance thereof, and training of crewmembers in the use of such equipment. In response to this general objection, it should be reiterated that the basic format and substance of Appendix G is based on FAA Advisory Circulars AC 25–4 and AC 121–13, and the operating experience gained thereunder has demonstrated to the satisfaction of the FAA that these specialized navigation systems can be approved and operated effectively and safely within that framework as incorporated in the regulations. For example, the FAA believes that the provisions of paragraph 1(b) (2) and (3) of Appendix G provide the agency with adequate information regarding a certificate holder's training and maintenance program in this area. Unless these elements are shown to the satisfaction of the Administrator to contribute to the effective use of these specialized navigation systems, an application for their approval will receive unfavorable action. In the same regard, the FAA believes that the requirements of paragraph 1(b)(5), concerning normal and emergency procedures, will help to insure that all probable contingencies concerning these systems in flight will be properly dealt with by the certificate holder. In this connection, a new paragraph (c) has been added to paragraph 5 of Appendix G requiring that the initial training programs required thereunder include abnormal and emergency procedures.

One commentator stated that the proposals contained in the notice are inadequate because there are no proposed minimum standards, pursuant to Part 37, concerning the equipment used in INS. In this regard, it should be noted that the FAA is currently developing a Technical Standard Order (TSO) to cover this equipment. In the meantime, the FAA considers the general requirements adopted by Amendment 25–23 (effective May 8, 1970, 35 F.R. 5665) to be adequate in insuring the reliability of the subject equipment.

Another commentator recommended that less stringent accuracy requirements be adopted for operations conducted over sparsely flown areas. While the FAA agrees that less stringent accuracy tolerances could be accepted over such areas, we do not believe there should be a "double standard" for accuracy inasmuch as there is no certainty that an aircraft will be operated only over sparsely flown routes.

Finally, it was recommended that the proposals in Notice 70–32 be extended to cover Part 91 operations. While this comment is outside the scope of the notice, it should be noted that the FAA will continue to examine the state-of-the-art and the service record of specialized navigation systems, and if it appears that the requirements adopted herein for Part 121 operations should be applied to Part 91 operations as well, we will take the appropriate rule making action.

With regard to specific standards and requirements, one commentator expressed the view that INS does not require ground-based aids and thus should not be an element of the application as proposed under paragraph 1(b)(7) of Appendix G nor an element of the Administrator's evaluation under paragraph 7(c). However, the commentator stated that if special conditions indicate that requirements for ground-based aids are necessary, they should be clearly prescribed in the regulations. In response to this comment, it should be noted that while ground-based aids are not essential components of INS, terminal gateway aids are valuable in checking the accuracy of the system. Therefore, the availability of these aids must be presented as a part of the application for approval under paragraph 1(b)(7). However, the FAA agrees with the comment that under paragraph 7(c)(3), the Administrator's evaluation of ground-based aids should be limited to those required to support the system, and this change has been made accordingly. Because such components are essential to a Doppler Radar System which requires continual updating, the availability of all types of ground-based aids is essential to system approval.

Finally, with regard to this comment, the FAA believes that it is not feasible to place specific requirements for INS ground-based aids in the regulations because, as pointed out by a commentator, the need to require ground-based aids for INS arises only if special conditions dictate their use. The FAA believes that special conditions can best be dealt with through appropriate amendments to the certificate holder's operations specifications.

It was recommended by one commentator that paragraph 3(a) of Appendix G be revised to permit the installation of two or more Inertial Navigation Systems. The FAA agrees with this comment, noting that some B–747 airplanes currently have three systems installed. Accordingly, this paragraph has been revised to permit installation of more than two Inertial Navigation Systems; and, in addition, paragraph 4 has been revised to permit the use of two or more Doppler Radar Systems. In accordance with this change, both paragraph 3 and paragraph 4 have been further revised to permit the duality requirements therein to be satisfied by either two INS units or two Doppler Radar units or by one of each.

One commentator recommended that the proposal in paragraph 3(b)(2) of Appendix G requiring a display of alignment status to the flight crew, be deleted in favor of a "ready to navigate light" set to operate at a certain alignment status. The FAA agrees that a "ready to navigate light" can be used effectively as an alternative to the alignment status display. A "ready to navigate light" is currently used on Mode Selector Units to indicate when alignment is completed and the system is ready to navigate. Therefore, proposed paragraph 3(b)(2) has been revised to permit use of the "ready to navigate light" showing completion of alignment to the flight crew.

One commentator objected to the proposal in paragraph 3(c) of Appendix G concerning the separate electrical power source, because the requirement that it must supply power for at least 5 minutes should apply only to the Inertial Sensor Units and not to the Navigation Computer. The commentator contended that as long as the Inertial Sensor Units keep track of present position, the computer is automatically updated when power is restored.

The FAA believes that this requirement, as proposed, permits the separate power source to be linked to the sensor only, if that procedure is all that is necessary to maintain the operation of the INS to its full capability. However, if other units of the system must likewise be separately supplied, then the 5-minute power supply requirement applies to them as well.

With regard to the proposed requirement in paragraph 3(c) of Appendix G

that there be a signal to enable the flight crew to detect reasonably probable failures or malfunctions, one commentator contended that the term "reasonably probable failures or malfunctions" is too vague. The commentator recommended that it be required that a specific percentage of failures must be displayed to the crew.

The FAA does not agree that the term "reasonably probable" is too vague. However, to clarify the concept, the word "reasonably" has been deleted as being redundant.

Another commentator recommended that the proposed requirements of paragraph 3(c) of Appendix G should be changed to permit either analysis or demonstration (rather than both) in establishing what the necessary power is for maintaining INS at its full capability. The FAA agrees, and paragraph 3(c) of Appendix G has been changed accordingly.

One commentator recommended that the list of "other navigational aids" which may be required to update Doppler Radar, be expanded to include the use of airborne weather radar. The FAA agrees that airborne weather radar can be a valuable aid in updating Doppler Radar. Accordingly, paragraph 4(b) of Appendix G has been amended to include this equipment.

One commentator stated that proposed Appendix G was not sufficiently specific with regard to reliability requirements for INS and recommended that 1,000 hours between inflight failures be established as the standard for reliability. Experience with INS indicates that current inflight reliability on an overall basis is in excess of 2,000 hours. Accordingly, the FAA believes that reliability based on compliance with certification, as is now the case, is sufficient.

The recommendation was made that accuracy requirements for INS and Doppler Radar should be the same, regardless of the inherent abilities of the two systems. The FAA does not agree. Based on manufacturer's reports and user experience, the accuracy criteria prescribed in paragraph 6(a) (1) and (2) are effective and realistic for INS, whereas the same is not always true with Doppler Radar. Unlike INS, the accuracy of Doppler Radar is directly related to the accuracy of the heading information supplied by the compass system, and the frequency of updating from reliable fixes. Thus, due to the inherent difference in the accuracy of the two systems, the FAA believes that INS accuracy should not be reduced to achieve comparability with Doppler Radar.

With regard to specific accuracy criteria, one commentator objected to the "2 nautical miles per hour" accuracy requirement of proposed paragraph 6(a)(1), contending that inasmuch as INS experiences errors which are not only functions of time in flight, accuracy criteria should be based on appropriate probabilities which take into account other INS error functions.

The FAA does not agree that the 2 nautical miles per hour accuracy requirement should be deleted in favor of the commentator's proposal. Operating history has proven that systems currently in use when properly maintained, can meet or surpass this accuracy requirement. To permit a less restrictive requirement would allow a reduction in the capability of the present state-of-the-art.

In addition to those recommended changes adopted herein, the FAA has, upon further study, made certain clarifying changes in proposed Appendix G. Two definitions have been added to paragraph 1(b) to define a "large divergence" as one that results in a track which falls beyond clearance limits and to define a "gateway" as a specific navigational fix where use of long-range navigation commences or terminates. Paragraphs 6(a) (1) and (2) and 6(c) have been revised to indicate that the 95 percent figure cited therein relates to system flights, thereby making that figure conform with the manner in which all current INS evaluations are conducted. Thus, for an airplane in which three systems are installed, one flight would represent three system flights.

Interested persons have been given an opportunity to participate in the making of these amendments, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective April 29, 1972, as follows:

1. By amending § 121.355 to read as follows:

§ 121.355 Equipment for operations on which specialized means of navigation are used.

(a) No certificate holder may conduct an operation—

(1) Using Doppler Radar or an Inertial Navigation System outside the 48 contiguous States and the District of Columbia, unless such systems have been approved in accordance with Appendix G to this part; or

(2) Using Doppler Radar or an Inertial Navigation System within the 48 contiguous States and the District of Columbia, or any other specialized means of navigation, unless it shows that an adequate airborne system is provided for the specialized navigation authorized for the particular operation.

(b) Notwithstanding paragraph (a) of this section, Doppler Radar and Inertial Navigation Systems, and the training programs, maintenance programs, relevant operations manual material, and minimum equipment lists prepared in accordance therewith, approved before April 29, 1972, are not required to be approved in accordance with that paragraph.

2. By amending § 121.389 to read as follows:

§ 121.389 Flight navigator and specialized navigation equipment.

(a) No certificate holder may operate an airplane outside the 48 contiguous States and the District of Columbia, when its position cannot be reliably fixed for a period of more than 1 hour, without—

(1) A flight crewmember who holds a current flight navigator certificate; or

(2) Specialized means of navigation approved in accordance with § 121.355 which enables a reliable determination to be made of the position of the aircraft by each pilot seated at his duty station.

(b) Notwithstanding paragraph (a) of this section, the Administrator may also require a flight navigator or special navigation equipment, or both, when specialized means of navigation are necessary for 1 hour or less. In making this determination, the Administrator considers—

(1) The speed of the airplane;

(2) Normal weather conditions en route;

(3) Extent of air traffic control;

(4) Traffic congestion;

(5) Area of navigational radio coverage at destination;

(6) Fuel requirements;

(7) Fuel available for return to point of departure or alternates;

(8) Predication of flight upon operation beyond the point of no return; and

(9) Any other factors he determines are relevant in the interest of safety.

(c) Operations where a flight navigator or special navigation equipment, or both, are required are specified in the operations specifications of the air carrier or commercial operator.

3. By adding a new appendix immediately after Appendix F to read as follows:

APPENDIX G

DOPPLER RADAR AND INERTIAL NAVIGATION SYSTEM (INS): REQUEST FOR EVALUATION; EQUIPMENT AND EQUIPMENT INSTALLATION; TRAINING PROGRAM; EQUIPMENT ACCURACY AND RELIABILITY; EVALUATION PROGRAM

1. *Application authority.* (a) An applicant for authority to use a Doppler Radar or Inertial Navigation System must submit a request for evaluation of the system to the Air Carrier District Office or International Field Office charged with the overall inspection of its operations 30 days prior to the start of evaluation flights.

(b) The application must contain:

(1) A summary of experience with the system showing to the satisfaction of the Administrator a history of the accuracy and reliability of the system proposed to be used.

(2) A training program curriculum for initial approval under § 121.405.

(3) A maintenance program for compliance with Subpart L of this part.

(4) A description of equipment installation.

(5) Proposed revisions to the Operations Manual outlining all normal and emergency procedures relative to use of the proposed system, including detailed methods for continuing the navigational function with partial or complete equipment failure, and methods for determining the most accurate system when an unusually large divergence between systems occurs. For the purpose of this appendix, a large divergence is a divergence that results in a track that falls beyond clearance limits.

(6) Any proposed revisions to the minimum equipment list with adequate justification therefor.

(7) A list of operations to be conducted using the system, containing an analysis of each with respect to length, magnetic compass reliability, availability of en route aids,

and adequacy of gateway and terminal radio facilities to support the system. For the purpose of this appendix, a gateway is a specific navigational fix where use of long range navigation commences or terminates.

2. *Equipment and equipment installation—Inertial Navigation Systems (INS) or Doppler Radar System.* (a) Inertial Navigation and Doppler Radar Systems must be installed in accordance with applicable airworthiness requirements.

(b) Cockpit arrangement must be visible and useable by either pilot seated at his duty station.

(c) The equipment must provide, by visual, mechanical, or electrical output signals, indications of the invalidity of output data upon the occurrence of probable failures or malfunctions within the system.

(d) A probable failure or malfunction within the system must not result in loss of the aircraft's required navigation capability.

(e) The alignment, updating, and navigation computer functions of the system must not be invalidated by normal aircraft power interruptions and transients.

(f) The system must not be the source or cause of objectionable radio frequency interference, and must not be adversely affected by radio frequency interference from other aircraft systems.

(g) The FAA-approved airplane flight manual, or supplement thereto, must include pertinent material as required to define the normal and emergency operating procedures and applicable operating limitations associated with INS and Doppler performance (such as maximum latitude at which ground alignment eapability is provided, or deviations between systems).

3. *Equipment and equipment installation—Inertial Navigation Systems (INS).* (a) If an applicant elects to use an Inertial Navigation System it must be at least a dual system (including navigational computers and reference units). At least two systems must be operational at takeoff. The dual system may consist of either two INS units, or one INS unit and one Doppler Radar unit.

(b) Each Inertial Navigation System must incorporate the following:

(1) Valid ground alignment capability at all latitudes appropriate for intended use of the installation.

(2) A display of alignment status or a ready to navigate light showing completed alignment to the flight crew.

(3) The present position of the airplane in suitable coordinates.

(4) Information relative to destinations or waypoint positions:

(i) The information needed to gain and maintain a desired track and to determine deviations from the desired track.

(ii) The information needed to determine distance and time to go to the next waypoint or destination.

(c) For INS installations that do not have memory or other inflight alignment means, a separate electrical power source (independent of the main propulsion system) must be provided which can supply, for at least 5 minutes, enough power (as shown by analysis or as demonstrated in the airplane) to maintain the INS in such condition that its full capability is restored upon the reactivation of the normal electrical supply.

(d) The equipment must provide such visual, mechanical, or electrical output signals as may be required to permit the flight crew to detect probable failures or malfunctions in the system.

4. *Equipment and equipment installation—Doppler Radar Systems.* (a) If an applicant elects to use a Doppler Radar System it must be at least a dual system (including dual antennas or a combined antenna designed for multiple operation), except that:

(1) A single operating transmitter with a standby capable of operation may be used in lieu of two operating transmitters.

(2) Single heading source information to all installations may be utilized, provided a compass comparator system is installed and operational procedures call for frequent cross-checks of all compass heading indicators by crewmembers.

The dual system may consist of either two Doppler Radar units or one Doppler Radar unit and one INS unit.

(b) At least two systems must be operational at takeoff.

(c) As determined by the Administrator and specified in the certificate holder's operations specifications, other navigational aids may be required to update the Doppler Radar for a particular operation. These may include Loran, Consol, DME, VOR, ADF, ground-based radar, and airborne weather radar. When these aids are required, the cockpit arrangement must be such that all controls are accessible to each pilot seated at his duty station.

5. *Training programs.* The initial training program for Doppler Radar and Inertial Navigation Systems must include the following:

(a) Duties and responsibilities of flight crewmembers, dispatchers, and maintenance personnel.

(b) For pilots, instruction in the following:

(1) Theory and procedures, limitations, detection of malfunctions, preflight and inflight testing, and cross-checking methods.

(2) The use of computers, an explanation of all systems, compass limitations at high latitudes, a review of navigation, flight planning, and applicable meteorolgy.

(3) The methods for updating by means of reliable fixes.

(4) The actual plotting of fixes.

(c) Abnormal and emergency procedures.

6. *Equipment accuracy and reliability.* (a) Each Inertial Navigation System must meet the following accuracy requirements, as appropriate:

(1) For flights up to 10 hours' duration, no greater than 2 nautical miles per hour of circular error on 95 percent of system flights completed is permitted.

(2) For flights over 10 hours' duration, a tolerance of ±20 miles cross-track and ±25 miles along-track on 95 percent of system flights completed is permitted.

(b) Compass heading information to the Doppler Radar must be maintained to an accuracy of ±1° and total system deviations must not exceed 2°. When free gyro techniques are used, procedures shall be utilized to insure that an equivalent level of heading accuracy and total system deviation is attained.

(c) Each Doppler Radar System must meet accuracy requirements of ±20 miles cross-track and ±25 miles along-track for 95 percent of the system flights completed. Updating is permitted.

A system that does not meet the requirements of this section will be considered a failed system.

7. *Evaluation program.* (a) Approval by evaluation must be requested as a part of the application for operational approval of a Doppler Radar or Inertial Navigation System.

(b) The applicant must provide sufficient flights which show to the satisfaction of the Administrator the applicant's ability to use cockpit navigation in his operation.

(c) The Administrator bases his evaluation on the following:

(1) Adequacy of operational procedures.

(2) Operational accuracy and reliability of equipment and feasibility of the system with regard to proposed operations.

(3) Availability of terminal, gateway, area, and en route ground-based aids, if required, to support the self-contained system.

(4) Acceptability of cockpit workload.

(5) Adequacy of flight crew qualifications.

(6) Adequacy of maintenance training and availability of spare parts.

After successful completion of evaluation demonstrations, FAA approval is indicated by issuance of amended operations specifications and en route flight procedures defining the new operation. Approval is limited to those operations for which the adequacy of the equipment and the feasibility of cockpit navigation has been satisfactorily demonstrated.

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

Issued in Washington, D.C., on March 23, 1972.

K. M. SMITH,
Acting Administrator.

[FR Doc.72-4850 Filed 3-29-72;8:47 am]

Chapter V—National Aeronautics and Space Administration

PART 1245—PATENTS

Subpart 2—Patent Licensing Regulations

1. Subpart 2 is revised in its entirety as follows:

Sec.
1245.200 Scope of subpart.
1245.201 Definitions.
1245.202 Basic considerations.
1245.203 Licenses for practical application of inventions.
1245.204 Other licenses.
1245.205 Publication of NASA inventions available for license.
1245.206 Application for nonexclusive license.
1245.207 Application for exclusive license.
1245.208 Processing applications for license.
1245.209 Royalties and fees.
1245.210 Reports.
1245.211 Revocation of licenses.
1245.212 Appeals.
1245.213 Litigation.
1245.214 Address of communications.

AUTHORITY: The provisions of this Subpart 2 issued under 42 U.S.C. 2457, 2473(b)(3).

§ 1245.200 Scope of subpart.

This Subpart 2 prescribes the terms, conditions, and procedures for licensing inventions covered by U.S. patents and patent applications for which the Administrator of the National Aeronautics and Space Administration holds title on behalf of the United States.

§ 1245.201 Definitions.

For the purpose of this subpart, the following definitions apply:

(a) "Invention" means an invention covered by a U.S. patent or patent application for which the Administrator of NASA holds title on behalf of the United States and which is designated by the Administration as appropriate for the grant of license(s) in accordance with this subpart.

(b) "To practice an invention" means to make or have made, use or have used, sell or have sold, or otherwise dispose of according to law any machine, article of manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(c) "Practical application" means the manufacture in the case of a composition of matter or product, the use in the case of a process, or the operation in the case of a machine, under such conditions as to establish that the invention is being utilized and that its benefits are reasonably accessible to the public.

(d) "Special invention" means any invention designated by the NASA Assistant General Counsel for Patent Matters to be subject to short-form licensing procedures. An invention may be designated as a special invention when a determination is made that:

(1) Practical application has occurred and is likely to continue for the life of the patent and for which an exclusive license is not in force, or

(2) The public interest would be served by the expeditious granting of a nonexclusive license for practice of the invention by the public.

(e) The "Administrator" means the Administrator of the National Aeronautics and Space Administration, or his designee.

(f) "Government" means the Government of the United States of America.

(g) The "Inventions and Contributions Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Administration in accordance with section 305 of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2457).

§ 1245.202 Basic considerations.

(a) Much of the new technology resulting from NASA sponsored research and development in aeronautical and space activities has application in other fields. NASA has special authority and responsibility under the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451), to provide for the widest practical dissemination and utilization of this new technology. In addition, NASA has been given unique requirements to protect the inventions resulting from NASA activities and to promulgate licensing regulations to encourage commercial use of these inventions.

(b) NASA-owned inventions will best serve the interests of the United States when they are brought to practical application in the shortest time possible. Although NASA encourages the nonexclusive licensing of its inventions to promote competition and achieve their widest possible utilization, the commercial development of certain inventions calls for a substantial capital investment which private manufacturers may be unwilling to risk under a nonexclusive license. It is the policy of NASA to seek exclusive licensees when such licenses will provide the necessary incentive to the licensee to achieve early practical application of the invention.

(c) The Administrator, in determining whether to grant an exclusive license, will evaluate all relevant information submitted by applicants and all other persons and will consider the necessity for further technical and market development of the invention, the capabilities of prospective licensees, their proposed plans to undertake the required investment and development, the impact on competitors, and the benefits of the license to the Government and to the public. Preference for exclusive license shall be given to U.S. citizens or companies who intend to manufacture or use, in the case of a process, the invention in the United States of America, its territories and possessions. Consideration may also be given to assisting small businesses and minority business enterprises, as well as economically depressed, low income and labor surplus areas.

(d) All licenses for inventions shall be by express written instruments. No license shall be granted either expressly or by implication, for a NASA invention except as provided for in §§ 1245.203 and 1245.204 and in any existing or future treaty or agreement between the United States and any foreign government.

(e) Licenses for inventions covered by NASA-owned foreign patents and patent applications shall be granted in accordance with the NASA Foreign Patent Licensing Regulations (§ 1245.4).

§ 1245.203 Licenses for practical application of inventions.

(a) *General.* As an incentive to encourage practical application of inventions, licenses will be granted to responsible applicants according to the circumstances and conditions set forth in this section.

(b) *Nonexclusive licenses.* (1) Each invention will be made available to responsible applicants for nonexclusive, revocable licensing in accordance with § 1245.206, consistent with the provisions of any existing exclusive license.

(2) The duration of the license shall be for a period as specified in the license.

(3) The license shall require the licensee to achieve the practical application of the invention and to then practice the invention for the duration of the license.

(4) The license may be granted for all or less than all fields of use of the invention and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(5) The license shall extend to the subsidiaries and affiliates of the licensee and shall be nonassignable without approval of the Administrator, NASA, except to the successor of that part of the licensee's business to which the invention pertains.

(c) *Short-form nonexclusive licenses.* A nonexclusive, revocable license for a special invention, as defined in § 1245.201 (d), shall be granted upon written request, to any applicant by the Patent Counsel of the NASA installation having cognizance of the invention.

(d) *Exclusive licenses.* (1) A limited exclusive license may be granted on an invention available for such licensing provided that:

(i) The Administrator has determined that: (*a*) The invention has not been brought to practical application by a nonexclusive licensee in the fields of use or in the geographical locations covered by the application for the exclusive license, (*b*) practical application of the invention in the fields of use or geographical locations covered by the application for the exclusive license is not likely to be achieved expeditiously by the further funding of the invention by the Government or under a nonexclusive license requested by any applicant pursuant to these regulations, and (*c*) the exclusive license will provide the necessary incentive to the licensee to achieve the practical application of the invention; and

(ii) Either a notice pursuant to § 1245.205 listing the invention as available for licensing has been published in the FEDERAL REGISTER for at least 9 months; or a patent covering the invention has been issued for at least 6 months. However, a limited exclusive license may be granted prior to the periods specified above if the Administrator determines that the public interest will best be served by the earlier grant of an exclusive license.

(2) The license may be granted for all or less than all fields of use of the invention, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(3) The exclusive period of the license shall be negotiated, but shall be for less than the terminal portion of the patent, and shall be related to the period necessary to provide a reasonable incentive to invest the necessary risk capital.

(4) The license shall require the licensee to practice the invention within a period specified in the license and then to achieve practical application of the invention.

(5) The license shall require the licensee to expend a specified minimum sum of money and/or to take other specified actions, within indicated period(s) after the effective date of the license, in an effort to achieve practical application of the invention.

(6) The license shall be subject to at least an irrevocable royalty-free right of the Government of the United States to practice and have practiced the invention throughout the world by or on behalf of the Government of the United States and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

(7) The license may reserve to the Administrator, NASA, under the following circumstances, the right to require

the granting of a sublicense to responsible applicant(s) on terms that are considered reasonable by the Administrator, taking into consideration the current royalty rates under similar patents and other pertinent facts: (i) To the extent that the invention is required for public use by Government regulation, or (ii) as may be necessary to fulfill health or safety needs, or (iii) for other purposes stipulated in the license.

(8) The license shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

(9) Subject to the approval of the Administrator, the licensee may grant sublicenses under the license. Each sublicense granted by an exclusive licensee shall make reference to and shall provide that the sublicense is subject to the terms of the exclusive license including the rights retained by the Government under the exclusive license. A copy of each sublicense shall be furnished to the Administrator.

(10) The license may be subject to such other reservations as may be in the public interest.

§ 1245.204 Other licenses.

(a) *License to contractor.* There is hereby granted to the contractor reporting an invention made in the performance of work under a contract of NASA in the manner specified in section 305(a)(1) or (2) of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2457(a)(1) or (2)), a revocable, nonexclusive, royalty-free license for the practice of such invention, together with the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the contractor's business to which the invention pertains.

(b) *Miscellaneous licenses.* Subject to any outstanding licenses, nothing in this subpart 2 shall preclude the Administrator from granting other licenses for inventions, when he determines that do so would provide for an equitable distribution of rights. The following exemplify circumstances wherein such licenses may be granted:

(1) In consideration of the settlement of an interference;

(2) In consideration of a release of a claim of infringement; or

(3) In exchange for or as part of the consideration for a license under adversely held patent(s).

§ 1245.205 Publication of NASA inventions available for license.

(a) A notice will be perodically published in the FEDERAL REGISTER listing inventions available for licensing. Abstracts of the inventions will also be published in the NASA Scientific and Technical Aerospace Reports (STAR) and other NASA publications.

(b) Copies of pending patent applications for inventions abstracted in STAR may be purchased from the National Technical Information Service, Springfield, Va. 22151.

§ 1245.206 Application for nonexclusive license.

(a) *Submission of application.* An application for nonexclusive license under § 1245.203(b) or a short-form nonexclusive license for special inventions under § 1245.203(c) shall be addressed to the NASA Patent Counsel of the NASA installation having cognizance over the NASA invention for which a license is desired or to the NASA Assistant General Counsel for Patent Matters.

(b) *Contents of an application for nonexclusive license.* An application for nonexclusive license under § 1245.203(b) shall include:

(1) Identification of invention for which license is desired, including the NASA patent case number, patent application serial number of patent number, title and date, if known;

(2) Name and address of the person, company or organization applying for license and whether the applicant is a U.S. citizen or a U.S. corporation;

(3) Name and address of representative of applicant to whom correspondence should be sent;

(4) Nature and type of applicant's business;

(5) Number of employees;

(6) Purpose for which license is desired;

(7) A statement that contains the applicant's best knowledge of the extent to which the invention is being practiced by private industry and the Government;

(8) A description of applicant's capability and plan to undertake the development and marketing required to achieve the practical application of the invention, including the geographical location where the applicant plans to manufacture or use, in the case of a process, the invention; and

(9) A statement indicating the minimum term of years the applicant desires to be licensed.

(c) *Contents of an application for a short-form nonexclusive license.* An application for a short-form nonexclusive license under § 1245.203(c) for a special invention shall include:

(1) Identification of invention for which license is desired, including the NASA patent case number, patent application serial number or patent number, title and date, if known;

(2) Name and address of company or organization applying for license; and

(3) Name and address of representative of applicant to whom correspondence should be sent.

§ 1245.207 Application for exclusive license.

(a) *Submission of application.* An application for exclusive license under § 1245.203(d) may be submitted to NASA at any time. An application for exclusive license shall be addressed to the NASA Assistant General Counsel for Patent Matters.

(b) *Contents of an application for exclusive license.* In addition to the requirements set forth in § 1245.206(b), the application for an exclusive license shall include:

(1) Applicant's status, if any, in any one or more of the following categories:

(i) Small business firm;

(ii) Minority business enterprise;

(iii) Location in a surplus labor area;

(iv) Location in a low-income urban area; and

(v) Location in an area designed by the Government as economically depressed.

(2) A statement indicating the time, expenditure, and other acts which the applicant considers necessary to achieve practical application of the invention, and the applicant's offer to invest that sum and to perform such acts if the license is granted;

(3) A statement whether the applicant would be willing to accept a license for all or less than all fields of use of the invention throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(4) A statement indicating the amount of royalty fees or other consideration, if any, the applicant would be willing to pay the Government for the exclusive license; and

(5) Any other facts which the applicant believes to show it to be in the interests of the United States of America for the Administrator to grant an exclusive license rather than a nonexclusive license and that such an exclusive license should be granted to the applicant.

§ 1245.208 Processing applications for license.

(a) *Initial review.* Applications for nonexclusive and exclusive licenses under §§ 1245.206 and 1245.207 will be reviewed by the Patent Counsel of the NASA installation having cognizance for the invention and the NASA Assistant General Counsel for Patent Matters, to determine the conformity and appropriateness of the application for license and the availability of the specific invention for the license requested. The Assistant General Counsel for Patent Matters will forward all applications for license conforming to §§ 1245.206(b) and 1245.207(b) to the NASA Inventions and Contributions Board when the invention is available for consideration of the requested license. Prior to forwarding applications for exclusive licenses to the Inventions and Contributions Board, notice in writing will be given to each nonexclusive licensee for the specific invention advising of the receipt of the application for the exclusive license and providing each nonexclusive licensee with a 30-day period for submitting either evidence that practical application of the invention has occurred or is about to occur or, an application for an exclusive license for the invention.

(b) *Recommendations of Inventions and Contributions Board.* The Inventions and Contributions Board shall, in accordance with the basic considerations set forth in §§ 1245.202 and 1245.203,

evaluate all applications for license forwarded by the Assistant General Counsel for Patent Matters. Based upon the facts presented to the Inventions and Contributions Board in the application and any other facts in its possession, the Inventions and Contributions Board shall recommend to the Administrator: (1) Whether a nonexclusive or exclusive license should be granted, (2) the identity of the licensee, and (3) any special terms or conditions of the license.

(c) *Determination of Administrator and grant of nonexclusive licenses.* The Administrator shall review the recommendations of the Inventions and Contributions Board and shall determine whether to grant the nonexclusive license as recommended by the Board. If the Administrator determines to grant the license, the license will be granted upon the negotiation of the appropriate terms and conditions of the Office of General Counsel.

(d) *Determination of Administrator and grant of exclusive licenses*—(1) *Notice.* If the Administrator determines that the best interest of the United States will be served by the granting of an exclusive license in accordance with the basic considerations set forth in §§ 1245.202 and 1245.203, a notice shall be published in the FEDERAL REGISTER announcing the intent to grant the exclusive license, the identification of the invention, special terms or conditions of the proposed license, and a statement that NASA will grant the exclusive license unless within 30 days of the publication of such notice the Inventions and Contributions Board receives in writing any of the following together with supporting documentation:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or

(ii) An application for a nonexclusive license under such invention, in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period.

The Inventions and Contributions Board shall, upon receipt of a written request within the 30 days' notice period, grant an extension of 30 days for the submission of the documents designated above.

(2) *Recommendation of Inventions and Contributions Board.* Upon the expiration of the period required by subparagraph (1) of this paragraph, the Board shall review all written responses to the notice and shall then recommend to the Administrator whether to grant the exclusive license as the Board initially recommended or whether a different form of license, if any, should instead be granted.

(3) *Grant of exclusive licenses.* The Administrator shall review the Board's recommendation and shall determine if the interest of the United States would best be served by the grant of an exclusive license as recommended by the Board. If the Administrator determines to grant the exclusive license, the license will be granted upon the negotiation of the appropriate terms and conditions by the Office of General Counsel.

§ 1245.209 Royalties and fees.

(a) Normally, a nonexclusive license for the practical application of an invention granted to a U.S. citizen or company will not require the payment of royalties; however, NASA may require other consideration.

(b) An exclusive license for an invention may require the payment of royalties, fees or other consideration when the licensing circumstances and the basic considerations in § 1245.202, considered together, indicate that it is in the public interest to do so.

§ 1245.210 Reports.

A license shall require the licensee to submit periodic reports of his efforts to work the invention. The reports shall contain information within his knowledge, or which he may acquire under normal business practice, pertaining to the commercial use that is being made of the invention and such other information which the Administrator may determine pertinent to the licensing program and which is specified in the license.

§ 1245.211 Revocation of licenses.

(a) Any license granted pursuant to § 1245.203 may be revoked, either in part or in its entirety, by the Administrator if in his opinion the licensee at any time shall fail to use adequate efforts to bring to or achieve practical application of the invention in accordance with the terms of the license, or if the licensee at any time shall default in making any report required by the license, or shall make any false report, or shall commit any breach of any covenant or agreement therein contained, and shall fail to remedy any such default, false report, or breach within 30 days after written notice, or if the patent is deemed unenforceable either by the Attorney General or a final decision of a U.S. court.

(b) Any license granted pursuant to § 1245.204(a) may be revoked, either in part or in its entirety, by the Administrator if in his opinion such revocation is necessary to achieve the earliest practical application of the invention pursuant to an application for exclusive license submitted in accordance with § 1245.207, or the licensee at any time shall breach any covenant or agreement contained in the license, and shall fail to remedy any such breach within 30 days after written notice thereof.

(c) Before revoking any license granted pursuant to this Subpart 2 for any cause, there will be furnished to the licensee a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to appeal and request a hearing before the Inventions and Contributions Board on the question of revocation. After a hearing, the Inventions and Contributions Board shall transmit to the Administrator the record of proceedings, its findings of fact, and its recommendation whether the license should be revoked either in part or in its entirety. The Administrator shall review the recommendation of the Board and determine whether to revoke the license in part or in its entirety. Revocation of a license shall include revocation of all sublicenses which have been granted.

§ 1245.212 Appeals.

Any person desiring to file an appeal pursuant to § 1245.211(c) shall address the appeal to Chairman, Inventions and Contributions Board. Any person filing an appeal shall be afforded an opportunity to be heard before the Inventions and Contributions Board, and to offer evidence in support of his appeal. The procedures to be followed in any such matter shall be determined by the Administrator. The Board shall make findings of fact and recommendations with respect to disposition of the appeal. The decision on the appeal shall be made by the Administrator, and such decision shall be final and conclusive, except on questions of law, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence.

§ 1245.213 Litigation.

An exclusive licensee shall be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. The licensee may join the Government, upon consent of the Attorney General, as a party complainant in such suit, but without expense to the Government and the licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall also have an absolute right to intervene in any such suit at its own expense. The licensee shall be obligated to promptly furnish to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent including, but not limited to, negotiations for settlement and agreements settling claims by a licensee based on the licensed patent, and all other books, documents, papers, and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

§ 1245.214 Address of communications.

(a) Communications to the Assistant General Counsel for Patent Matters in accordance with §§ 1245.206 and 1245.207 and requests for information concerning licenses for NASA inventions should be addressed to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) Communications to the Inventions and Contributions Board in accordance with §§ 1245.208, 1245.211, and

1245.212 should be addressed to Chairman, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546.

Effective date. The regulations set forth in this subpart 2 are effective April 1, 1972.

JAMES C. FLETCHER,
Administrator.

[FR Doc.72-4875 Filed 3-29-72;8:51 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs.; Amdt. 35]

PART 374—REEXPORTS

Authorization

Part 374 is amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: March 23, 1972.

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

Section 374.3(d) is revised to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(d) *Special requirements.* In addition to the provisions of paragraphs (a), (b), and (c) of this section, the request for authorization to reexport shall include the following:

(1) *Reexports to certain countries—*(i) *Specified destinations.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, the documentation set forth below in this subparagraph (1) shall be furnished.

(*a*) Any destination in Country Group Q, S, W, X, Y, or Z (see Supplement No. 1 to Part 370 of this chapter for the countries included in each country group.)

(*b*) The following destinations in Country Group V:

Cambodia.
Laos.
Liechtenstein.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Vietnam (Republic of).
Yugoslavia.

(ii) *Documentation.* (*a*) Except where the transaction involves a temporary reexport for the purpose of demonstration, testing, exhibition, etc., the consignee/purchaser statement or other documentation from the new ultimate consignee that would be required by Part 375 of this chapter if the reexport were a direct export from the United States to the new country is likewise required. Where this document is a Yugoslav End-Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport. If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Control Regulations. (See § 375.3(c) of this chapter for waiver of a Swiss Blue Import Certificate, and § 375.4(c) of this chapter for waiver of a Yugoslav End-Use Certificate.)

(*b*) Where the transaction involves a temporary reexport to a destination listed in this subparagraph (1), the request for authorization shall include a certification similar to that in § 372.8(c) of this chapter, suitably modified to describe the transaction and indicating the country to which the commodities will be returned. A consignee/purchaser statement or other documentation is not required.

(2) Reexports from Switzerland and Liechtenstein. If export from the United States was made, or will be made, to Switzerland or Liechtenstein under a validated export license, the request to reexport from Switzerland or Liechtenstein shall include the number and date of the Swiss Blue Import Certificate(s) submitted in support of the application(s) for license to export the commodities from the United States.

[FR Doc.72-4880 Filed 3-29-72;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2694) filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44138, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of 1,3,5 tris (3,5 - di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1H,3H,5H)-trione as a component of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520 is amended in paragraph (c)(5) by alphabetically adding a new item to the list of components of adhesives, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	
Substances	*Limitations*
* * *	* * *
1,3,5 - Tris (3,5 - di-*tert*-butyl - 4 - hydroxy - benzyl)-*s*-triazine - 2,4,6 (1H,3H,5H)-trione.	
* * *	* * *

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-30-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4824 Filed 3-29-72;8:49 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE PHTHALATE FILMS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0B2567) filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101, and other relevant material, has concluded that the food additive regulations should be amended, as set forth below, to provide for the safe use of ethylene terephthalate-isophthalate copolymers as the base sheet in the production of food-contact polyethylene phthalate films.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority

delegated to the Commissioner (21 CFR 2.120), § 121.2524 is amended to read as follows:

§ 121.2524 Polyethylene phthalate films.

Polyethylene phthalate films may be safely used as articles or components of articles used in producing, manufacturing, packing, processing, preparing, treating, packgaging, transporting, or holding food subject to the provisions of this section.

(a) Polyethylene phthalate films consist of a base sheet of ethylene terephthalate polymer or ethylene terephthalate-isophthalate copolymers, to which have been added optional substances, either as constituents of the base sheet or as constituents of coatings applied to the base sheet.

(b) The quantity of any optional substance employed in the production of polyethylene phthalate films does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(c) Any substance employed in the production of polyethylene phthalate films that is the subject of a regulation in Subpart F of this part conforms with any specification in such regulation.

(d) Substances employed in the production of polyethylene phthalate films include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in polyethylene phthalate films and used in accordance with such sanction or approval.

(3) Substances which by regulation in this Subpart F may be safely used as components of resinous or polymeric coatings and film used as food-contact surfaces subject to the provisions of such regulation.

(4) Substances identified in this subparagraph and subject to such limitations as are provided:

LIST OF SUBSTANCES AND LIMITATIONS

(i) Base sheet:

Ethylene terephthalate copolymers: Prepared by the condensation of dimethyl terephthalate or terephthalic acid with ethylene glycol, modified with one or more of the following: Azelaic acid, dimethyl azelate, dimethyl sebacate, sebacic acid.

Ethylene terephthalate-isophthalate copolymers: Prepared by the condensation of dimethyl terephthalate and dimethyl isophthalate with ethylene glycol or terephthalatic acid and isophthalic acid with ethylene glycol. The finished copolymers contain 77–83 weight percent of polymer units derived from ethylene terephthalate.

Ethylene terephthalate polymer: Prepared by the condensation of dimethyl terephthalate and ethylene glycol.

Ethylene terephthalate polymer: Prepared by the condensation of terephthalic acid and ethylene glycol.

(ii) Coatings:

12-Ethylhexyl acrylate copolymerized with one or more of the following:

Acryonitrile.
Methacrylonitrile.
Methyl acrylate.
Methyl methacrylate.
Itaconic acid.

Vinylidene chloride copolymerized with one or more of the following:

Methacrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
Acrylonitrile.
Methacrylonitrile.
Vinyl chloride.
Itaconic acid.

(iii) Emulsifiers:

Sodium dodecylbenzenesulfonate: As an adjuvant in the application of coatings to the base sheet.

Sodium lauryl sulfate: As an adjuvant in the application of coatings to the base sheet.

(e) Polyethylene phthalate films conforming with the specifications prescribed in subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Specifications.* (i) The films, when exposed to distilled water at 250° F. for 2 hours, yield chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent; and

(ii) The films, when exposed to *n*-heptane at 150° F. for 2 hours, yield chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The films are used for packaging, transporting, or holding food, excluding alcoholic beverages, at temperatures not to exceed 250° F.

(f) Polyethylene phthalate films conforming with the specifications prescribed in subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph.

(1) *Specifications.* (i) The films meet the specifications in paragraph (e) (1) of this section; and

(ii) The films, when exposed to 50 percent ethyl alcohol at 120° F. for 24 hours, yield chloroform-soluble extractives not to exceed 0.5 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The films are used for packaging, transporting, or holding alcoholic beverages that do not exceed 50 percent alcohol by volume.

(g) Uncoated polyethylene phthalate films consisting of a base sheet prepared from substances identified in paragraph (d) (4) (i) of this section and conforming with the specifications prescribed in subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Specifications.* (i) The films, when exposed to distilled water at 250° F. for 2 hours yield chloroform-soluble extractives not to exceed 0.02 milligram per square inch of film surface exposed to the solvent; and

(ii) The films, when exposed to *n*-heptane at 150° F. for 2 hours, yield chloroform-soluble extractives not to exceed 0.02 milligram per square inch of film surface exposed to the solvent.

(2) *Conditions of use.* The films are used to contain foods during oven baking or oven cooking at temperatures above 250° F.

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3–30–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–4874 Filed 3–29–72;8:51 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2679) filed by Milchem, Inc., Post Office Box 33387, Houston, Tex. 77033, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium polyacrylate as a component of paper and paperboard intended for use in contact with food, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by revising the limitations column for the substance "Sodium polyacrylate" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * *	* * *
Sodium polyacrylate ----------	For use only: 1. As a thickening agent for natural rubber latex coatings, provided it is used at a level not to exceed 2 percent by weight of coating solids. 2. As a pigment dispersant in coatings at a level not to exceed 0.125 percent by weight of pigment.
* * *	* * *

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (3-30-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4823 Filed 3-29-72;8:49 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorophene and Toluene Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-010V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502, proposing the safe and effective use of dichlorophene and toluene capsules for the treatment of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.56 is amended by revising paragraph (c) to include Philips Roxane as an additional sponsor of dichlorophene and toluene capsules, as follows:

§ 135c.56 Dichlorophene and toluene capsules.

* * * * *

(c) *Sponsor.* See code Nos. 026 and 059 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-30-72).

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

Dated: March 21, 1972.

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

[FR Doc.72-4825 Filed 3-29-72;8:49 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sulfadimethoxine, Ormetoprim

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (40-209V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing additional safe and effective uses of sulfadimethoxine and ormetoprim in turkey and chicken feed for the purposes set forth below. The supplemental applications are approved. The regulations are also being amended to update the reference to related tolerances.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.55 is revised in paragraph (d) and the table in paragraph (e) is amended by revising the text of items 1 and 3 in the "Limitations" and the "Indications for use" columns as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * *

(d) *Related tolerances.* See §§ 135g.57 and 135g.76 of this chapter.

(e) * * *

Principal ingredients	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	For broiler and replacement chickens; do not feed to chickens over 16 weeks (112 days) of age; withdraw 2 days before slaughter.	As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to chickens, namely, *E. tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and bacterial infections due to *H. gallinarum* (infectious coryza), *E. coli* (colibacillosis) and *P. multocida* (fowl cholera).
2. * * *	* * *	* * *	* * *	* * *	* * *
3. * * *	* * *	* * *	* * *	For turkeys; do not feed to turkeys producing eggs for food; withdraw 2 days before slaughter.	As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to turkeys, namely, *E. adenoeides, E. gallopavonis,* and *E. meleagrimitis* and bacterial infection due to *P. multocida* (fowl cholera).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-30-72).

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

Dated: March 21, 1972.

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

[FR Doc.72-4826 Filed 3-29-72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

MISCELLANEOUS AMENDMENTS TO CHAPTER

Subchapter C is amended as set forth below.

PART 716—DEATH GRATUITY

§ 716.2 [Amended]

1. Delete in paragraph (d), § 716.2, 9th and 10th lines, the following: "section 501 of the Career Compensation Act of 1949 (37 U.S.C. 301)".

Insert in lieu thereof: "sections 206, 309, and 1002 of title 37, United States Code".

§ 716.4 [Amended]

2. Delete from paragraph (b), § 716.4, 11th, 12th, and 13th lines, the following: "DD Form 93-1 (Rev., Dec. 1, 1956) or subsequent revisions thereof,"

3. Delete paragraph (c) from § 716.8 and insert in lieu thereof the following:

§ 716.8 Payments excluded.

* * * * *

(c) Unless the laws of the place where a minor beneficiary resides provide that such a payment would grant a valid acquittance of the Government's obligation to make a payment of death gratuity to or for a minor, a death gratuity of more than $1,000 may not be paid in whole or in part to a parent as natural guardian of a minor or to any other person who is not a legal guardian appointed by the civil court to manage the minor's financial affairs.

§ 716.11 [Amended]

4. Delete from paragraph (c) (2) (i) of § 716.11, "MCO 1740.5A" and insert in lieu thereof "MCO P3040.4".

PART 718—MISSING PERSONS ACT

§ 718.3 [Amended]

5. Delete from paragraph (a), § 718.3, lines 7 through 10, the following: ", where the vehicle is located outside the continental limits of the United States or in Alaska,".

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

§ 730.110 [Amended]

6. Change title of § 730.110 in the table of contents and in the text on page 604 to read "Interview by career planning officer".

§ 730.110 [Amended]

7. Delete from paragraph (a), § 730.110, line 3, the words "recruiting officer" and insert in lieu thereof "career planning officer".

PART 734—PAYMENT OF CERTAIN ALLOWANCES AND DIFFERENTIALS TO CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES OF THE DEPARTMENT OF THE NAVY

§ 734.3 [Amended]

8. Delete from the first sentence in § 734.3 the words "the Chief of the Bureau of Supplies and Accounts and the Chief of Industrial Relations" and insert in lieu thereof "the Commander, Naval Supply System Command and the Director of the Office of Civilian Manpower Management".

PART 765—RULES APPLICABLE TO THE PUBLIC

§ 765.10 [Amended]

9. Section 765.10 is amended as set forth below.

a. Delete "(Code DK)" wherever appearing and substitute therefor "(Code AI)".

b. Delete from paragraph (d), penultimate sentence, "subparagraph 15115.3z of the Marine Corps Personnel Manual" and insert in lieu thereof "paragraph 4013y, Marine Corps Individual Records and Accounting Manual (short title IRAM)". In the last sentence, delete "subparagraph 15157.2g" and insert in lieu thereof "paragraph 3007g".

c. Delete from paragraph (e), 12th and 13th lines, the words "paragraph 15115.3z of the Marine Corps Personnel Manual." and insert in lieu thereof "paragraph 4013y of the Marine Corps Individual Records and Accounting Manual."

10. Add the following new paragraph at the end of § 765.13:

§ 765.13 Rules applicable to the public.

* * * * *

(f) Marine Corps Uniform Regulations may be examined and individual copies of pertinent provisions thereof may be purchased in accordance with § 701.1 of this chapter.

Dated: March 23, 1972.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc.72-4854 Filed 3-29-72;8:47 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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Cochise	Huachuca City				Mar. 31, 1972.
California	Los Angeles	Paramount	I 06 037 2684 05 I 06 037 2684 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, 16420 South Colorado Ave., Paramount, CA 90723.	Do.
Do	San Mateo	Colma				Do.
Do	Sacramento	Unincorporated areas.				Do.
Connecticut	Middlesex	Old Saybrook				Do.
Illinois	Henry	Geneseo				Do.
Minnesota	Sterns	St. Cloud				Do.
New Jersey	Burlington	Riverton Borough				Do.
Do	Bergen	Waldwick Borough.				Do.
New York	Erie	West Seneca				Mar. 31, 1972.
Pennsylvania	Delaware	Edgmont Township.				Do.
Texas	Tarrant	North Richland Hills.				Do.
Wisconsin	Rock	Janesville	I 55 105 2320 01 through I 55 105 2320 08	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Planner, Municipal Bldg., Janesville, Wis. 53545.	Do.
Do	Langlade	Antigo				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: March 23, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-4737 Filed 3-29-72;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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Cochise	Huachuca City				Mar. 31, 1972.
California	San Mateo	Colma				Do.
Do	Sacramento	Unincorporated areas.				Do.
Connecticut	Middlesex	Old Saybrook				Do.
Illinois	Henry	Geneseo				Do.
Minnesota	Sterns	St. Cloud				Do.
New Jersey	Burlington	Riverton Borough.				Do.
Do	Bergen	Waldwick Borough.				Do.
New York	Erie	West Seneca				Do.
Pennsylvania	Delaware	Edgmont Township.				Do.
Texas	Tarrant	North Richland Hills.				Do.
Wisconsin	Rock	Janesville	H 55 105 2320 01 through H 55 105 2320 08	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Planner, Municipal Bldg., Janesville, Wis. 53545.	Mar. 27, 1971.
Do	Langlade	Antigo				Mar. 31, 1972.

(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: March 23, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-4738 Filed 3-29-72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION AND LICENSING

PART 75—PREPAID MEDICAL SERVICE PLANS

Authorization for Issuance of Prepaid Medical Service Contracts by Carriers

On September 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19089) proposing the adoption of a "Subpart A—Authorization for Issuance of Prepaid Medical Service Contracts by carriers" designed to implement Title IV of Public Law 91–515 (84 Stat. 1309).

Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed regulations within 30 days of such publication.

A number of responses were received. These included suggestions for clarification and editorial revision of the proposed regulation, as well as substantive comments. Many of the editorial suggestions were accepted, and have been included in the final regulations. The Department's response to the major substantive comments are below.

1. *The constitutionality of Title IV.* One set of comments challenged the constitutional basis of Title IV. Since the resolution of this question is not within the competence and authority of the Department, the argument was rejected.

2. *Requirement of "group practice unit or organization".* Several comments were addressed to the requirement that contracts issued by the carrier, pursuant to an authorization under the Act, entitle the beneficiary "to receive comprehensive medical services * * * from a group practice unit or organization * * * with which such carrier has contracted or otherwise arranged for the provision of such services."

The general thrust of these objections was in the direction of eliminating the "group practice unit or organization" as a required element in the provision of, or the arrangement for the provision of, services. Since the requirement that a "group practice unit or organization" provide the medical services is imposed by section 401(a) of the statute, and not by the proposed regulations, the elimination of this requirement would require a legislative amendment, and cannot be accomplished by a change in the regulations. Accordingly, the recommended change was not accepted.

In the course of considering this question, the Department reexamined the proviso in § 75.4 which would have exempted a carrier which itself was a group practice unit or organization authorized to provide comprehensive medical services under State law from the requirement that it contract or otherwise arrange with a group practice unit or organization to provide comprehensive medical services to beneficiaries under a contract issued pursuant to an authorization.

In light of the arguments concerning the elimination of the requirement, and the reexamination of the issue, it was concluded that the proviso was not legally authorized. The proviso has, therefore, been deleted.

3. *Nonprofit status of group practice unit or organization.* A number of objections were raised to the requirement that the "group practice unit or organization" be non-profit. Again, it was the conclusion of the Department that the "non-profit" requirement was mandated by section 401(c)(1) of the Act and legally could not be waived by regulations.

As the regulations are necessary to permit the issuance of authorizations under Title IV, any delay in their effective date would not be in the public interest. Accordingly, Subpart A revised as set out below, is hereby adopted, and will become effective on publication in the FEDERAL REGISTER.

Dated: February 17, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: March 19, 1972.

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

Subpart A—Authorization for Issuance of Prepaid Medical Service Contracts by Carriers

Sec.
75.1 Statutory provisions.
75.2 Definitions.
75.3 Applications for authorization.
75.4 Issuance of authorizations.
75.5 Services to be provided by medical group.

AUTHORITY: The provisions of this Subpart A issued under 80 Stat. 379; 5 U.S.C. 301.

§ 75.1 Statutory provisions.

The applicable statutory provision, Title IV of Public Law 91–515 (84 Stat. 1309), reads as follows:

SECTION 401. (a) The Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, authorize any carrier, which is a party to a contract entered into under Chapter 89 of title 5, United States Code (relating to health benefits for Federal employees), or under the Retired Federal Employees Health Benefits Act, or which participates in the carrying out of any such contract, to issue in any State contracts entitling any person as a beneficiary to receive comprehensive medical services (as defined in paragraph (b) of this section) from a group practice unit or organization (as defined in paragraph (c) of this section) with which such carrier has contracted or otherwise arranged for the provision of such services.

(b) As used in this paragraph, the term "comprehensive medical services" means comprehensive preventive, diagnostic, and therapeutic medical services (as defined in regulations of the Secretary), furnished on a prepaid basis; and may include, at the option of a carrier, such other health services including mental health services, and equipment and supplies, furnished on such terms and conditions with respect to copayment and other matters, as may be authorized in regulations of the Secretary.

(c) As used in this paragraph:

(1) The term "group practice unit or organization" means a nonprofit agency, cooperative, or other organization undertaking to provide, through direct employment of, or other arrangements with the members of a medical group, comprehensive medical services (or such services and other health services) to members, subscribers, or other persons under contract of carriers.

(2) The term "medical group" means a partnership or other association or group of persons who are licensed to practice medicine in a State (or of such persons and persons licensed to practice dentistry or optometry) who (i) as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession primarily in one or more group practice facilities, (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged plan, or enter into an employment arrangement with a group practice unit or organization for the provision of their services, (iii) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and professional, technical and administrative staff, and (iv) include within the group at least such professional personnel, and make available at least such health services, as may be specified in regulations of the Secretary.

(d) Nothing in this section shall preclude any State or State agency from regulating the amounts charged for contracts issued pursuant to paragraph (a) of this section or the manner of soliciting and issuing such contracts, or from regulating any carrier issuing such contracts in any manner not inconsistent with the provisions of this section.

§ 75.2 Definitions.

All terms not defined herein shall have the same meaning given them in the Act. As used in this subpart:

(a) "Act" means Title IV of Public Law 91–515, 84 Stat. 1309.

(b) "Secretary" means the Secretary of Health, Education, and Welfare, and the officer or employee to whom the authority involved has been delegated.

(c) "Eligible carrier" means any carrier which is a party to a contract entered into under 5 U.S.C. Ch. 89 or which participates in the carrying out of any such contract by direct assumption of liability, reinsurance, or otherwise.

(d) "Comprehensive medical services" means that combination of preventive, diagnostic, and therapeutic medical and health services which the Secretary finds, on the basis of information submitted to him by an eligible carrier, is reasonably calculated to assure the protection, maintenance, and support of health and the satisfactory diagnosis and treatment of illness and injury of persons enrolled under the contract proposed to be issued by such carrier, taking into consideration such factors as the nature and size of the population to be served, the geographic area to be served, the availability of resources, and other related elements.

(e) The term "nonprofit" as applied to any agency, cooperative, or other organization under section 401(c)(1) means an agency, cooperative, or other organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. However, in the case of an organization the purposes of which include the provision of personal health services to its members or subscribers or their dependents under a plan of such organization for the provision of such services to them (which plan may include the provision of other services or insurance benefits to them), the net earnings may be distributed through the provision of such health services (or such other services or insurance benefits) to such members or subscribers or dependents under such plan.

§ 75.3 Application for authorization.

(a) Any eligible carrier may submit an application to the Secretary for an authorization pursuant to § 75.4.

(b) Such application shall be in writing, executed by an officer of the carrier authorized for such purpose, and shall set forth the following:

(1) The name, address, and home office of the carrier.

(2) The status of the carrier as a contractor under 5 U.S.C. Ch. 89, or as a participant in carrying out any such contract.

(3) A full description of the medical services proposed to be furnished on a prepaid basis and a statement designed to show that such services constitute comprehensive medical services as defined herein.

(4) A full description of health services to be furnished at the option of the carrier, such as dental, mental health, hospital, optometric, or nursing home services, or equipment and other supplies, and the terms and conditions upon which such services and supplies are to be furnished.

(5) Identification of the group practice unit or organization, and medical groups considered to meet the requirements of the Act and of this part, and of other organizations and facilities, proposed to be utilized in the provision of services under the contract, together with a description of the services or resources to be provided by each such group, organization or facilities under arrangements made by the carrier.

(6) The method which will be used for monitoring and evaluating the quality and utilization of services provided under the contract.

(7) A copy of the proposed contract to be issued to persons enrolled in the plan which shall not exclude an individual because of race, color, sex, religion, or national origin and which shall set forth a detailed statement of benefits offered, including out-of-area benefits.

(8) Identification of the State in which the carrier proposes to issue contracts, and a citation to the provisions of State law or other legal requirements of the State which in the opinion of legal counsel restricts the issuance of such contracts by the carrier, or which restricts the operation of any group practice unit or organization with which the carrier has contracted or proposes to contract insofar as such requirement operates to prevent such group from arranging with the carrier for payment on a prepaid basis for services provided to persons under contract of such carrier or from providing such services through a medical group together with a copy of the opinion of such counsel.

(9) An agreement to furnish such reports as the Secretary may reasonably require as to operations under the authorization.

(10) An agreement that the carrier will require any individual, agency, organization, or other entity with which it contracts or otherwise arranges for the provision of services, pursuant to an authorization under the Act, to provide such services without discrimination on account of race, color, sex, religion, or national origin.

(11) An agreement to report promptly any change in the contract or benefits provided thereunder, and insofar as

practicable, at least 90 days before such change becomes effective.

(12) An agreement to provide such other information as the Secretary may reasonably require.

§ 75.4 Issuance of authorization.

(a) The Secretary may, upon the basis of an application approved by him as meeting the requirements of the Act and of this part, authorize an eligible carrier to issue in one or more States contracts entitling any person as a beneficiary to receive comprehensive medical services furnished on a prepaid basis either from a group practice unit or organization with which such carrier has contracted or otherwise arranged for the provision of such services, if he finds that such authorization is necessary, by reason of the laws of the State with respect to which the application is made, to permit the carrier to issue such contracts.

(b) The issuance of such an authorization shall preclude the application of any law, regulation or other requirement of the State with respect to which the authorization is issued which, except as authorized in section 401(d) of the Act, prohibits, restricts, or limits—

(1) The issuance of any contract by the carrier in accordance with such authorization, including, but not limited to restrictions on the provision of medical care or services on a prepaid, capitation basis or on the number of plans operating in a given geographical area, prohibitions on the issuance of such contracts by an out-of-State corporation or a corporation for profit or requirements that a percentage or given number of professional personnel or medical facilities in any area participate or be allowed to participate in the provision of services as a condition to the operation of the plan in such area, or that the members of the carrier's governing board meet specified qualifications or conditions as to their appointment, or

(2) The operation of any group practice unit or organization with which the carrier has contracts insofar as such requirement operates to prevent such group from arranging with the carrier for payment on a prepaid basis for services provided to persons under contract of such carrier or from providing such services through a medical group.

(c) An authorization issued under this section, unless suspended or terminated as provided herein, shall be valid so long as the carrier maintains its status as an eligible carrier and for such additional period as the Secretary finds necessary to permit the carrier to liquidate any obligations for service it may have incurred and to permit beneficiaries under the plan to make other arrangements for coverage.

(d) An authorization may be suspended or terminated upon reasonable notice to the carrier, with opportunity for hearing if the carrier fails to comply with any assurance, representation, or agreement contained in its application, or fails to meet any requirement of the Act or regulations for the provision of services under contracts issued pursuant to this part.

§ 75.5 Services to be provided by medical group.

(a) A medical group utilized in the provision of medical services under a contract issued in accordance with this part shall include at least a general practitioner and representatives of each of the following medical specialties: General surgery, obstetrics and gynecology, internal medicine, pediatrics, and ear-nose-throat, provided that, for good cause shown in the application, services in the medical specialties may be provided under contract or other suitable arrangements by a nonmember of the group.

(b) The medical group shall make available health services constituting comprehensive medical services as defined herein.

[FR Doc.72-4806 Filed 3-29-72;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

[General Order 109, Rev., Amdt. 4]

PART 390—CAPITAL CONSTRUCTION FUND

Reporting Requirements

In F.R. Doc. 71-17994 appearing in the FEDERAL REGISTER of December 9, 1971 (36 F.R. 23395), the Maritime Administration, Department of Commerce, invited comments to be submitted within 30 days with respect to a rule, among others, concerning Capital Construction Fund reporting requirements (proposed § 390.9). Comments were received, considered, and a final form of the reporting requirement rule adopted. The important changes incorporated in the final rule are: (1) Ninety (90) days, instead of sixty (60), is allowed for making reports; (2) examples of reporting statements are not included; and (3) the regulation has been renumbered.

While samples of reporting statements may be obtained from the Maritime Administration, interested parties are urged to refer to the proposed rule, 36 F.R. 23395 (December 9, 1971), for such samples.

New § 390.3 reads as follows:

§ 390.3 Reporting requirements.

(a) The purpose of this section is to provide the format of reports concerning the overall operation of the Capital Construction Fund which are to be submitted to the Secretary.

(b) Submission dates: Reports are to be made semiannually on a fiscal year basis and should reach the Secretary not later than ninety (90) days after the close of a period.

(c) Cumulation: The report submitted following the close of the fiscal year shall be cumulative for the entire year.

(d) Certification: The semiannual report required under this section shall be accompanied by an affidavit of the official responsible for the maintenance and accuracy of the financial records of the party and the annual report by an affidavit of an independent certified public accountant to the effect that:

(1) The exhibits and schedules composing the accounting have been prepared in accordance with this section; and

(2) The report, including all exhibits and schedules, reflects true and complete statements in accordance with all applicable orders, rules, regulations, and instructions issued or adopted by the Secretary pertaining thereto.

(e) Variance: The party may vary the design of any of these reports provided that the reports submitted conform as closely as possible and include all of the information required.

(f) Summary statement: The summary statement shall be entitled "Exhibit A" and contain a summation of cash on deposit (Schedule A-1), summation of securities on deposit (adjusted basis) (Schedule A-2), a subtotal of cash and securities on deposit, net amount of accrued deposits and withdrawals (Schedule A-3), and a total of the fund.

(g) Analysis of cash on deposit: This statement shall be entitled "Schedule A-1" and shall contain a listing of balances in all cash accounts at the end of the period.

(h) Analysis of securities: This statement shall be entitled "Schedule A-2" and shall contain a listing of the securities (adjusted basis) in the fund at the close of the period.

(i) Net accrued deposits and withdrawals: This statement shall be entitled "Schedule A-3" and shall list the accrued deposits and withdrawals at the end of the period.

(j) Transcript of transactions: This statement shall be entitled "Exhibit B" and shall contain a summary of all transactions occurring in the period by date.

(k) Transactions affecting tax account balances: This statement shall be entitled "Exhibit C" and shall show total transactions within the Fund by three separate accounts: the ordinary income account, capital gains account, and capital account.

(l) Sample reports: Interested parties may obtain samples of these reports from the Secretary, Maritime Administration, Department of Commerce, Washington, D.C. 20235.

Effective date. This regulation shall be effective on March 31, 1972.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. sections 3501-11.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91-469, 84 Stat. 1018, sec. 21(a), 84 Stat. 1026)

Dated: March 27, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.72-4982 Filed 3-29-72;8:54 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

List of Endangered Foreign Fish and Wildlife

By notice of proposed rule making published in the FEDERAL REGISTER on February 3, 1972 (37 F.R. 2589), notice was given that it was proposed to amend Appendix A to Part 17 of Title 50 CFR by adding additional mammals to the list of foreign endangered species.

Interested persons were invited to submit their views, data, or arguments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of the publication of the notice. All relevant matters presented have been considered and the proposal is adopted.

Accordingly, Appendix A of 50 CFR is amended by adding to the "U.S. List of Endangered Foreign Fish and Wildlife" the following species of mammals:

Common name	Scientific name	Where found
Cheetah	*Acinonyx jubatus*	Africa, Asia Minor, India.
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, Korea.
Tiger	*Panthera tigris*	Central Asia, China and Korea, to India, Indonesia and Malaysia.
Snow leopard	*Panthera uncia*	Central Asia.
Jaguar	*Panthera onca*	Central and South America.
Ocelot	*Felis pardalis*	Do.
Margay	*Felis wiedii*	Do.
Tiger cat	*Felis tigrina*	Costa Rica to northern South America.

Consistent with the foregoing, and in recognition of the fact that by listing the species the law will apply to their subspecies as well, the "U.S. List of Endangered Foreign Fish and Wildlife" is further amended by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Asiatic cheetah	*Acinonyx jubatus venaticus*	U.S.S.R., Afghanistan, Iran, Pakistan (formerly India, Iraq, and Saudi Arabia).
Sinai leopard	*Panthera pardus jarvisi*	Sinai, Saudi Arabia.
Barbary leopard	*Panthera pardus panthera*	Morocco, Algeria, Tunisia.
Antolian leopard	*Panthera pardus tulliana*	Lebanon, Israel, Jordan, Turkey, Syria.
Bali tiger	*Panthera tigris balica*	Bali (Indonesia).
Javan tiger	*Panthera tigris sondaica*	Indonesia.
Caspian tiger	*Panthera tigris virgata*	Russia, Afghanistan, Iran.
Sumatran tiger	*Panthera tigris sumatrae*	Indonesia

It is determined that these animals should be added to the "U.S. List of Endangered Foreign Fish and Wildlife" at this time in order to give them immediate protection without further delay. Consequently, for good cause found, it is determined that this amendment is to be effective upon publication in the FEDERAL REGISTER.

(16 U.S.C. 668aa et seq.)

Effective date: Upon publication in the FEDERAL REGISTER (3–30–72).

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

MARCH 28, 1972.

[FR Doc.72–4955 Filed 3–29–72;8:53 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–30–72).

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

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of engines, motorized boats, motorized canoes, and other motorized water craft is prohibited on the Kenai National Moose Range Canoe System. This Canoe System includes those lakes and their associated shore areas and portages within the existing Swan Lake Canoe Route and the Swanson River Canoe Route as described on the maps available at Kenai National Moose Range Headquarters, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through April 30, 1973.

LOREN W. CROXTON,
Deputy Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

MARCH 22, 1972.

[FR Doc.72–4868 Filed 3–29–72;8:48 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3–30–72).

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1972, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

RONALD S. SULLIVAN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

MARCH 20, 1972.

[FR Doc.72–4867 Filed 3–29–72;8:48 am]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 262]

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

Limitation of Handling

§ 907.562 Navel Orange Regulation 262.

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

(2) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 31, 1972, through April 6, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons.

(ii) District 2: 187,000 cartons.

(iii) District 3: Unlimited.

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

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

Dated: March 29, 1972.

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

[FR Doc.72-5002 Filed 3-29-72;11:35 am]

[Valencia Orange Reg. 383]

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

Limitation of Handling

§ 908.683 Valencia Orange Regulation 383.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendations and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 31, 1972, through April 6, 1972, are hereby fixed as follows:

(i) District 1: 61 cartons;

(ii) District 2: 11,014 cartons;

(iii) District 3: 126,288 cartons.

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

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

Dated: March 29, 1972.

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

[FR Doc.72-5001 Filed 3-29-72;11:35 am]

[Valencia Orange Reg. 382]

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

Limitation of Handling

§ 908.682 Valencia Orange Regulation 382.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of

such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Valencia Orange Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions and other factors required by the order. The committee estimates that the 1971–72 season crop of Valencia oranges will be 43,000 carlots. It further estimates that the demand in regulated market channels will require about 47 percent of this volume, and the remaining 53 percent will be available for utilization in export, processing, and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Therefore, the smaller sizes of oranges should be eliminated from regulated market channels so as to assure consumers of desirable sizes of fruit and to improve returns to growers consistent with declared policy of the act.

(3) It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this section, with an effective date as herein specified, was published in the FEDERAL REGISTER (37 F.R. 5483) and no objection to this section or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Valencia Orange Administrative Committee on March 7, 1972, which was held to consider recommendations for regulation, after giving due notice of this meeting, at which interested persons were afforded an opportunity to submit their views; (3) shipments of Valencia oranges are currently being made and the regulation should be effective on the specified date to be of maximum benefit during the current season; and (4) compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period April 14, 1972, through January 15, 1973, no handler shall handle any Valencia oranges grown in District 1, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

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

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

Dated: March 27, 1972.

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

[FR Doc.72–4897 Filed 3–29–72;8:53 am]

[Valencia Orange Reg. 384]

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

Limitation of Handling

§ 908.684 Valencia Orange Regulation 384.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Valencia Orange Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions and other factors required by the order. The committee estimates that the 1971–72 season crop of Valencia oranges will be 43,000 carlots. It further estimates that the demand in regulated market channels will require about 47 percent of this volume, and the remaining 53 percent will be available for utilization in export, processing, and other outlets. The volume and size composition of the crop are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Therefore, the smaller sizes of oranges should be eliminated from regulated market channels so as to assure consumers of desirable sizes of fruit and to improve returns to growers consistent with declared policy of the act.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 21, 1972.

(b) *Order.* (1) During the period March 31, through April 27, 1972, no handler shall handle any Valencia oranges grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2," shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 27, 1972.

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

[FR Doc.72–4899 Filed 3–29–72;8:53 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Order Regulating Handling

This order regroups and recodifies the provisions of the marketing order, issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7

U.S.C. 601, et seq.), regulating the handling of milk in the Middle Atlantic marketing area.

The regrouping of provisions, in conjunction with the redesignation of section numbers (and codified subunits) of the Middle Atlantic Order 4 (Part 1004), will result in a more compact order and a more precise grouping of related order provisions. No substantive change is made in any order provision.

The need for rearrangement of the order provisions in large part results from the cumulative effect of past amendments. The order contains currently a number of unused subunits which disrupt the order's continuity. Redesignation of codified subunits will also accommodate future changes in the order.

The restructured Middle Atlantic Order No. 4, without substantive change, is set forth below:

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1004.1 General provisions.

DEFINITIONS

1004.2 Middle Atlantic marketing area.
1004.3 Route disposition.
1004.4 Plant.
1004.5 [Reserved]
1004.6 [Reserved]
1004.7 Pool plant.
1004.8 Nonpool plant.
1004.9 Handler.
1004.10 Producer-handler.
1004.11 Dairy farmer.
1004.12 Producer.
1004.13 Producer milk.
1004.14 Other source milk.
1004.15 Fluid milk product.
1004.16 [Reserved]
1004.17 Filled milk.
1004.18 Exempt milk.
1004.19 Certified milk.
1004.20 Cooperative association.

HANDLER REPORTS

1004.30 Reports of receipts and utilization.
1004.31 [Reserved]
1004.32 Other reports.

CLASSIFICATION OF MILK

1004.40 Classes of utilization.
1004.41 Shrinkage.
1004.42 Classification of transfers and diversions.
1004.43 General rules.
1004.44 Classification of producer milk.
1004.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1004.50 Class prices.
1004.51 Basic formula price.
1004.52 Location differentials to handlers.
1004.53 Announcement of class prices and producer butterfat differential.
1004.54 Equivalent prices or indexes.

UNIFORM PRICES

1004.60 Pool obligation of each pool handler.
1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.
1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

PAYMENTS FOR MILK

Sec.
1004.70 Producer-settlement fund.
1004.71 Payments to the producer-settlement fund.
1004.72 Payments from the producer-settlement fund.
1004.73 Payments to producers and to cooperative associations.
1004.74 Butterfat differential.
1004.75 Location differentials to producers and on nonpool milk.
1004.76 Payments by a handler operating a partially regulated distributing plant.
1004.77 Adjustment of accounts.
1004.78 [Reserved]
1004.79 Direct delivery differential.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1004.85 Assessment for order administration.
1004.86 Deduction for marketing services.

BASE-EXCESS PLAN

1004.90 Base milk.
1004.91 Excess milk.
1004.92 Computation of base for each producer.
1004.93 Base rules.
1004.94 Relinquishing a base.
1004.95 Announcement of base.

ADVERTISING AND PROMOTION PROGRAM

1004.110 Agency.
1004.111 Composition of the Agency.
1004.112 Term of office.
1004.113 Selection of Agency members.
1004.114 Agency operating procedure.
1004.115 Powers of the Agency.
1004.116 Duties of the Agency.
1004.117 Advertising, research, education, and promotion program.
1004.118 Limitation of expenditures by the Agency.
1004.119 Personal liability.
1004.120 Procedure for requesting refunds.
1004.121 Duties of the market administrator.
1004.122 Liquidation.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1004.2 Middle Atlantic marketing area.

"Middle Atlantic marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the following places, including piers, docks and wharves and territory within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) The District of Columbia.

(b) The State of Delaware.

(c) In the State of Maryland:

(1) The counties of:

Anne Arundel.	Howard.
Baltimore.	Kent.
Calvert.	Montgomery.
Caroline.	Prince Georges.
Carroll.	Queen Annes.
Cecil.	Somerset.
Charles.	St. Marys.
Dorchester.	Talbot.
Frederick.	Wicomico.
Harford.	Worcester.

(2) The city of Baltimore.

(3) Fort Ritchie.

(d) In the State of New Jersey:

(1) The counties of:

Atlantic.	Cumberland.
Burlington.	Gloucester.
Camden.	Mercer.
Cape May.	Salem.

(2) In Ocean County:

(i) The townships of:

Eagleswood.	Ocean.
Lacey.	Stafford.
Long Beach.	Union.
Little Egg Harbor.	

(ii) The boroughs of:

Barnegat Light.	Ship Bottom.
Beach Haven.	Tuckerton.
Harvey Cedars.	

(e) In the State of Pennsylvania:

(1) The counties of:

Delaware.	Philadelphia.

(2) In Montgomery County:

(i) The townships of:

Springfield.	Abington.
Cheltenham.	Lower Merion.
Lower Moreland (south of the Trenton cutoff of the Pennsylvania Railroad only).	Upper Moreland (south of the Trenton cutoff of the Pennsylvania Railroad only).

(ii) The boroughs of:

Bryn Athyn.	Rockledge.
Narberth.	Jenkintown.

(3) In Bucks County:

(i) The townships of:

Bensalem.	Lower Makefield.
Bristol.	Lower Southampton.
Falls.	Middletown.

(ii) The boroughs of:

Bristol.	Morrisville.
Hulmeville.	Penndel.
Langhorne.	Tullytown.
Langhorne Manor.	Yardley.

(f) In the State of Virginia:

(1) The counties of:

Arlington.	Loudon.
Fairfax.	Prince William.

(2) The cities of:

Alexandria.	Fairfax.
Falls Church.	

§ 1004.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery through a distribution depot, by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.4 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

§ 1004.5 [Reserved]

§ 1004.6 [Reserved]

§ 1004.7 Pool plant.

Except as provided in paragraph (f) of this section, "pool plant" means a plant (except a producer-handler plant or the plant of a handler pursuant to § 1004.9 (e)) specified in paragraphs (a) through (e) of this section.

(a) A plant from which during the month a volume not less than 50 percent of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as Class I milk (except filled milk) and a volume not less than 10 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

(1) Milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12, by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) and from a cooperative in its capacity as a handler pursuant to § 1004.9(c); or

(2) In the case of a plant with no receipts described in subparagraph (1) of this paragraph, receipts of fluid milk products (other than filled milk) from other plants.

(b) Any plant not meeting the conditions of paragraph (a) of this section from which during the month a quantity of fluid milk products (other than filled milk) not less than the applicable percentage (as specified in subparagraph (1) of this paragraph) of such plant's receipts of milk from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12 by either the plant operator or by a cooperative association) and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) is moved to a plant(s) meeting the percentage disposition requirements specified in paragraph (a) of this section with respect to its total receipts of fluid milk products (other than filled milk) from dairy farmers, cooperative associations as handlers pursuant to § 1004.9(c) and from other plants. However, a plant shall not qualify pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 50 percent for any month of September through February; and

(ii) 40 percent for any month of March through August.

(c) A reserve processing plant which was a pool plant under the Delaware Valley, Upper Chesapeake Bay or Washington, D.C., orders in each of the 12 months preceding the effective date of this order which does not meet the conditions for pool status pursuant to paragraph (a) or (b) of this section shall continue to hold such status in each consecutive succeeding month in which:

(1) It is owned and operated by a handler who also operates a plant qualified pursuant to paragraph (a) of this section;

(2) The handler files a written request with the market administrator on or before the effective date of this order requesting pool status for such plant under this paragraph;

(3) The plant does not qualify as a pool plant pursuant to the provisions of another Federal order;

(4) The plant, in combination with a distributing plant of such handler, meets the performance standards of paragraph (a) of this section;

(5) No plant of such handler is a means for qualification of any other plant for pooling pursuant to paragraph (b) of this section; and

(6) The handler notifies the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(d) A reserve processing plant operated by a cooperative association at least 70 percent of the members of which are producers whose milk is received throughout the month at plants qualified pursuant to paragraphs (a), (b), or (e) of this section (including the milk of such producers which is delivered to such plants by the cooperative in its capacity as a handler pursuant to § 1004.9 (c): *Provided,* That such cooperative shall notify the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Subject to the conditions of subparagraph (1) of this paragraph, a plant that was qualified pursuant to paragraph (b) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b):

(1) The automatic pooling status of any plant pursuant to this paragraph shall be canceled beginning on the first day of any month during the March through August period in which another supply plant is qualified for pooling through shipments to the same plants through which such automatic pooling status was acquired.

(f) A plant specified in subparagraph (1) or (2) of this paragraph shall, except as provided in §§ 1004.32(e) and 1004.71(c), be exempt from the provisions of this part:

(1) Any plant qualified pursuant to paragraph (a) of this section which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant as route disposition in the Middle Atlantic marketing area than is so disposed of in a marketing area regulated pursuant to such other order; or

(2) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to paragraphs (a) or (b) of this section.

§ 1004.8 Nonpool plant.

"Nonpool plant" means a plant other than a pool plant. The following categories of nonpool plants are further defined:

(a) "Other order plant" means a plant that is fully subject to the pricing and payment provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant § 1004.9(e), from which fluid milk products are shipped during the month to a plant qualified under § 1004.7.

§ 1004.9 Handler.

"Handler" means any person described in paragraphs (a) through (f) of this section. Any person in his capacity as the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to paragraph (b) or (c) of this section shall be a "pool handler".

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; or
(4) An other order plant.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.12 to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another person in a tank truck owned and operated by or under contract to such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests based on samples taken at the farm. Milk for which the cooperative association is qualified pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a plant with route disposition in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.10 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a plant with route disposition in the marketing area, and who meets the conditions of paragraphs (a), (b), and (c) of this section:

(a) The sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants;

(b) The quantity of fluid milk products received from pool plants during the month does not exceed 10,000 pounds; and

(c) Such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

(d) Sections 1004.40 through 1004.45, 1004.50 through 1004.54, 1004.60 through 1004.62, 1004.70 through 1004.79, 1004.85 and 1004.86, 1004.90 through 1004.95, and 1004.110 through 1004.122 shall not apply to a producer-handler.

§ 1004.11 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant. A dairy farmer shall be a "dairy farmer for other markets" with respect to milk reported pursuant to § 1004.7(c)(6) or the proviso of paragraph (d) of said § 1004.7.

§ 1004.12 Producer.

Subject to the conditions of paragraph (d) and the exceptions of paragraph (e) of this section, "producer" means any person described in paragraphs (a) through (c) of this section.

(a) A dairy farmer with respect to milk which is received at a pool plant directly from the farm including milk received at a pool plant pursuant to § 1004.7 (c) or (d) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) A dairy farmer with respect to milk received by a cooperative association in its capacity as a handler pursuant to § 1004.9(c).

(c) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant) in accordance with the conditions of subparagraphs (1) and (2) of this paragraph.

(1) During any month of March through August.

(2) Not more than 10 days production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to subdivision (i) or (ii), respectively, of this subparagraph and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this subparagraph diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 25 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 25 percent of the total of such nonmember milk delivered to such handler during the month.

(d) Milk which is diverted in accordance with the provisions of this section shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location of the plant from which it is diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.75 and the direct-delivery differential pursuant to § 1004.79, milk which is diverted in the manner described in subparagraph (1), (2), or (3) of this paragraph shall be treated as though received at the location of the plant to which diverted.

(1) Diverted from a pool plant at which no location adjustment credit is applicable to a plant at which a location adjustment credit is applicable.

(2) Diverted from a pool plant at which a location adjustment credit is applicable to a plant at which a greater location adjustment credit is applicable.

(3) Diverted from a pool plant in the direct-delivery zone to a plant outside such direct-delivery zone.

(e) This definition shall not include a:

(1) Producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Dairy farmer for other markets;

(3) Government agency which is a handler pursuant to § 1004.9(e);

(4) Dairy farmer with respect to milk reported as milk diverted to an other order plant if any portion of such dairy farmer's milk so moved is assigned to Class I under the provisions of such other order; or

(5) Dairy farmer with respect to milk physically received at a pool plant as diverted milk from an other order plant if all of the milk so received from such dairy farmer is assigned to Class II and the milk is treated as producer milk under the provisions of such other order.

§ 1004.13 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from producers (including milk received at a pool plant pursuant to § 1004.7 (c) or (d)) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e);

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.9(c); or

(c) Diverted to a nonpool plant in accordance with the provisions of § 1004.12.

§ 1004.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(b) Receipts (including any Class II product produced in the handler's plant during a prior month) in a form other than as a fluid milk product which are reprocessed, converted, or combined with another product during the month; and

(c) Receipts in a form other than a fluid milk product for which the handler fails to establish a disposition.

§ 1004.15 Fluid milk product.

"Fluid milk product" means milk, skim milk (including concentrated and reconstituted milk or skim milk), buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, and (except ice cream, ice cream mixes, ice milk mixes, milkshake mixes, eggnog, yogurt, condensed or evaporated milk, and any product which contains 6 percent or more nonmilk fat [or oil]) any mixture in fluid form of cream and milk or skim milk containing less than 10 percent butterfat: *Provided*, That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this

definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content.

§ 1004.16 [Reserved]

§ 1004.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1004.18 Exempt milk.

"Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.9(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

§ 1004.19 Certified milk.

"Certified milk" is milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

§ 1004.20 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Reciepts of producer milk (including such handler's own production);

(ii) Receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.9(c); and

(iii) Receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each producer-handler and each handler pursuant to § 1004.9(e) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) On or before the eighth day after the end of each month, each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 [Reserved]

§ 1004.32 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the changes took place, and the farm and plant location involved.

(c) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.76(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(d) On or before the 20th day after the end of the month, each handler pursuant to § 1004.9(f) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

(e) Each handler operating a plant described in § 1004.7(f) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of other reports specified in this section or in § 1004.30) and allow verification of such reports by the market administrator.

CLASSIFICATION OF MILK

§ 1004.40 Classes of utilization.

Subject to the conditions set forth in §§ 1004.41 through 1004.44, all skim milk and butterfat required to be reported by a handler pursuant to §§ 1004.30 and 1004.32 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat;

(1) Disposed of as a fluid milk product except as provided in paragraph (b) (2), (3), or (7) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.9(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.11 and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of 1 percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(2);

(7) Disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which fluid milk products were used only in the manufacture of food products other than milk products; and

(8) In skim milk represented by the nonfat milk solids added to a fluid milk product for fortification which is in excess of the volume included within the fluid milk product definition pursuant to § 1004.15.

§ 1004.41 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.40(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.40(b)(5).

§ 1004.42 Classification of transfers and diversions.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e) to a pool plant pursuant to § 1004.7 (c) or (d), or transferred from a pool plant or by a cooperative association as a handler pursuant to § 1004.9(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transaction is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.44(a)(5), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.44(a)(9) or (10), and the corresponding steps of § 1004.44(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred or diverted from a pool plant or delivered by a cooperative association in the capacity as a handler pursuant to § 1004.9(c) to a handler pursuant to § 1004.9(e);

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1004.9(e), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of vertification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided,* That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(e) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.40.

§ 1004.43 General rules.

(a) Each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.9 (b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds

of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.44 Classification of producer milk.

After making the computations pursuant to § 1004.43, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1004.9 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.40(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form and receipts of exempt milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(vi) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk the remainder of such receipts;

(4) Except for the first month this order is effective, with respect to plants which in the immediately preceding month were either unregulated plants or pool plants under Orders 3 or 16, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.11 and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.9(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and in receipts in bulk from other order plants; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in remaining receipts of fluid milk products in bulk from an other order plant which are in excess of similar movements to such plant, if such receipts were classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products not subtracted pursuant to subparagraph (4) of this paragraph) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and from other order plant(s) if not classified or priced pursuant to the order regulating such plant, that were not subtracted pursuant to subparagraph (6)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in remaining receipts of fluid milk products in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar movements to the same plant, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.45(b); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case, the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) according to the classification assigned pursuant to § 1004.42(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1004.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(b) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(c) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(d) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

CLASS PRICES

§ 1004.50 Class prices.

Subject to the provisions of § 1004.52 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	*Amount*
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

(1) Multiply by 4.2 the Chicago butter price specified in § 1004.51;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1004.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) at a pool plant located 55 miles or more by shortest highway distance from the city hall in Philadelphia, Pa., and also 75 miles or more by the shortest highway distance from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all such distance to be determined by the market administrator), and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate of 1.5 cents per 10-mile distance or fraction thereof that such plant location is from the nearest of such basing points.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.11. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided,* That for the purposes of this paragraph, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

§ 1004.53 Announcement of class prices and producer butterfat differential.

On or before the fifth day of each month the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(a) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(b) The Class II price for the preceding month; and

(c) The producer butterfat differential for the preceding month.

§ 1004.54 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

UNIFORM PRICES

§ 1004.60 Pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to § 1004.9 (b) and (c) with respect to milk which was not received at a pool

plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated pursuant to § 1004.44(a)(11) and the corresponding step of § 1004.44 (b) and the quantity of producer milk in each class, as computed pursuant to § 1004.44(c), by the applicable class prices (adjusted pursuant to § 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.44(a)(12) and the corresponding step of § 1004.44(b) by the applicable class prices adjusted by the applicable differentials pursuant to §§ 1004.52, 1004.74, and 1004.79;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(7) and the corresponding step of § 1004.44(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(4) and the corresponding step of § 1004.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.44(a)(5) and the corresponding step of § 1004.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1004.44 (a)(5) (v) and (vi) and the corresponding step of § 1004.44(b) the Class I price shall be adjusted to the location of the transferor plant but not less than the Class II price; and

(e) Add an amount equal to the value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.44(a)(9) and the corresponding step of § 1004.44(b) (excluding receipts from partially-regulated distributing plants for which disposition a specific allocation is made to Federal order receipts from this or any other order) adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

(a) For each month the market administrator shall compute the weighted average price per hundredweight of milk received from producers as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.71 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(3) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph by 5 cents;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(e);

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

(b) For each month after February 1971 the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to paragraph (a) of this section as follows:

(i) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents;

(ii) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

(iii) Add together the resulting amounts.

(2) Divide the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations of subparagraphs (1) through (4) of paragraph (a) of this section subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.61(a)(5)(ii) by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in subparagraph (2) of this paragraph by the hundredweight of excess milk, from the amount computed pursuant to subparagraph (3) of this paragraph;

(5) Divide the amount calculated pursuant to subparagraph (4) of this paragraph by the total hundredweight of base milk for handlers included in these computations: *Provided,* That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (6) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to subparagraph (1) of this paragraph, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (5) of this paragraph. The resulting figure shall be the uniform price for base milk.

§ 1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

On or before the 13th day of each month, the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the weighted average price and uniform prices for base milk and excess milk computed pursuant to § 1004.61 for the preceding month.

Payments for Milk

§ 1004.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.71, 1004.76, and 1004.77 and out of which he shall make all payments from such fund pursuant to §§ 1004.72 and 1004.77: *Provided,* That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.71 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.60 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.9(c) at the applicable uniform price(s) pursuant to § 1004.61 adjusted by location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.9 (c), the amount due from other handlers pursuant to § 1004.73(d), exclusive of differential butterfat values; and

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.60(e).

(c) Each handler operating a plant specified in § 1004.7(f)(1) if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

§ 1004.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.71(b) exceeds the amount computed pursuant to § 1004.71(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.73 Payments to producers and to cooperative associations.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the uniform price for base milk computed pursuant to § 1004.61(b)(3) through (6) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.61(b) (1) and (2) for excess milk received from such producers subject to the following adjustments: *Provided*, That from the effective date hereof through February 1971, such payment shall be at not less than the weighted average price with respect to milk received from producers, also subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.74; and

(iv) Less the location differential received pursuant to § 1004.75: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.72 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler; and

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.9(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.74 and 1004.75, less the amount of partial payment on such milk.

(e) In making payments to producers pursuant to paragraph (a)(2) of this section, or to a cooperative association pursuant to paragraph (b) of this section, each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to such producer is required under paragraph (a)(2) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payment due such producer; and

(6) The net amount of the payment to the producer.

§ 1004.74 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.73, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

§ 1004.75 Location differentials to producers and on nonpool milk.

(a) Subject to the exception pursuant to § 1004.12(d), for that milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at a pool plant located 55 miles or more from the city hall in Philadelphia, Pa., and also at least 75 miles from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all distances to be the shortest highway distance as determined by the market administrator), the uniform price for base milk computed pursuant to § 1004.61(b) shall be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant is from the nearest of such basing points.

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.72 the weighted average price shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.60(e).

§ 1004.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.32(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant, a cooperative association as a handler pursuant to § 1004.9 (b), or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.60(e) and a credit in the amount specified in § 1004.71 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.32(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants; cooperative associations in their capacity as handlers pursuant to § 1004.9(b), and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

§ 1004.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.78 [Reserved]

§ 1004.79 Direct-delivery differential.

For producer milk received at a plant located within 55 miles of the city hall in Philadelphia, Pa., the handler in making payments to producers and cooperative association handlers pursuant to § 1004.9(c), in addition to any amounts required by other provisions of this part, shall pay 6 cents per hundredweight of milk so received.

Administrative Assessment and Marketing Service Deduction

§ 1004.85 Assessment for order administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.9 (c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.44(a) (5) and (9) and the corresponding step of § 1004.44(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.9(b), and other order plants assigned to such disposition.

§ 1004.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.73(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.73(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

Base-Excess Plan

§ 1004.90 Base milk.

"Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.92 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for purposes of this paragraph.

§ 1004.91 Excess milk.

"Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during the month.

§ 1004.92 Computation of base for each producer.

After February 1971, for each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.93, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by

154 in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (d) of this section under which such producer's base is computed: *Provided,* That in no event shall the number of days used to compute a producer's base pursuant to this section be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) Except as provided in paragraph (c) of this section, for any producer whose milk was received at a plant which first became a pool plant after the beginning of the preceding August–December period, which plant was a pool plant for at least 120 days during such period, the quantity of milk receipts to be used in the computation of such producer's base shall be the total pounds of milk received from such dairy farmer at such plant during the entire August–December period.

(c) For any producer who on August 1 was an Order 2 (New York-New Jersey) producer and who held such status in all or part of the 2 months of August and September and who otherwise was a producer only under this part for all of the remaining August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer by pool handlers under both orders throughout the August–December period.

(d) For any producer whose milk was received during the preceding August through December period at a plant which became a pool plant pursuant to § 1004.7(a) during or after such August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period by pool handlers as producer milk and at such plant as a nonpool plant.

(e) Any producer who made no qualifying milk deliveries during the base-forming period of August through December, or who relinquishes his established base pursuant to § 1004.94, shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as set forth in the following table. A new base is earned on the basis of his milk deliveries during the subsequent August through December period.

Month	*Percentage of production as base*
January and February	60
March through June	50
July	60
August through November	70
December	60

§ 1004.93 Base rules.

After February 1971, the following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph (a) through (d) of § 1004.92 (except as provided in paragraph (e) of said section) shall be effective for the subsequent months of March through February, inclusive.

(b) A base computed pursuant to paragraphs (a) through (d) of § 1004.92 may be transferred only in its entirety to another dairy farmer and only upon discontinuance of milk production because of the entry into military service of the baseholder.

(c) Base transfers shall be accomplished only through written application to the market administrator on forms prescribed by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, except as provided in paragraph (e) of this section, the entire base only is transferrable and only upon receipt of such application signed by all joint holders.

(d) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.9 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only one base shall be allocated with respect to milk produced by one or more persons where a dairy farm is jointly owned or operated: *Provided,* That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right or to transfer in conformity with the provisions of paragraph (b) or (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the market administrator.

(f) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) of this section.

(g) Subject to approval by the market administrator, the name of the baseholder may be changed to that of another member of the baseholder's immediate family but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

§ 1004.94 Relinquishing a base.

After February 1971, a producer holding an established base can, upon notification to the market administrator, relinquish his established base and be paid pursuant to the provisions of § 1004.92(e) beginning with the first day of the month in which such notification is received by the market administrator and extending until March 1, next.

§ 1004.95 Announcement of base.

On or before February 25 of each year, the market administrator shall notify each producer, the handler receiving his milk and the cooperative association of which he is a member of the daily base established by such producer.

ADVERTISING AND PROMOTION PROGRAM

§ 1004.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.113(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacmeent the participating producer who received the next highest number of eligible votes.

§ 1004.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.110 and 1004.117.

§ 1004.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.110 and 1004.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties:

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.121 Duties of the market administrator.

Except as specified in § 1004.116, the market administrator, in addition to

other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or states pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to §1004.61(a)(3).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.120 (d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.70.

Signed at Washington, D.C., on March 24, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-4871 Filed 3-29-72;8:49 am]

[Milk Order 65]

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

It is hereby found and determined that for the months of April through November 1972, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1065.71, that part of paragraph (g) which reads "except for the months specified below, shall be," and the provisions contained in paragraphs (h) through (l) in their entirety.

Statement of consideration. This order suspends for April 1, 1972, through November 30, 1972, those provisions of Order No. 65 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions ("the takeout-payback" plan), money withheld during April, May, and June (8 percent of the value of producer milk in each such month) is paid out to producers for deliveries of milk in September, October, and November.

The takeout-payback provisions have been inoperative during the years 1970 and 1971 as a result of suspension orders issued March 26, 1970 (35 F.R. 5315) and March 1, 1971 (36 F.R. 4367), respectively. Without further action the provisions would become operative April 1, 1972.

A public hearing was convened in Omaha, Nebr., March 21, 1972, pursuant to public notice issued February 28, 1972 (37 F.R. 4352) to consider. proposed amendments to the order including a proposal to delete the takeout-payback plan.

At the hearing, Mid-America Dairymen, Inc., which represents a majority of producers on the market, requested that the takeout-payback provision be made inoperative in 1972, and that the order be amended to delete such provisions. The cooperative association also proposed that a Class I base plan be made a part of the order.

For a period of years a substantial proportion of the producers on the market have not favored the takeout-payback plan. Possible implementation of the Class I base plan currently proposed would conflict with operation of the takeout-payback plan. Under these circumstances the specified provisions should be suspended pending a decision on the basis of the record evidence. As indicated previously, unless suspension action is taken at this time, the provisions would be operative April 1, 1972.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of rendering interim action pending amendatory procedure; and

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective April 1, 1972, for the period through November 30, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period April 1, 1972, through November 30, 1972.

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

Effective date: April 1, 1972.

Signed at Washington, D.C., on March 24, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-4872 Filed 3-29-72;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 8]

PART 1474—FARM STORAGE FACILITIES

Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations, published in the FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTER of December 14, 1967 (32 F.R. 17888), June 1, 1968 (33 F.R. 8221), January 24, 1969 (34 F.R. 1132), May 30, 1969 (34 F.R. 8361), April 1, 1970 (35 F.R. 5397), February 13, 1971 (36 F.R. 2960) and July 1, 1971 (36 F.R. 12509), and corrected July 15, 1971 (36 F.R. 13131), is further amended as provided below:

Since farmers have previously applied for loans and such loans are now being processed for disbursement, it is essential that the regulations be made effective as soon as possible in order that farmers receive the benefit of the lower interest rate. It is hereby found and determined that compliance with the notice of proposed rule making procedure provided for in the Statement of Policy issued by the Secretary on July 20, 1971 (36 F.R. 13804), is impracticable and contrary to the public interest. Accordingly, these program regulations shall become effective upon publication in the FEDERAL REGISTER.

1. In § 1474.5 paragraph (b)(8) is revised to remove the requirement that equipment must be designed for use with

dry storage to be eligible and to include equipment of the type normally used to fill and unload wet or silo-type structures. The revised paragraph reads as follows:

§ 1474.5 Loans to purchase eligible storage or drying equipment.

* * * * *

(b) * * *

(8) Loans on storage and drying equipment may include the conditioning, handling, and operating equipment considered essential to the practical operation of the proposed storage or drying unit, and loans may be approved to add individual items of equipment to an existing storage or drying unit when the equipment is considered necessary to make the existing unit more practical and efficient: *Provided,* That eligible equipment also includes equipment of the type normally used to fill and unload wet or silo-type structures. *Provided further,* That no equipment shall be eligible for inclusion in a loan for baled hay storage.

* * * * *

2. Section 1474.7(b) is revised to: (1) Remove the requirement that real estate on which a first lien is required must be owned by the borrower, and (2) to permit a second lien in lieu of a first lien under certain conditions.

The revised paragraph (b) reads as follows:

§ 1474.7 Security for loan.

* * * * *

(b) *First lien on real estate.* In addition, a first lien, except as provided in subparagraph (1) of this paragraph, on real estate shall be required for any loan of $10,000 or more, and may be required for any other loan in the discretion of the approving State or county committee. Such first lien shall be in the form of a real estate mortgage, deed of trust, or other form of security instrument approved by CCC, and shall be on the borrower's farm or other real estate on which the farm storage or drying equipment is to be located or on such acreage thereof as will, in the judgment of the county committee, make the site easily accessible for use of other farmers, and, in the event of foreclosure will constitute a salable unit.

(1) Where the real estate is subject to a prior lien, the State committee may accept a second lien provided the borrower owns the land on which the farm storage or drying equipment is located, and the State committee determines that the borrower has sufficient equity in the land to adequately protect CCC's interest.

(2) Where the real estate is subject to any other lien and a second lien is not acceptable under the provisions of subparagraph (1) of this paragraph, the priority of CCC's lien must be obtained through a consent and subordination agreement which shall be filed or recorded with the lien on the real estate.

(3) All fees for filing or recording shall be paid by the borrower.

3. In § 1474.3, paragraph (c) is revised to raise the county committee approval level and to remove the requirement that the borrower must own the land on which a real estate mortgage is required. The revised paragraph reads as follows:

§ 1474.8 Amount of loan and loan application approvals.

* * * * *

(c) *Loan application approvals.* (1) The county committee may approve or disapprove loan applications for amounts less than $10,000 without concurrence of the State committee: *Provided,* That no application may be so approved by the county committee if the amount thereof would create for the applicant an aggregate outstanding balance of $15,000 or more.

(2) The State committee shall approve or disapprove all other loan applications.

(3) A loan application for $10,000 or more shall not be approved unless the applicant will provide the additional security in accordance with § 1474.7(b).

(4) A loan application shall not be approved where the approving authority determines that approval would not be in the best interest of the program.

* * * * *

4. Section 1474.10 is revised to lower the interest rate. The revised section reads as follows:

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest (at an annual percentage rate of approximately 5½ percent) on the unpaid balance from date of disbursement or date of last repayment at 46 cents for each whole unit of $100 or fraction thereof (stated to the nearest 10th) for each calendar month or fraction thereof, from and including the calendar month of disbursement, or month to which interest has been paid to, but excluding the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, or money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however,* That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month repayment period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms, or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage, or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release or obtain the release of such instrument. The chairman of each county committee or the county executive director is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

(Secs. 4 and 5(b), 62 Stat. 1070–1072, as amended; 15 U.S.C. 714b, 714c (b))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (3–30–72).

Signed at Washington, D.C., on March 23, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–4894 Filed 3–29–72;8:53 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

[28 CFR Part 42]

FEDERALLY ASSISTED PROGRAMS

Proposed Equal Employment Opportunity for Women

Notice is hereby given of a proposal to amend Subpart D—Equal Employment Opportunity in Federally assisted programs and activities in the manner set forth below.

Interested persons may, within 90 days after publication hereof in the FEDERAL REGISTER, file with the Administrator, Law Enforcement Assistant Administration, Department of Justice 20530, Attention: Office of Civil Rights Compliance, written comments, in quadruplicate, regarding this proposal. All written submissions filed pursuant to this notice will be available for public inspection.

The proposal is to amend Subpart D as follows: Sections 42.201(a), 42.203, 42.206(b), and 42.206(c) are amended by addition of the word "sex", after the phrase "race, color, creed," and § 42.203 is further amended by the addition of a new sentence. The amended sections will read as follows:

§ 42.201. Purpose and application.

(a) The purpose of this subpart is to enforce the provisions of the 14th Amendment to the Constitution by eliminating discrimination on the grounds of race, color, creed, sex, or national origin in the employment practices of State agencies or offices receiving financial assistance extended by this Department.

* * * * *

§ 42.203. Discrimination prohibited.

No agency or office to which this subpart applies under § 42.201 shall discriminate in its employment practices against employees or applicants for employment because of race, color, creed, sex, or national origin. Nothing contained in this subpart shall be construed as requiring any such agency or office to adopt a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance. Notwithstanding any other provision of this subpart, it shall not be a discriminatory employment practice to hire or assign an individual on the basis of creed, sex, or national origin; but the office or agency claiming an exception for an individual based on creed, sex, or national origin must be able to demonstrate that the creed, sex, or national origin of the individual is essential to the performance of the job.

§ 42.206. Conduct of investigations, procedures for effecting compliance, hearings, decisions and judicial review; forms, instruction and effect on other regulations.

* * * * *

(b) If it is determined, after opportunity for a hearing on the record, that a recipient has engaged or is engaging in employment practices which unlawfully discriminate on the grounds of race, color, creed, sex, or national origin, the recipient will be required to cease such discriminatory practices and to take such action as may be approriate to eliminate present discrimination, to correct the effects of past discrimination, and to prevent such discrimination in the future.

(c) Nothing in this subpart shall be deemed to supersede any provisions of Subpart A, B, and C of Part 42, Title 28, Code of Federal Regulations, or of any other regulation and instruction which prohibits discrimination on the ground of race, color, creed, sex, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

Dated: March 27, 1972.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

Concur:

RICHARD W. VELDE,
Associate Administrator.

CLARENCE M. COSTER,
Associate Administrator.

[FR Doc.72-4818 Filed 3-29-72;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

Notice is hereby given that the Department is considering a proposed size regulation for Valencia oranges grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed regulation was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed regulation would limit the handling of Valencia oranges grown in District 2 to Valencia oranges measuring 2.32 inches or larger.

The proposed regulation is as follows:

(a) *Order.* From April 28, 1972, through January 15, 1973, no handler shall handle any Valencia oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section "handle", "handler", and "District 2", each shall have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: March 27, 1972.

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

[FR Doc.72-4898 Filed 3-29-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NUTRITION LABELING

Proposed Criteria for Food Label Information Panel

The increasing number of processed and formulated foods makes it difficult for consumers to identify the nutritional qualities of the products they purchase. The White House Conference of Food, Nutrition, and Health recommended that the Food and Drug Administration consider the development of a system for identifying the nutritional qualities of food: "Every manufacturer should be encouraged to provide truthful nutritional information to consumers about his products to enable them to follow recommended dietary regimens." Many consumer groups have also requested

that uniform nutrition labeling be placed on all foods.

The Food and Drug Administration has accepted the recommendation to develop nutrition labeling for packaged food. Initial activities have been directed toward the development of formats of nutrition labeling which could be evaluated by appropriate consumer testing.

Prior to the White House Conference little had been done on evaluating nutrition labeling as a means of consumer education and information on nutrition and good diet. Improved labeling of foods for special dietary use had been generally recommended by dietitians, and the medical profession had called for fat labeling as an aid to persons on modified fat diets. However, no consumer data were available on the format or detail of nutrition labels or on food classes to be covered.

In 1970, Dr. David Call of Cornell University produced a study report based on questionnaires sent to all members of the American Institute of Nutrition. His report indicated that these professional nutritionists had no specific preference for systems of listing nutrients, but a majority felt that vitamins and minerals should be based on a standard such as the Recommended Daily Allowances (RDA) of the National Academy of Sciences-National Research Council (NAS–NRC). Dr. Call concluded generally that the majority (over 80 percent) of the professional nutritionists think that there should be more nutrition information on food labels, but the group was divided as to what information and what format should be used.

In October 1970, the "Chain Store Age" (a trade magazine) published the results of a study in which consumers were exposed to products with full disclosure of nutrition content. Control groups were exposed to products without nutrition information. In this study the nutrition information was presented in percentages for both major and minor nutrients and calories were also listed. This study indicated that "the type of full disclosure labeling investigated does have an effect of moving customers in the direction of greater purchasing of the full disclosure brands." It was pointed out that the shifts were small. However, in some cases and in certain age groups, the purchase of labeled brands increased by over 10 percent, and brands without nutrition labeling decreased in sales. Younger customers and those with annual incomes under $10,000 were more responsive to the labeling.

Based on the limited information provided by these studies, the Food and Drug Administration developed a working draft outlining various approaches to nutrition labeling. In June 1970, the preliminary drafts were evaluated for scientific correctness by members of the Food and Nutrition Board of the NAS–NRC, representatives selected from the American Dietetic Association, and professional nutritionists selected from the American Institute of Nutrition. The comments from these individuals were carefully evaluated, and a new working draft suggesting six alternate approaches to nutrition labeling was prepared. In August 1970, these alternative labeling systems were sent to a number of professional nutrition groups, consumer groups, food industry associations, home economists, and dietitians. In October 1970 comments on the various labeling systems had been received from all of the individuals and groups contacted by the agency. A trade association requested that the Consumer Research Institute, a private nonprofit research group, assist by carrying out consumer testing of labeling systems which the agency determined were suitable for further study. The agency accepted this support, as it provided a means for immediately beginning to evaluate nutrition labeling.

On the basis of the comments received and of the information available from the few earlier studies, the agency prepared a final working paper including the three basic labeling alternatives which had received the strongest support from the various groups and which appeared to be technically feasible. These three labeling systems had several common features. All nutrition information was presented in terms of a portion, expressed as a household measure, or in units easily identified as a usual serving. All nutrition statements were based on the Recommended Dietary Allowances (RDA) established by the Food and Nutrition Board, National Academy of Sciences-National Research Council. Information on the amount of caloric, fat, protein, and carbohydrate content was presented in all systems. Protein content was also expressed in terms of the percentage contributed toward the RDA protein allowances, and, for the purpose of labeling, the adult protein level of 65 grams was selected as the standard. For practical purposes, a single set of values for the vitamins and minerals to be stated on the labels was compiled from the extensive list of values established by the Food and Nutrition Board, and the following seven nutrients were selected to appear on nutrition labeling: Vitamin A, vitamin C, thiamin (vitamin B_1), riboflavin (vitamin B_2), niacin, calcium, and iron. As a means of telling the consumer the nutritional value of the product, the vitamin and mineral content was presented as a percentage of the RDA.

The three labeling alternatives differed in the format used for presenting the percentage of RDA for the seven nutrients. The three formats proposed for testing were: A numerical statement of the percent of the RDA, the percent of the RDA expressed as adjectives, and the percent of the RDA expressed as units with 10 units equal to 100 percent of the RDA. The units in the third format could be represented numerically or pictorially.

The testing was designed to answer the basic questions of how to present the information on (1) vitamins, minerals, and protein in relation to nutrient allowances, and (2) whether to provide a complete labeling format on every labeled product or only information on the nutrients present in the product. The testing also sought an indication of consumer support for nutrition labeling and understanding and use of nutrition labeling. The specific questions addressed were as follows:

1. Is there strong consumer support for nutrition labeling when examples of labels are actually available for review?
2. What type of labeling format is most acceptable to consumers and results in changing consumer performance?
3. What aspects of nutrition labeling (calories, protein, fat and carbohydrates, and vitamins and minerals) raises maximum consumer response? Is the combination most effective?
4. Do consumers react better to complete listing of nutrients or to listings which include only those nutrients present in significant amounts?

Consumer Research Institute (CRI) carried out its test in two phases. They developed a protocol for studying the three labeling alternatives in terms of consumer understanding and use. The final protocol was completed in May 1971, and field studies with an independent research group were started in June 1971 and completed in September 1971. CRI also developed a large consumer questionnaire study which was initiated in January 1972 and completed in February 1972. The questionnaires were sent to three population groups: 2,000 consumers selected to represent the American population (U.S. probability sample), 2,000 consumers identified as low income, and 600 consumers identified as "under educated" (having no high school education).

During the development of the alternatives, a number of food chains expressed interest in studying consumer reaction to nutrition labeling. Following a series of preliminary discussions, five chains agreed to carry out in-store tests involving one of the labeling alternatives developed by FDA. These in-store tests included not only evaluation of the consumer response to individual labeling but also consumer acceptance of nutrition labeling.

The evaluation of the food chain tests has been divided into two parts: (1) The store evaluation composed of consumer responses, and (2) a formal consumer evaluation being conducted in each area by Drs. Daniel Padberg and David Call of Cornell University, Ithaca, N.Y., under contract to the Food and Drug Administration. This evaluation has attempted to identify the consumers' response and understanding of nutrition labeling, to evaluate the consumer interest in nutrition factors, and to obtain some measure of nonuse benefits expressed by consumers. A second phase of the contract with Cornell University was designed to provide more detailed information on the specific formats for nutrition labeling and on consumer understanding of how nutrition labeling relates to developing a good diet.

At the present time most, but not all, of the evaluation studies are complete. Preliminary results have been sent to the Food and Drug Administration. The results of the tests completed and evaluated provide strong support for the concept of nutrition labeling.

The first phase of the CRI activities was designed to answer questions on how nutrition labeling affected purchasing patterns and which labeling format had the greatest effect. In addition, a questionnaire was developed to evaluate changes in consumers' attitude toward nutrition, and their understanding of nutrition before and after the labeling study. The study was conducted in 950 educated middle-class households in Connecticut and Georgia who, as part of the panel, did grocery shopping at home using a catalog of food items. The preliminary results were presented at a public meeting on December 7, 1971. The conclusions stated by CRI were as follows:

1. Nutrient information was used by the consumers observed in this study. This is demonstrated by the fact that their purchase patterns changed after the introduction of nutrient labeling.

2. In situations where a product or brand has a real nutritional advantage over its competitors, there was a major change in that product's share of the market.

3. The consumers' attitudes toward nutrition were found to be rather high before the introduction of nutrition labeling. The changes in attitude were positive but small, since the consumers in the test panel already had very positive attitudes about nutrition.

4. There was a considerable increase in the consumers' knowledge of nutrition, especially in their awareness of vitamins and minerals.

5. All three formats for communicating the amount of RDA (numerical percent, adjective representation, and numerically or pictorially represented units) are understood and used equally well. It would not appear that any of the three has a major advantage over the others among the educated and affluent in our society.

6. No differences in consumer reaction were found between listing all nutrients and listing only those nutrients present.

7. The fact that listing of protein, fat, and carbohydrates in percent composition is useful to the consumer was indicated by changes in purchase behavior.

The second phase of the CRI studies was completed in early February 1972, and a preliminary report was provided to FDA on February 25, 1972. This phase of the study sought to determine (1) whether the quantity of nutrients should be communicated by numerical percent, adjectives, or numerical or pictorial representation of units and (2) whether all key nutrients or only those present in the food should be listed. (The phrase "all key nutrients" refers to the five vitamins and two minerals included as the basic information in all labeling formats.) Questionnaires sent through the mail were used to determine the answers to both of these questions. In addition face-to-face interviews were conducted in studying the first question.

With reference to the first question, the questionnaires were evaluated to determine which nutrient labeling format was most intelligible to the consumer. Attention focused on the consumers' ability to detect differences between two products as well as to select the more nutritious of these products. Over 80 percent of those in the national sample were able to perceive differences between products with each of the three formats, and almost 80 percent could select the more nutritious product with each of the formats. In the lower income groups, approximately 77 percent perceived differences with the numerical percent and numerically or pictorially represented units, but only 70 percent perceived differences with the adjectives. In selecting the more nutritious product, the lower income group did best with the numerical percent and numerical or pictorial units (about 70 percent correct). Only 66 percent of the lower income group was able to select correctly on the basis of adjectives.

In a face-to-face survey of 600 low income consumers with no high school education, approximately 90 percent of all those surveyed were able to perceive differences and to make the correct choice of a more nutritious product using any of the formats. The higher percent of positive responses is associated with the abilities of the interviewer to motivate the person being questioned. As the low income, less educated groups were considered most likely to be confused by nutrition labeling, they were asked to indicate which labeling format they felt they would be able to use best. Approximately 50 percent of the sample indicated that the numerical percent was best, about 33 percent preferred adjectives, and about 16 percent selected pictorial units. (Numerical representation of units was not used in the face-to-face interviews.) Expression in numerical percent was preferred by the majority, because it was considered more exact and easier to use. Adjectives were considered vague and confusing, and pictorial units were considered too silly or childish. Thirty people conducted the interviews. Of these, 24 felt the numerical percent was the easiest for consumers to use.

The questionnaires were also evaluated to determine whether all nutrients or only those present should be listed. The percent of persons making the correct choice and perceiving differences between products was slightly better when the label contained only the nutrients present instead of when all seven nutrients in the labeling format were listed with zero content indicated for those nutrients not in the product. Among the low income group, 77 percent perceived differences when only nutrients present were listed, and about 73 percent perceived differences when all nutrients were listed. In the national sample, a similar difference was observed, with almost 86 percent perceiving a difference with only nutrients present listed and about 82 percent when all nutrients were listed. No attempt was made to evaluate the educational benefit which might be associated with the more complete disclosure.

In considering whether information on the fat, protein, and carbohydrate content should be listed, consumer purchase patterns from the first phase of the CRI study were evaluated to see if presenting this information would improve consumer understanding. In two product classes where fat and caloric differences between products were significant (imitation cheese spread (6 percent fat) versus cheese spread (20–25 percent fat) and salad dressing (65 calories per portion) versus mayonnaise (180 calories per portion)), consumers began purchasing more of the products with lower fat and caloric content.

Two of the five food chains conducting nutrition labeling tests have submitted preliminary reports. In both cases the results were primarily based on consumer interest and response via mail and telephone, although one chain also completed a general questionnaire among consumers in their stores. In one of these two tests the majority of consumers who responded in the first 2 months of the labeling test (approximately 800 letters) asked that nutrition labeling be continued. Of 3,000 consumers questioned in that test, 62.4 percent were aware of the test and over 75 percent were interested in having nutrition labeling. The second food chain's report shows that the consumer letter response during the early stages of the test was more limited than the response to the first chain's test. This may be because the second test involved much less total promotion, concentrated on in-store activities, and involved fewer labeled products. Out of several hundred letters from consumers, only three opposed nutrition labeling. Those objected because of anticipated price increases resulting from the labeling. Most consumers expressed strong support for the nutrition labeling. The other three chains did not start their studies until after December 1971 and no reports are available. Each of these chains plans some evaluation.

The preliminary report from the Cornell University evaluation covered only the two completed chain tests. The questionnaires were carried out in the stores. Demographic information was obtained so that the relationship of education, income, and racial group to perception and understanding of the purpose of nutrition labeling could be determined. Preliminary results indicate that perception of the labels was correlated to education and income. In the test by the first food chain, 35.7 percent of those interviewed were aware of the labels after 2 weeks. In the second chain test, which involved few labeled products and less promotion, only 20 percent of the persons questioned had seen the label. Almost 90 percent of those questioned in the first test understood the purpose of nutrition labeling. A preliminary test was given to a random sample of customers before the labeling study started. Seventy percent of the persons tested gave correct answers when asked specific questions concerning which of several

products provided the most of specific nutrients. Twenty weeks later, 80 percent of the persons asked were able to give correct answers to the identical questions. The 10-percent increase in correct answers is significant.

Of particular interest was the consumers' concern with nonuse benefits associated with nutrition labels. Consumers were asked if they felt the following benefits would result from nutrition labeling.

1. Nutrition information for food products will increase consumer confidence in the food industry.

2. If manufacturers have to show nutrition information, they will try harder to make their products nutritious.

3. Nutrition labels encourage advertising that will promote consumer education.

4. More information indicates a greater concern for consumer welfare.

5. Consumers have the right to know the nutrition value of food products on the market.

The results averaged from the two tests studied thus far indicate that 87.9 percent of all persons interviewed agreed that these nonuse benefits would occur with the use of nutrition labeling. In addition, 97.6 percent of all those interviewed agreed that it was the consumers' right to have nutrition information on food products on the market.

The information produced from the tests of nutrition labeling, comments from consumers and nutritionists, and the limited data available before the current programs were initiated strongly supports the consumers' interest in nutrition labeling. The information provided in the various labeling formats was used by consumers. The questionnaire studies indicated that consumers, including those with low incomes and with less than a high school education, were able to understand and use nutrition labeling. The studies also indicated that the numerical percent format is more acceptable to the low-income segment of the population, even though all three formats used in the studies were understood and used by consumers.

In relation to the use of complete listing of the seven nutrients on each label, the slight reduction in the number of persons able to understand and use the labeling has been considered in relation to the education benefits associated with the more complete labeling. It has been suggested that, when a complete listing of nutrients is required, products that do not contain any of the vitamins or minerals or protein are made to appear very inferior. It does not appear reasonable to require the complete listing on products such as vegetable oils and fruits like apples and pears. These products would not have nutrients added under usual circumstances and thus can not have their nutrient levels improved like most formulated products. However, it is possible that some consumers may falsely believe that products with no information on vitamins and minerals are good sources. In order to prevent such misunderstanding, manufacturers would be offered the option of listing the vitamins and minerals which shall be required as part of nutrition information or of stating that the food contains no significant quantities of the vitamins and minerals. After evaluating the information available at the present time, the Commissioner proposes to establish regulations governing nutrition labeling for packaged food products. While all of the issues associated with nutrition labeling have not been definitively resolved, the completed studies have provided the answers to the basic questions. The strong consumer interest in nutrition labeling and the evidence that consumers are able to understand and use nutrition labeling indicate that such a proposal is timely.

While the information obtained thus far in the tests suggests that consumers can utilize the individual nutrient labeling systems, there is no evidence supporting the view that each food company should develop its own nutrition labeling procedure. It is important that a single nutrition labeling guide be established and followed by the food industry. A proliferation of different approaches would lead to consumer confusion and reduce the potential educational benefits of nutrition labeling. As indicated in the notice on nutrition labeling in the FEDERAL REGISTER of November 19, 1971 (36 F.R. 22078), if different types of nutrition labeling resulting in consumer confusion are used, FDA will be obligated to take regulatory action or to seek new statutory authority to control nutrition labeling.

The Commissioner has concluded, on the basis of the information available at the present time, that nutrition labeling should be based on the following general criteria:

1. Vitamins and minerals should be expressed as a proportion of the Recommended Daily Allowances (RDA) modified to provide a single RDA level for all ages and sexes.

2. The labeling should indicate the caloric content and the amounts of protein, carbohydrate, and fat in the product.

3. The nutrition content should be related to a portion or serving of the food expressed in common household terms or in easily identified units.

4. A complete listing of the seven important vitamins and minerals should appear on all products unless the product contains essentially none of those vitamins or minerals.

5. A listing of protein content should appear on all products unless the product contains no protein.

Listing protein in terms of both the amount present in the product and a percent of the RDA offers consumers maximum information. Concern has been expressed that protein quality should be incorporated into this statement. Such a protein quality factor could be established by requiring that any protein with a quality less than that of casein must reduce the claimed contribution by the factor obtained by dividing 100 into the protein quality of the protein expressed as a percent of the quality of casein as determined in standard protein evaluation tests and then multiplying the actual protein content by this factor. This calculation would give the amount of protein to be used in determining the percent RDA for the protein. A lower limit could also be set for any statement relating to protein quality; for example, no protein with a quality less than 50 percent of casein could be stated on the label in terms of the percent RDA. This approach offers maximum information but is complicated both for the manufacturer and for the consumer. Comment is particularly requested on this question.

The Commissioner also requests that comments be provided by interested groups and individuals on whether it would be most useful to consumers for protein, carbohydrate, and fat content to be stated by percent, by weight, or by grams per portion.

The Commissioner is aware that there is variation in the natural nutrient content of food products. In developing a nutrition labeling system, it is therefore important that the manufacturer be permitted a sufficient tolerance so that he may provide useful nutrition information on the label without incurring excess costs for quality control which will result in a significant increase in prices to the consumer. However, consumers will expect that the nutrition labels will honestly represent the product. By using a percentage of the RDA expressed in increments of 5 to 10 percent, some of the variation in products can be accommodated. In addition, for the purposes of nutrition labeling, the statement will be considered in compliance if at least 80 percent of the product in the package meets or exceeds the claimed nutrient levels, and if no sample of the product will have a nutrient content less than 80 percent of the nutrient claim.

Finally, manufacturers frequently ask where to print nutrition labeling and other related information which is not required on the principal display panel. It is important that such information appear in a uniform location so that consumers will have it readily available. Uniformity in displaying such information will make it more easily found and read by consumers under normal conditions of purchase and use. For a number of years canners have utilized an information panel for serving sizes and other pertinent information concerning the contents of a can. Breakfast cereal manufacturers have primarily utilized one panel for nutrition information. An information panel, as well as the principal display panel, is a suitable location for nutrition information. The Commissioner therefore proposes to define the information panel as that part of the label immediately to the right of the principal display panel. If the package has alternate display panels the information panel may appear to the right of either. If the top of the container is the principal display panel, and there is no

alternate principal display panel, the information panel is any part of the label adjacent to the top.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040–42 as amended, 1047–48 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1 by adding the following two new sections:

§ 1.8d Food labeling; information panel.

(a) The term "information panel" as it applies to packaged food means that part of the label immediately to the right of the principal display panel. If the package has an alternate principal display panel, the information panel is immediately to the right of either principal display panel. If the top of the container is a principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(b) All information required to appear on the label of any package of food pursuant to §§ 1.8a, 1.8c, 1.10, or Part 125 of this chapter shall appear either on the principal display panel or on the information panel unless otherwise specified by regulations in this chapter.

(c) All nutrition information appearing on the label of any package of food shall comply with § 1.16 and shall appear either on the principal display or on the information panel unless otherwise specified by regulations in this chapter.

(d) All information required on the principal display panel or the information panel pursuant to this section must appear on the label with the prominence and conspicuousness required by section 403(f) of the Federal Food, Drug, and Cosmetic Act and § 1.9, but in no case may the letters be less than 1/16 inch in height. The requirements for conspicuousness and legibility shall include the specifications of § 1.8b(h) (1) and (2).

(e) All information required on the principal display panel or on the information panel pursuant to this section shall appear on the same panel unless there is insufficient space. If there is insufficient space for all of this information to appear on a single panel it may be divided between these two panels, except that the information required pursuant to any given section or part must all appear on the same panel.

§ 1.16 Food; nutrition labeling.

(a) Nutrition information relating to a packaged food must be included on the label of the product provided that it conforms to the requirements of this section.

(b) All nutrient quantities including vitamins, minerals, calories, protein, fats, and carbohydrates shall be declared in relation to the average or usual serving expressed in common household measurements or in terms of a unit which is easily identified as an average or usual serving. The weight of the serving may also be expressed in grams. The declaration shall contain the following items:

(1) The heading shall be "Nutrition Information."

(2) A statement of the serving size shall be given.

(3) A statement of the caloric content per serving shall be expressed to the nearest 5-calorie increment.

(4) A statement of the number of grams of protein, fat, and available carbohydrates per serving shall be expressed to the nearest gram.

(5) A statement of the amounts per serving of the vitamins and minerals listed in paragraph (c) of this section shall be expressed in percentages of the Recommended Dietary Allowances (RDA) as stated in paragraph (d) of this section. The percentages are expressed in 10-percent increments, except that 5-percent increments may be used up to the 20-percent level. Nutrients present in an amount comprising less than 5 percent of the RDA shall be considered insignificant and will be so listed under the RDA percentage. However, if a product does not contain at least 5 percent of the RDA for any of the vitamins or minerals listed in paragraph (c) of this section, the statement, "Contains no significant quantities of vitamins and minerals," may be used in place of the complete listing of the vitamins and minerals required in paragraph (c) of this section. The listing shall follow the order given in paragraph (c) of this section.

(6) A statement of the amount of protein present per serving shall be expressed as a percentage of the 65-gram RDA. The percentages are expressed in 10-percent increments, except that 5-percent increments may be used up to the 20-percent level. Protein present in an amount less than 5 percent of the RDA shall be considered insignificant. In such cases, the amount of protein will be represented either as 0 percent of the RDA or by the words "none" or "insignificant," whichever is appropriate. However, if a product contains no protein, the protein expressed as a percent of the RDA need not be listed.

(c) In the case of vitamins and minerals, the label declaration must contain information on vitamin A, vitamin C, thiamin, riboflavin, niacin, calcium, and iron and may contain information on any of the other vitamins and minerals listed in paragraph (d) of this section.

(d) For the purposes of nutrition labeling, the following daily amounts of vitamins and minerals are the standard Recommended Daily Allowances (RDA):

Vitamin A, 5,000 International Units.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Ascorbic Acid (Vitamin C), 60 milligrams.
Thiamin (Vitamin B_1), 1.5 milligrams.
Riboflavin (Vitamin B_2), 1.7 milligrams.
Niacin, 20 milligrams.
Vitamin B_6, 2 milligrams.
Folacin (Folic acid), 0.4 milligram.
Vitamin B_{12}, 6 micrograms.
Biotin, 0.3 milligram.
Pantothenic Acid, 10 milligrams.
Calcium, 1,000 milligrams.
Phosphorus, 1,000 milligrams.
Iron, 18 milligrams.
Iodine, 0.15 milligram.
Zinc, 15 milligrams.
Magnesium, 400 milligrams.
Copper, 2 milligrams.

These nutrient levels have been adopted by the Food and Drug Administration from information in a report of the Food and Nutrition Board, National Academy of Sciences-National Research Council, "Recommended Dietary Allowances," Seventh Edition, 1968.

(e) A statement may be included offering additional information upon written request to a specified address. Any such additional labeling shall comply with all the requirements of Part 1 and, if applicable, Part 125 of this chapter.

(f) The location of the nutrition information on the label shall be in compliance with § 1.8d.

Interested persons may, within 90 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 27, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-4948 Filed 3-29-72;8:53 am]

[21 CFR Part 128]

NATURAL OR UNAVOIDABLE DEFECTS IN FOOD FOR HUMAN USE THAT PRESENT NO HEALTH HAZARD

Public Availability of Information

Consumers, industry, the news media, and others have requested that the Food and Drug Administration make public the levels of natural or unavoidable defects in food for human use which are used in considering recommendations for regulatory actions.

The necessity for establishing some defect levels was recognized soon after passage of the 1906 Federal Food and Drugs Act. One of the earliest defect levels was a limitation on mold in tomato pulp and was established in 1911. In the years following, defect levels were established for an increasing number of foods. In the 1920's, limits for insect infestation were set for various fruits and vegetables. After passage of the 1938 Federal Food, Drug, and Cosmetic Act, new and more sensitive analytical methodology for the detection of insect fragments was developed. Even though defect levels have been established for an increasing number of foods, the limits of natural and unavoidable defect levels over the years have been and will continue to be reduced.

This notice does not cover defect levels in food for poisonous or deleterious substances which cannot be avoided by good manufacturing practices. Section 406 of

the act authorizes the Food and Drug Administration to establish tolerances for such ingredients in food where they are justified. In the past, rather than issue such tolerances, the Food and Drug Administration has handled these matters informally as actior. guidelines. In the future, specific tolerances will be established under the procedures contained in section 406 of the act.

None of the product defect levels being made public are being established for the first time. All have existed for some time, and, as noted, some predate enactment of the 1938 statute. Objective findings of such levels without evidence of the history of the production of the food render the product adulterated, even though no health hazard is presented. Thus, appropriate regulatory action is taken whenever the stated defect levels are exceeded. Whether the level of defect in the food was acquired during the growth, processing, storage, or shipment is immaterial. When evidence of insanitary conditions of production or storage is known, action may be taken against products with lower defect levels.

The fact that a defect level has been established for a specific food does not mean that a manufacturer need only meet that level. Poor manufacturing practices also render a product adulterated and subject to appropriate regulatory action.

Few foods contain no natural or unavoidable defects. Even with modern technology, all defects in foods cannot be eliminated. Foreign material cannot be wholly processed out of foods, and many contaminants introduced into foods through the environment can be reduced only by reducing their occurrence in the environment. The food industry must, nevertheless, continually strive to minimize the presence of natural and unavoidable defects in foods, and defect levels have been and will continue to be reduced as improvements are made.

The defect levels set by the Commissioner of Food and Drugs represent a level below which the defect is both unavoidable under current technology and presents no health hazard. The Commissioner has concluded that the public is entitled to this information.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 321 et seq., 52 Stat. 1040 et seq. as amended; 21 U.S.C. 321 et seq.) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 128 by adding the following new section:

§ 128.10 Natural or unavoidable defects in food for human use that present no health hazard.

(a) Some foods, even when produced under current good manufacturing and/or processing practices, contain natural or unavoidable defects at low levels that are not hazardous to health. The Food and Drug Administration establishes maximum levels for such defects in foods produced under good manufacturing and/or processing practices and uses these levels for recommending regulatory actions.

(b) Defect levels are established for products whenever it is necessary and feasible. Such levels are subject to change upon the development of new technology or the availability of new information.

(c) Compliance with defect levels does not excuse failure to observe either the requirement in section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act that food may not be prepared, packed, or held under insanitary conditions or the other requirements in this part that food manufacturers must observe current good manufacturing practices. Evidence obtained through factory inspection indicating such a violation renders the food unlawful, even though the amounts of natural or unavoidable defects are lower than the currently established levels. The manufacturer of food must at all times utilize quality control procedures which will reduce natural or unavoidable defects to the lowest level currently feasible.

(d) A food with permitted amounts of a current defect level may not be mixed with another lot of the same product with an impermissible amount of a current defect level. Such mixing renders the final food unlawful.

(e) Current levels for natural or unavoidable defects in foods may be obtained upon request at the Office of the Assistant Commissioner for Public Affairs, Food and Drug Administration, Room 15B-42, 5600 Fishers Lane, Rockville, Md. 20852.

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

Dated: March 23, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-4820 Filed 3-29-72;8:49 am]

[21 CFR Part 147]

CARBENICILLIN DISC ASSAY

Proposed Antibiotic Sensitivity Discs

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 147 be amended to provide for the addition of a new medium and a new broth to be used in the carbenicillin disc assay.

It is proposed that Part 147 be amended in § 147.1 by adding two new subparagraphs to paragraph (a) and by revising paragraph (b)(12) to read as follows:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

(a) * * *

(10) Medium J:

Pancreatic digest of casein	gm.	15.0
Papaic digest of soybean	gm.	5.0
Sodium chloride	gm.	5.0
Agar	gm.	15.0
Distilled water, q.s.	ml.	1,000.0

pH 7.3 after sterilization.

(11) Medium K:

Pancreatic digest of casein	gm.	17.0
Papaic digest of soybean	gm.	3.0
Sodium chloride	gm.	5.0
Dipotassium phosphate	gm.	2.5
Dextrose	gm.	2.5
Distilled water, q.s.	ml.	1,000.0

pH 7.3 after sterilization.

(b) * * *

(12) Suspension 12. *Pseudomonas aeruginosa* (ATCC 25619) is maintained and grown on medium J and transferred to a fresh agar slant once a week. Inoculate a fresh slant of medium J with the test organism and incubate at 37° C. for 24 hours. Transfer the culture from this slant with sterile glass beads onto the agar surface of a Roux bottle containing 300 milliliters of medium J. Spread the organisms over the entire agar surface with the aid of the glass beads. Incubate 24 hours at 37° C. Wash the resulting growth from the agar surface with about 30 milliliters of medium K. Do not standardize the suspension. Store the stock suspension under refrigeration and use for 2 weeks.

* * * * *

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

Dated: March 21, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-4827 Filed 3-29-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Guthrie, Okla.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

GUTHRIE, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Guthrie Municipal Airport (latitude 35°50'30" N., longitude 97°25'00" W.) and within 3 miles each side of the 349° true bearing (340° M) from the Guthrie RBN (latitude 35°51'04" N., longitude 97°25'10" W.) extending from the 5-mile-radius area to 10 miles north of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Guthrie, Okla., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 20, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-4852 Filed 3-29-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-15]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Snyder, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1639, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

SNYDER, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winston Field Airport (latitude 32°41'50" N., longitude 100°57'10"W.) and within 3 miles each side of the 184° True bearing (174°M) from the Snyder, Tex., radio beacon extending from the 5-mile-radius area to 8 miles south of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Winston Field Airport, Snyder, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 20, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-4851 Filed 3-29-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Waco, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Waco, Tex., transition area is amended by deleting "latitude 31°27'00" N., longitude 97°34'00" W., to latitude 31°46'30" N., longitude 97°41'50" W.," and substituting therefor "latitude 31°27'00" N., longitude 97°34'00" W.; to latitude 31°27'00" N., longitude 97°41'00" W.; to latitude 31°35'00" N., longitude 97°44'00" W.; to latitude 31°46'30" N., longitude 97°41'50" W.;".

The proposed alteration of the Waco transition area is required to provide additional airspace to establish a Part 95 route from the Gray, Tex., NDB to the Waco, Tex., VORTAC via a 330° bearing from the Gray NDB and the Waco VORTAC 240° radial and have a 2,000 feet MSL MEA from the Leon Intersection (Waco VORTAC 240° radial and Hood NDB 353° bearing) to the Waco VORTAC. A maximum holding altitude of 2,000 feet MSL at the Osage, Tex., intersection (Waco VORTAC 240° radial and Hood NDB 010° bearing) is also required. Holding is southwest of that fix with right turns.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 20, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-4853 Filed 3-29-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83]

[Docket No. 19343; FCC 72-273]

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

Extension of Time and Request for Additional Comments

In the matter of amendment of Parts 81 and 83 of the Commission's rules to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act (Public Law 92-63); Docket No. 19343.

1. A notice of proposed rule making (FCC 71-1133) in the above-captioned proceeding was released on November 8, 1971, and published in the FEDERAL REGISTER on November 11, 1971 (36 F.R. 21602). The comment and reply comment period was extended by subsequent order released December 21, 1971 from December 17, 1971 and December 28, 1971 to December 29, 1971 and January 11, 1972, respectively.

2. Concurrent with the Commission's proceeding, the United States Coast Guard, which also has statutory responsibility under the Act, conducted a rule making proceeding and study looking toward implementation of the Act. As a result, the Commandant of the Coast Guard informed the Commission by letter dated January 14, 1972, that he had

> decided that it is in the best interest of the United States that we reverse the Coast Guard position of the past several years for a single frequency dedicated to the exchange of navigational information and go forth with a calling/shifting system. Consequently, it is requested that the Federal Communications Commission consider the feasibility of utilizing the international distress/safety/calling frequency, 156.8 MHz, to satisfy the listening watch requirement of section 5 of the Act and for brief exchanges of navigational information.

The Commission requested additional information which was supplied by the Commandant by letter dated March 2, 1972. These two letters have been placed in Docket No. 19343 for the information of the public.

3. The Coast Guard's position is that "the multichannel system is operationally superior to the single channel system and probably will strengthen the safety aspects of the bridge-to-bridge concept." Their concern is that "some of our harbors may already have sufficient vessel traffic to overload a single channel bridge-to-bridge frequency" and if we begin "using the single channel system we will be forced, sooner or later, to change to the multichannel system in order to accommodate communications necessary to this bridge-to-bridge navigational safety function."

4. The importance of and change in the Coast Guard's position with respect to this proceeding is recognized. Proper administrative procedure requires that we afford interested parties an opportunity to file comments on the information presented by the Coast Guard.

5. In view of the foregoing: *It is ordered*, That the comment period in this proceeding is reopened to the extent that comments on the information supplied by the U.S. Coast Guard may be submitted on or before April 14, 1972.

6. This action is taken pursuant to authority contained in section 4(i) and 5(d)(1) of the Communications Act of 1934, as amended and § 0.331(b)(4) of the Commission's rules.

Adopted: March 23, 1972.

Released: March 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-4882 Filed 3-29-72;8:52 am]

[1] Commissioners Robert E. Lee and Johnson absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6608]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 6608 for withdrawal of lands from location and entry under the General Mining Laws, but not the mineral leasing laws.

The Forest Service has designated these lands for a research natural area, primarily because of its picturesque stands of pine and spruce, representative of the best species in Northern Arizona. Any mining activity would interfere with the purpose for which the lands have been designated. The withdrawal would be made subject to valid existing rights.

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, 3022 Federal Building, Phoenix, Ariz. 85025.

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

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.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

SAN FRANCISCO PEAKS RESEARCH NATURAL AREA

T. 23 N., R. 7 E.,
Sec. 19, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 30, lots 1 through 12, inclusive, and E½W½.

The area described aggregates 1,023.93 acres, within the Coconino National Forest.

Dated: March 24, 1972.

EDWARD J. HOFFMANN,
Associate State Director.

[FR Doc.72-4865 Filed 3-29-72;8:48 am]

[A 6837]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 6837 for withdrawal of lands from location and entry under the mining laws only, subject to valid existing rights.

The Forest Service plans to use these lands for development of public recreation facilities in conjunction with the adjacent Lost Dutchman Recreation site.

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, 3022 Federal Building, Phoenix, Ariz. 85025.

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

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

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

LOST DUTCHMAN RECREATION SITE

T. 2 N., R. 8 E.,
Sec. 36, lots 8, 11, and 12 (less approximately 16 acres withdrawn by PLO 4172 for Highway 88; approximately 20.24 acres of unpatented M.S. 3886 in W½ SE¼.
T. 2 N., R. 9 E. (unsurveyed).
Sec. 31, S½, (less approximately 5 acres in NW¼SW¼ withdrawn by PLO 4172 for Highway 88).
T. 1 N., R. 9 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2, NE¼ and E½NW¼.

The areas described aggregate approximately 1,285.42 acres, within Superstition Mountain Area in the Tonto National Forest.

Dated: March 24, 1972.

JOE T. FALLINI,
State Director.

[FR Doc.72-4866 Filed 3-29-72;8:48 am]

Office of the Secretary

DUCK STAMP

Increase in Price

Public Law 92-214, 85 Stat. 777, approved December 22, 1971, amends the Migratory Bird Hunting Stamp Act (48 Stat. 451), as amended (16 U.S.C. 718b), to authorize the Secretary of the Interior to establish the price of the migratory bird hunting stamp (commonly called the "Duck Stamp") at not less than $3 nor more than $5. The Secretary, in making his determination of the price, must take into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.

Proceeds from the sale of duck stamps are set aside in a special fund known as the Migratory Bird Conservation Fund. All moneys received into this fund, except expenses of the Postal Service for printing and sale of the stamps, are to be made available by law for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges under provisions of the Migratory Bird Conservation Act, 45 Stat. 1222, as amended.

Because of rising land costs, moneys accruing to the Migratory Bird Conservation Fund from duck stamp sales at the current price of $3 and other sources are insufficient to reach projected land acquisition goals.

Notice is hereby given that by the authority vested in me by Public Law 92-214, I have determined the price of the Migratory Bird Hunting Stamp shall be $5 effective July 1, 1972. This price will remain in effect until further notice.

Dated: March 24, 1972.

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

[FR Doc.72-4869 Filed 3-29-72;8:51 am]

ENVIRONMENTAL STATEMENTS

Preparation

MARCH 24, 1972.

Notice is hereby given of the publication of procedures of the Bureau of Outdoor Recreation 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); Office of Management and Budget Bulletin No. 72-6 (September 14, 1971); and Part 516, Chapter 2 of the Department of the Interior Manual.

Set forth below is the Bureau of Outdoor Recreation Manual Part 705, Chapter 1, entitled "Environmental Statements, Preparation by the Bureau." The numbering system is that of the Bureau of Outdoor Recreation Manual.

These procedures become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

JOHN W. LARSON,
Assistant Secretary of the Interior.

.1 *Purpose.* This chapter contains instructions and guidance regarding environmental statements prepared by the Bureau to meet the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, section 2(f) of Executive Order 11514 (March 5, 1970), the guidelines of the Council on Environmental Quality, Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971), and 516 DM 2.

.2 *Policy.* An environmental statement shall be prepared and submitted, through appropriate departmental channels, to the Council on Environmental Quality on all actions proposed by the Bureau which have a significant effect on the quality of the environment. Draft environmental statements, comments received thereon, and final environmental statements shall be made available to the public as provided by the Freedom of Information Act (5 U.S.C., Section 552) without regard to the exclusion of interagency memoranda when such memoranda transmit the comments of Federal agencies.

.3 *Coverage*—A. *Actions initiated after January 1, 1970.* All actions of the Bureau initiated since passage of the National Environmental Policy Act which significantly affect environmental quality are subject to the provisions of this chapter.

B. *Actions initiated before January 1, 1970.* The provisions of this chapter shall be applied to continuing Bureau actions having significant effects on the environment even though they may arise from projects or programs initiated prior to passage of the National Environmental Policy Act. While it may sometimes be difficult to redirect basic decisions initiated prior to enactment of the Act, continuing actions which are based on those early decisions should be conditioned by the Act's intent. Ongoing projects or programs authorized before January 1, 1970, shall be reconsidered in the light of the National Environmental Policy Act to assure that, to the maximum extent possible, adverse environmental impacts are avoided.

.4 *Responsibility for determining which actions require environmental statements*—A. *Regional Offices.* Except for mandatory requirements (see 705 BOR 1.6), Regional Directors, within their respective areas of responsibility, shall determine which actions require preparation of environmental statements, and shall be responsible for assuring that environmental statements are prepared. On actions requiring Washington Office approval, the appropriate program Assistant Director may, after consultation with the appropriate Regional Director, require preparation of an environmental statement by the Region.

B. *Washington Office.* In the Washington Office, except for mandatory requirements (see 705 BOR 1.6), the appropriate Assistant Director shall determine when actions require environmental statements and shall be responsible for assuring that environmental statements are prepared.

.5 *Determination of major actions requiring environmental statements*—A. *General.* The statutory clause "major Federal actions significantly affecting the quality of the human environment" shall be construed broadly, keeping in mind the cumulative impact of the action proposed and of further related actions which are contemplated. Even though the impact of such actions may be localized, if the environment is or may be significantly affected, an environmental statement should be prepared. In determining what constitutes an action significantly affecting the environment, Bureau personnel should bear in mind: (1) The effects of decisions regarding a number of apparently minor projects may be cumulatively substantial.

(2) Direct and indirect effects of decisions on the quality of the human environment.

(3) Recognition that, to some degree, most actions will have both beneficial and detrimental effects. In general, significant effects include those that: (a) Degrade the quality of the environment, (b) curtail the range of beneficial uses of the environment, or (c) serve short-term to the disadvantage of long-term environmental goals.

.6 *Bureau actions for which environmental statements are mandatory.* The following Bureau actions require preparation of environmental statements: A. Recreation and related resource studies, where the Bureau has lead responsibility, which make recommendations for or which may be used as the basis for, legislative action.

B. Individual grants-in-aid projects under the Land and Water Conservation Fund which have a significant effect on the environment or associated environmental values. However, applications for amendment of projects to extend or continue them into additional phases will not require new environmental statements, provided such additional phases were contemplated in the original project proposal and considered in a previous environmental dealing with the total project.

C. Special recreation and resource area studies or individual grants-in-aid projects which are known to be or are likely to become highly controversial.

D. Legislative proposals involving matters having significant impacts on the environment which do not result from special recreation and resource area studies. This includes Bureau proposals for legislation and certain pending legislation referred to the Bureau by the Legislative Counsel. (Legislation prepared as a drafting service for members of Congress is exempt.) For procedural guidance regarding preparation of environmental statements which must accompany legislative proposals, see 705 BOR 1.11 and 516 DM 2.9D.

E. Those program actions with significant impacts on the environment which are identified in annual budget estimates. For guidance, see 516 DM 2.9E. Preparation of this material is the responsibility of the staff unit responsible for the Bureau's budget. All units of the Bureau will provide such assistance in the preparation of this material as may be requested.

.7 *Other actions may require environmental statements.* The situations listed above are not necessarily the only circumstances in which environmental statements are required. Regional Directors and Assistant Directors should consult with the Director or his designee when there is doubt as to whether or not an environmental statement is necessary.

.8 *Classes of environmental statements.* There will be two classes of environmental statements as follows:

A. *Draft.* This statement is as complete as possible (normally it is complete) and is circulated to Federal, State, and local agencies and to other appropriate individuals, groups, or organizations for their review and comments regarding its adequacy. It may be circulated concurrently with the review process, but no final decisions will be made prior to consideration of comments received.

B. *Final.* This statement is the completed document which incorporates review comments and discusses unresolved issues. It is the document which must accompany the proposed action through the Department's final decisionmaking process. The term "final environmental statement" is synonymous with the term "detailed environmental statement" found in the National Environmental Policy Act.

.9 *Content of environmental statements.* The environmental statement is a complete document capable of standing alone. It should include sufficient information (including technical data, and maps, charts, and other graphics if such would add clarity) to permit a careful assessment of environmental impact by commenting entities. Each of the concerns discussed in 705 BOR 1.9 B through E should be treated in sufficient depth to permit a reviewer independently to reach conclusions on the various environmental considerations of official interest to him. Voluminous technical data should be attached as Appendixes. The environmental statement will consist of:

A. *Cover sheet.* Each class of environmental statement will have a cover sheet which follows the format provided in Appendix C, 516 DM 2.

B. *Summary sheet.* Each class of environmental statement will have a summary sheet of no more than one single-spaced page prepared in accordance with Appendix D, 516 DM 2.

C. *Body of statement.* The body of an environmental statement will contain the following eight specific sections:

(1) *Description of the proposed action.* This will serve as an introduction and description of the proposed action and what it is designed to accomplish. It should include such information as location of the project, when the action is to take place, and if appropriate, its interrelationships with other Federal, State, or local projects or proposals. Other matters to be included are a general physical description of the project or study site or area for which the action is proposed; an assessment of the value of the site or area as a recreation resource before and after action implementation; possible alternative uses of the resources foregone if the action is implemented; the present situation in the project area regarding recreation supply and demand; who will receive the benefits of the proposed action; the degree to which the proposed action fits into and is in harmony with recreation needs identified in local, State, regional, or national recreation plans; and the value of the proposed action in fulfilling national recreation and related environmental goals.

(2) *Description of the environment.* This section will emphasize a description of the existing environment, and the probable future environment, without implementation of the proposed action. It will focus on the environmental details most likely to be affected by the proposal and, in the case of actions affecting substantial areas, on the broader regional aspects of the environment including ecological relationships. To the extent that it is germane, the section should also include a description of the present and projected level of economic development, land use, and related cultural factors.

(3) *The environmental impact of the proposed action.* This section will be an objective assessment of the environmental impacts of the proposed action. Impacts are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. Where possible, these impacts should be quantified. To the extent that it applies, the discussion will include impacts of the action upon economic and social conditions as well as upon the physical environment (including potential environmental damage which could be caused by users), and unknown or only partially understood impacts.

(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 are necessary.

(b) With respect to water and air quality aspects or 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, reference to this finding is necessary.

(4) *Mitigating measures included in the proposed action.* Where appropriate, a section on mitigating factors should be prepared. It should include a thorough discussion of

measures and/or methods which are proposed or required to be taken to mitigate environmental impacts. Measures to enhance, preserve, or protect, as well as associated research or monitoring if involved, should be included.

(5) *Any adverse environmental effects which cannot be avoided should the proposal be implemented.* This section will consist of a detailed assessment and discussion of any adverse environmental effects which cannot be avoided. It should include a discussion of the unavoidable adverse impacts described in (3) and (4) above, the relative values placed on 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 will focus on the cumulative and long-term impacts of the proposed action, giving special attention to the relationship of the cumulative, long-term impacts of the proposed action to trends of similar or related impacts which significantly affect ecological relationships.

(7) *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* This section will discuss any irrevocable uses of resources which will be involved through implementation of the action. This requires identification of the extent to which the action curtails, or restricts, or possibly enhances the range of resource uses. Illustrative of matters which would be considered in this section are resource extraction, erosion, destruction of archaeological or historic sites, elimination of endangered species habitat, and significant changes in land use.

(8) *Alternatives to the proposed action.* The thrust of this section is to describe the environmental impacts, both beneficial and adverse, of the alternatives available. The alternative of no action shall be specifically discussed. If appropriate, alternatives beyond the authority of the Bureau or Department, and their environmental consequences, should also be assessed. If environmental factors were the basis for rejection of alternatives, those factors shall be described.

D. *Consultation and coordination with others.* This section of the environmental statement will consist of two parts:

(1) *Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.* This part will describe the public participation efforts of the Bureau and consultations with Federal, State, local, and individual interests with jurisdiction or special environmental expertise 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 part will indicate the procedures used in disseminating the draft environmental statement and will list all agencies, organizations, groups, and individuals from whom comments have been requested. When the final environmental statement is prepared, this part will be expanded to summarize the public response, to indicate from whom comments were received and their disposition, and a listing of any unresolved conflicts which may exist.

E. *Attachments*—(1) *Draft statements.* Generally, draft environmental statements will not have attachments. However, where environmental assessments, evaluations, or reports prepared by applicants or solicited from outside the Bureau are considered by the person responsible for preparing the environmental statement to be important to a more complete understanding of the proposed action, they may be attached.

(2) *Final statements.* Attachments to final environmental statements shall consist of:

(a) Environmental assessments, evaluations, or reports prepared by applicants or consultants, if appropriate.

(b) Formal written responses from Interior bureaus or offices with delegated jurisdiction or special enviromnental expertise.

(c) Written responses from other Federal agencies with jurisdiction by law or special environmental expertise.

(d) Written responses from State and local agencies which are authorized to develop and enforce environmental standards or which have outdoor recreation and recreation-related environmental competence.

(e) Written responses from responsible private organizations and associations representing the views of broader groups concerning the proposed action or its environmental impact.

(f) Written responses from recognized experts in environmental matters related to the proposed action.

.10 *Administrative actions*—A. *Definition.* An administrative action is any action subject to section 102(2)(C) of the National Environmental Policy Act other than proposals for legislation to the Congress or favorable reports on legislation.

B. *Timing of action following environmental statement preparation.* To the maximum extent practicable: (1) No administrative action will be taken sooner than 90 days after a draft environmental statement has been furnished to the Council on Environmental Quality, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(2) No administrative action will be taken sooner than 30 days after a final environmental statement has been furnished to the Council on Environmental Quality and the public. If a final statement is filed within the 90-day period in (1) above, the two periods may run concurrently to the extent that they overlap.

C. *Exception.* Where emergency circumstances, overriding considerations of expense to the Government, or impaired program effectiveness make it necessary to take an action with significant environmental impact without observing the time limitations in B (1) and (2) above, the Director or his designee shall consult with the Assistant Secretary—Program Policy who, in turn, is required to consult with the Council on Environmental Quality about alternative arrangements.

.11 *Legislative proposals and proposed favorable departmental reports on legislation*—A. *Coordination responsibility.* The Office of Legislative Review and Liaison shall have coordination responsibility for the preparation of all environmental statements accompanying Bureau legislative proposals, and preparation of environmental statements assigned to the Bureau by the Legislative Counsel in connection with proposed favorable departmental reports on pending legislation (see 516 DM 2.9D).

B. *Bureau legislative proposals.* (1) An environmental statement will be prepared for each legislative proposal of the Bureau which has significant impact on the environment.

(2) The Office of Legislative Review and Liaison will arrange for designation of an Assistant Director who will supervise the preparation of such statement.

(3) The Assistant Director so designated will arrange for preparation of the statement and initiate necessary consultations related thereto with appropriate Federal, State, and local agencies. State and local agency consultations are not required unless there is a specific impact in the jurisdiction of the State or local agency.

C. *Pending legislation.* When the Legislative Counsel assigns responsibility to the Bureau for preparation of an environmental statement to accompany a proposed favorable departmental report on pending legislation, the procedures specified in paragraphs B(2) and (3) will apply.

.12 *General procedures for preparation of environmental statements.* A. Draft environmental statements will be prepared concurrently with and as an integral part of studies or evaluations which may lead to actions having significant effects on the environment.

B. Generally, the unit of the Bureau having responsibility for the initial draft of a proposed action shall prepare the draft and final environmental statements. For the Grants-in-Aid Program, the Regional Director shall be responsibile for considering each project for which approval is recommended on a case-by-case basis and decide if an environmental statement is required. In making this decision, the following procedure should be followed:

(1) The project reviewer's findings regarding environmental impacts will be noted in the evaluation report for each project, and the Regional Director will provide a statement in the evaluation report that environmental impacts have been considered. For environmental considerations to be taken into account, see 660 BOR 2.

(2) In cases where there are indications that the project would have significant effects on the environment, or if there is substantial evidence of local conflict regarding the desirability of a project, the Regional Director will request sufficient additional information from appropriate State officials to permit a detailed project evaluation.

(3) If a detailed evaluation indicates that an environmental statement is required, Regional Office Personnel will prepare the statement with appropriate assistance from the State.

.13 *Bureau initiated consultations.* Preparation of the draft environmental statement and consultation should be an integral part of the planning process. Informal consultations should take place at the earliest practical time. If considered useful and appropriate as a consultive mechanism for encouraging informal inputs to a draft statement, an environmental description may be prepared and circulated both within and without the Bureau and the Federal Government. The environmental description is to be viewed and treated as a working document for informally soliciting views and opinions of others. When utilized, it would evolve into a draft environmental statement.

A. *Who will be consulted.* The Regional Director (for statements originating in the regions) and the Assistant Director (for statements originating in Washington) supervising the action for which an environmental statement is necessary shall be responsible for deciding which agencies will be consulted. If an agency has jurisdiction by law, special expertise with respect to any environmental impact involved, or is authorized to develop and enforce environmental standards, that agency should be consulted. Appendix II of the Guidelines published by the Council on Environmental Quality shall be used to determine those Federal agencies from which comments should be solicited on draft statements. Draft statements shall be sent to the appropriate officials or offices indicated in Appendix III of the Guidelines for official agency review and comment.

B. *Intra-, interdepartmental, and non-Federal consultation.* (1) Environmental descriptions may, at the discretion of the official responsible for their preparation, be sent to or discussed with appropriate departmental bureaus and offices and non-Interior

entities having jurisdiction or special expertise appropriate to matters treated in the statement. Consultations during this phase of environmental statement preparation do not constitute a formal review by that bureau, office, or entity. (The formal review by all concerned agencies, groups, and individuals is provided for after preparation of the draft statement.) The Regional Director or appropriate Assistant Director shall determine the timing, frequency, form, and extent of consultations prior to preparation of the draft environmental statement.

C. *Review of draft environmental statements.* (1) Draft environmental statements will be sent to appropriate entities for formal review and comment only by the Director or his designee. See also 705 BOR 1.13H(1)(d).

(2) The requirement for the Bureau to obtain the comments of appropriate agencies on its environmental statements is in addition to any specific statutory obligation of the Bureau to coordinate and consult with any other Federal or State agency.

(3) Draft environmental statements shall be sent to all Interior bureaus and offices which have jurisdiction or special expertise appropriate to matters treated in the statement.

(4) To the extent applicable, the Environmental Protection Agency shall be consulted and comments requested on matters related to air or water quality standards, noise control, solid waste disposal, pesticide regulation, radiation criteria and standards, or other provisions of the authority of that agency.

D. *State and local agency review.* (1) Where no public hearing has been held on the proposed action at which appropriate State and local agency 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 review will be provided as follows:

(a) For Federal water and related land resources plans, projects, and programs, review by State and local governments will be through procedures established by the Water Resources Council (see 516 DM 2.7C(1)(a)).

(b) For direct Federal development projects, and for projects assisted under programs listed in Attachment D of OMB Circular A-95 (which includes projects under the grants-in-aid program), review by State and local governments will be through the State and Regional or Metropolitan Clearinghouses in accordance with procedures established under Part I of the Circular and 511 DM 5 which deals with intergovernmental relations.

(c) For actions affecting the cultural or historic environment, review by State and local agencies will follow procedures established by the Advisory Council on Historic Preservation (36 F.R. 3310). Draft environmental statements, when appropriate, will reflect consultations with the State Liaison Officer for Historic Preservation and with the State Archaeologist.

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

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

(3) Clearinghouse procedures allow State and local agencies 30 days for comment, with an extension of an additional 30 days if requested.

E. *Public review.* (1) Public hearings or public meetings may be held to obtain the view of interested parties and to provide the public with timely information and understanding of Bureau plans and programs with environmental impacts. Procedures for discretionary public hearings are found in 455 DM 1.

(2) Notice of such hearings, when utilized, will include publication in the FEDERAL REGISTER no less than 30 days before the hearing date, and such other notice as may be considered appropriate.

(3) If it is decided to prepare a draft environmental statement prior to the hearing, it will be made available to the public at least 15 days, and preferably 30 days, prior to the hearing date. While an environmental description would be acceptable as a vehicle for soliciting public inputs, a draft statement would be preferable.

(4) When public hearings or public meetings are not appropriate, review of and comment on draft environmental statements should be obtained on a direct basis from nongovernmental organizations and/or individuals with valid interests in the proposed action.

F. *When to consult.* Environmental consultations should take place simultaneously with other program consultation or coordination activities. It is important that draft environmental statements be prepared early enough to permit full consideration of the environmental issues involved before commitments are made.

G. *Time limits for review comments from others.* A period of not less than 45 calendar days will be allowed for comment on Bureau-prepared draft environmental statements, after which it may be presumed, unless an entity consulted requests a specified extension of time, that the entity has no comment to make. In exceptional cases where time is a very critical factor, a time limit of 30 calendar days may be established. Whenever an Environmental Protection Agency review is needed, a period of no less than 45 days will always be allowed. In unusual circumstances or at the request of a reviewing entity, a time extension of up to 15 calendar days beyond the time originally set may be granted.

H. *Coordination and distribution of environmental statements by Washington Office.* The Assistant Director in whose area of jurisdiction an environmental statement originates shall be responsible at the Washington Office for coordination and distribution of environmental statements prepared by the Bureau, except that public requests, and requests from the Director of Communications, for draft environmental statements, comments received thereon, and Bureau final environmental statements shall be handled by the Office of Information and Golden Eagle Program.

(1) *Clearance and distribution of draft statements.* (a) When a draft environmental statement is ready for review, 15 copies will be transmitted, over the Director or his designee's signature, to the Assistant Secretary—Program Policy.

(b) The Assistant Secretary—Program Policy will clear the statement, assign a control number, date stamp it, and transmit 10 copies to the Council on Environmental Quality.

(c) A notice of availability shall be prepared by the initiating unit of the Bureau and shall accompany the statement to the Assistant Secretary—Program Policy (for sample formats, see 516 DM 2, Appendix E). The Assistant Secretary—Program Policy shall send the Notice to the FEDERAL REGISTER at the same time that he transmits the statement to the Council on Environmental Quality, except for statements dealing with legislative and budgetary matters.

(d) The Assistant Secretary—Program Policy will notify the Bureau of the control number and date of transmittal. These data shall be entered on the cover sheet of the statement and transmitted over the signature of the Director or his designee to reviewing entities. Circulation to other Federal entities will be through the offices designated in Appendix III of the guidelines of the Council on Environmental Quality.

(e) The Director of Communications will make any necessary arrangements for additional copies of the draft statement with the Office of Information and Golden Eagle Program.

(2) *Record of comments received.* A complete log shall be maintained of all written comments received on draft environmental statements; all formal review comments received on draft environmental statements shall be made available to the public upon request.

(3) *Clearance and distribution of final environmental statements.* (a) When a final environmental statement has been prepared, 15 copies will be transmitted to the Assistant Secretary—Program Policy.

(b) The Assistant Secretary—Program Policy will endorse the statement, assign it a control number, date stamp it, and transmit 10 copies to the Council on Environmental Quality.

(c) A notice of availability shall be prepared by the initiating unit of the Bureau and shall accompany the statement to the Assistant Secretary—Program Policy. The Assistant Secretary—Program Policy shall send the Notice to the FEDERAL REGISTER at the same time that he transmits the statement to the Council on Environmental Quality, except for statements dealing with legislative or budgetary matters.

(d) The Assistant Secretary—Program Policy will notify the Bureau of the control number and date of transmittal. These data shall be entered on the cover sheet of the statement, and at least one copy shall be distributed to all entities from which written comments were received.

(e) The Director of Communications will make any necessary arrangements for additional copies of the final statement with the Office of Information and Golden Eagle Program.

[FR Doc.72-4864 Filed 3-29-72;8:48 am]

DRAFT ENVIRONMENTAL STATEMENT

Notice of Availability

Proposed Federal Mine Health and Safety Academy to train future mine inspectors to assist the Secretary in administering the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior, has prepared a draft environmental statement concerning the proposed construction and operation of a Federal Mine Health and Safety Academy at Beckley, W. Va., to train future mine inspectors to assist the Secretary in administering the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act. Written comments are invited for a period of 30 days after the publication of this notice.

The Academy is planned as a 600 student, multi-building facility which includes classrooms, laboratories, dormitories, and other support areas. The facility is to be situated on an attractive wooded site about 10 miles from the center of downtown Beckley, W. Va.

Single copies of the Draft Statement are available from:

Director, Bureau of Mines, Room 4614, Department of the Interior, Washington, D.C. 20240.

Acting Superintendent, Federal Mine Health and Safety Academy, Department of the Interior, Bureau of Mines, 109 South Fayette Street, Beckley, W. Va. 25801.

In requesting this document, please refer to the Statement Number above.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

MARCH 15, 1972.

[FR Doc.72-4870 Filed 3-29-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADMINISTRATORS, ANIMAL AND PLANT HEALTH INSPECTION SERVICE AND AGRICULTURAL MARKETING SERVICE

Assignment of Functions and Delegation of Authority

On March 22, 1972, the Secretary of Agriculture ordered the publication of a notice in the FEDERAL REGISTER, 37 F.R. 6327, establishing the Animal and Plant Health Inspection Service and vesting in the Assistant Secretary for Marketing and Consumer Services, effective April 2, 1972, certain functions, responsibilities, and delegations of authority for animal and plant health activities and meat and poultry inspection activities with the authority to delegate them on a temporary basis to the Administrator of the new Animal and Plant Health Inspection Service.

As Assistant Secretary for Marketing and Consumer Services, I hereby delegate to the Administrator, Animal and Plant Health Inspection Service on a temporary basis with authority to redelegate the functions and responsibilities in paragraph (1) below relating to animal and plant health activities and the functions and responsibilities in paragraph (2) below relating to meat and poultry inspection activities which are hereby transferred from the Consumer and Marketing Service.

1. *Animal and Plant Health.* (a) Control, suppression, eradication, or prevention of spread of plant pests, plant diseases, and nematodes, including the administration of the Federal Plant Pest Act, Mexican Border Act, and Golden Nematode Act (7 U.S.C. 145, 147a, 148, 149, 150–150g, 150aa–150jj.)

(b) Inspection of plants and plant products offered for export and certification that products meet the import requirements of foreign countries (7 U.S.C. 147a(b)).

(c) Inspection and quarantine of products and articles to prevent the dissemination into the United States or interstate transportation of plant pests including the administration of the Plant Quarantine Act (7 U.S.C. 151–167).

(d) Control of introduction of honeybees offered for import into the United States under the Honeybees Act (7 U.S.C. 281–282).

(e) Cooperation with State agencies in control and eradication of plant and animal diseases and pests and the coordination of administration of Federal and State laws relating to such activities (7 U.S.C. 450).

(f) Voluntary inspection and certification for exportation of inedible poultry and animal products and byproducts (7 U.S.C. 1622, 1624).

(g) Control, suppression, and eradication of the poisonous weed Halogeton Glomeratus on range and pasture lands and other lands (7 U.S.C. 1651–1656).

(h) Administration of the Animal Welfare Act relating to humane care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets (7 U.S.C. 2131–2154).

(i) Administration of the Horse Protection Act, relating to prohibiting the movement in interstate commerce of horses that are sored (15 U.S.C. 1821–1831).

(j) Import inspection and certification for duty-free entry of purebred animals for breeding purposes (19 U.S.C. 1202).

(k) Import inspection and quarantine of poultry and animals, and products and byproducts thereof, to prevent the spread of contagious, infectious, and other communicable diseases of animals and poultry (19 U.S.C. 1306(a), 1306(c), 21 U.S.C. 101–105).

(l) Control, suppression, eradication, or prevention of contagious, infectious, and other communicable diseases of animals including the administration of the Foot-and-Mouth Program (21 U.S.C. 111–134h).

(m) Establish and maintain an international quarantine station permitting animals to be imported from any country under conditions deemed necessary to prevent introduction of livestock or poultry diseases or pests (21 U.S.C. 135).

(n) Regulation and control, under the Virus-Serum-Toxin Act, of the preparation of biological products introduced into interstate commerce to be used in the diagnosis, treatment, or prevention of diseases of animals (21 U.S.C. 151–158).

(o) Inspection and certification of livestock as disease-free for export purposes (21 U.S.C. 612–614, 618).

(p) Administration of the 28-Hour Law concerning the care of animals in transit (45 U.S.C. 71–74).

(q) Inspection of vessels used to carry export livestock and regulating the accommodations necessary for safe and proper transportation and human treatment of such animals (46 U.S.C. 466a).

2. *Meat and Poultry Inspection.* (a) Administration of the Federal Meat Inspection Act concerning mandatory inspection of meat and related products for wholesomeness and truthful labeling (21 U.S.C. 601–691).

(b) Administration of the Poultry Products Inspection Act concerning mandatory inspection of poultry products for wholesomeness and truthful labeling (21 U.S.C. 451–470).

(c) Monitoring livestock slaughter activities to assure that humane slaughter techniques are effectively applied under the Humane Slaughter Act (7 U.S.C. 1901–1906).

(d) Provide voluntary Meat and Poultry Inspection and Certification Service relating to wholesomeness of edible products not subject to Federal meat inspection laws and certification of meat and poultry products for use as food for dogs, cats, and other carnivora (7 U.S.C. 1622, 1624).

(e) Cooperation with State agencies in the performance of Meat and Poultry Inspection in federally inspected establishments (7 U.S.C. 450).

All delegations other than meat and poultry inspection activities heretofore made to the Administrator, Consumer and Marketing Service are hereby confirmed and shall remain in full force and effect on a temporary basis under that agency's new name, the Agricultural Marketing Service.

The Administrator, Animal and Plant Health Inspection Service shall carry out the assigned functions and responsibilities in accordance with and subject to sections 1 through 40 of the Secretary's Statement of Organization and Delegations, 29 F.R. 16210, as amended and any other applicable directives of the Secretary of Agriculture or Assistant Secretary for Marketing and Consumer Services.

This delegation shall be effective April 2, 1972.

Done in Washington, D.C., this 22d day of March 1972.

RICHARD E. LYNG,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.72-4863 Filed 3-29-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

KRAINZ AND CO.

Order Terminating Indefinite Denial Order

In the matter of Krainz & Co., Herrengasse 6–8, Vienna, Austria, Respondent, File No. 23–619.

On April 13, 1959 (24 F.R. 2915), an order was entered against the above respondent denying it for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations (formerly

§ 382.15 of the Export Regulations) because respondent failed to answer interrogatories without showing good cause for such failure.

The respondent has now furnished answers to the interrogatories and pursuant to said § 388.15 it is entitled to have the indefinite denial order terminated.

Accordingly, the above mentioned indefinite denial order of April 13, 1959 is hereby terminated.

Dated: March 27, 1972.

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

[FR Doc.72-4900 Filed 3-29-72;8:53 am]

[Case 428]

G. G. McFARLANE AND A. B. de KLERK

Order Denying Export Privileges

In the matter of G. G. McFarlane, 10 Highwycombe Road, Westville, Natal, South Africa, respondent; A. B. de Klerk, Durban and Pinetown, Natal, South Africa, related party.

The Director, Compliance Division, Office of Export Control, issued a charging letter against the above respondent on December 28, 1971, in which violations of the Export Control Regulations are alleged. It is alleged, in substance, that in March 1967, respondent and A. B. de Klerk, organized a company in Natal, South Africa, called Natal Seed Cotton Ginners (Pty.) Ltd. (hereinafter Natal Co.); that in August 1967 these parties, in the name of the company, placed an order with a U.S. manufacturer for a cotton gin plant valued at $243,000; that in a letter dated October 12, 1967, respondent represented to the U.S. manufacturer that the plant would be erected in Natal, South Africa; that in November 1967 the U.S. manufacturer exported the plant to Natal Co., Durban, South Africa; that the commercial invoice and bill of lading each bore a destination control notice stating that disposition to certain countries, including Rhodesia, was prohibited under U.S. law; that notwithstanding these notices, in January 1968, after the plant arrived in South Africa, respondent and de Klerk sold the plant to a Rhodesian company and had it reexported from South Africa to South Rhodesia without authorization from the U.S. Government as required by the U.S. Export Control Regulations. Violations of §§ 387.2, 387.4, and 387.6 are charged.

The charging letter was duly served on respondent. He did not file a formal reply to the charges, but submitted a letter dated February 4, 1972, in which he admitted that the ginning machinery was sold to a Rhodesian company without authorization from the U.S. Government. He referred to a previous statement which he submitted, setting forth the circumstances surrounding the transaction. He claimed that at no time was he under the impression that U.S. Export Control Regulations were being violated and at no time did he have any willing intention of violating the U.S. Export Control Regulations.

There was an informal presentation of evidence in support of the charges on behalf of the Compliance Division on February 29, 1972. Based on the record in the case, which includes respondent's letter of February 4, 1972, and his answers to written interrogatories dated March 25, 1971, I hereby make the following:

FINDINGS OF FACT

1. The respondent G. G. McFarlane, now of Pinetown (near Durban), Natal, South Africa, was engaged as a freelance dealer in waste textile material. In the spring of 1967 the respondent and one A. B. deKlerk, of South Africa (now of parts unknown) agreed to form a company, ostensibly for the purpose of setting up cotton ginning operations. They organized a company called Natal Seed Cotton Ginners (Pty.) Ltd. (hereinafter Natal Co.).

2. Natal Co. had no premises where it conducted business and its address was that of the attorneys that did the legal work in organizing the company.

3. On August 21, 1967, Natal Co. ordered from a U.S. company, through its South African representative, a cotton gin plant and spare parts valued at approximately $243,000.

4. On October 12, 1967, the respondent, on behalf of Natal Co., signed letters to the U.S. manufacturer of the equipment and to the South African representative of said manufacturer, giving assurance that the plant on order was to be erected at its site on the Natal North Coast, South Africa.

5. The U.S. manufacturer exported the plant from the United States on November 14, 1967 to Natal Co., Durban, South Africa. The commercial invoice to Natal Co. covering the equipment exported bore the following destination control statement:

United States Law Prohibits Disposition of These Commodities to East Germany, Communist China, North Korea, Communist Controlled Areas of Vietnam, Rhodesia, or Cuba, Unless Otherwise Authorized by the United States.

The invoice also bore the following notice:

These Commodities Licensed by United States for Ultimate Destination, Durban, South Africa. Diversions Contrary to U.S. Law Prohibited.

6. The bill of lading under which the cotton gin plant was shipped bore the following destination control notice:

U.S. Law Prohibits Disposition of These Commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist Controlled Areas of Vietnam, Laos, Cuba, and Southern Rhodesia, Unless Otherwise Authorized by the United States.

7. Pursuant to foreign policy objectives and international responsibilities of the United States, and in support of the United Nations Security Council Resolutions 217 of November 20, 1965, and 232 of December 16, 1966, and by virtue of Executive Order 11322 of January 5, 1967, the regulations issued under the Export Control Regulations required a validated license for exportation of the plant in question to Southern Rhodesia. Section 374.1 of the Export Control Regulations (formerly § 371.4 of the Comprehensive Export Schedule) prohibited the reexportation of the plant in question to Southern Rhodesia without specific authorization of the Office of Export Control.

8. A validated license to export the plant in question was not obtained and the Office of Export Control did not authorize its reexportation from South Africa to Southern Rhodesia.

9. The cotton gin plant arrived in South Africa in December 1967. Early in January 1968 the respondent and the aforementioned de Klerk sold the plant to a firm in Southern Rhodesia known as Bulawayo Farming Enterprises (Pvt.) Ltd., and exported or caused the exportation of the plant from South Africa to Southern Rhodesia. The respondent knew that reexportation of the plant to Southern Rhodesia was prohibited under the laws of the United States. The reexportation was contrary to the respondent's representations in the letters of October 12, 1967 (see Finding 4).

Based on the foregoing, I have concluded that the respondent violated §§ 387.2, 387.4, and 387.6 of the U.S. Export Control Regulations in that without specific authorization from the U.S. Department of Commerce, he knowingly reexported and caused to be reexported from the Republic of South Africa to Southern Rhodesia, U.S.-origin commodities contrary to § 374.1 of the U.S. Export Control Regulations.

Recent efforts to locate de Klerk for the purpose of serving a charging letter on him have been unsuccessful. Inasmuch as respondent and de Klerk were closely associated in this transaction, it is considered appropriate to have this order made applicable to de Klerk as a related party to respondent.

After considering the record in the case and the recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

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

II. Except as qualified in Part IV hereof, the respondent for a period of 3 years from the effective date of this order, is hereby 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 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: (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 document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotitions with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (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 respondent, but also to his representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which he 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. A determination is made that A. B. deKlerk of Durban and Pinetown, Natal, South Africa, is such a related party, and this order is made applicable to him.

IV. Eighteen months after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have his export privileges restored conditionally and thereafter for the remainder of the 3-year denial period the respondent shall be on probation. The conditions of such restoration are that the respondent shall fully comply with all requirements of the Export Administration Act of 1969, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party, and deny to said respondent all export privileges for a period up to 18 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, he may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, 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, in any manner or capacity, on behalf of or in any association with the respondent or other person denied export privileges within the scope of this order, or whereby said respondent or such other person 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 the respondent or other person denied export privileges within the scope of this order; 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.

This order shall become effective on March 30, 1972.

Dated March 22, 1972.

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

[FR Doc.72-4879 Filed 3-29-72;8:51 am]

EXPORT CLEARANCE

Notice of Proposed Changes in Procedures

The Department of Commerce proposes to simplify its export clearance procedures currently in effect. In so doing, it will assume certain functions now performed by the Bureau of Customs. These simplified clearance procedures apply to only those exports subject to the rules and regulations of the Office of Export Control. They do not apply to exports controlled by other agencies such as the Office of Munitions Control of the Department of State or the Atomic Energy Commission.

1. *Authentication of shipper's export declarations.* Shipper's Export Declarations will no longer be authenticated by the Bureau of Customs.

2. *Submission of shipper's export declarations.* The exporter, or his agent, will submit unauthenticated Declarations to the exporting carrier (as defined in the Export Control Regulations) before the vessel, aircraft, or overland transport departs. The exporting carrier will, in turn, submit these Declarations to the Bureau of Customs. If the carrier is required to file a cargo manifest with the Bureau of Customs, the Declarations will be submitted with the manifest. If the carrier is not required to file a cargo manifest with the Bureau of Customs, Declarations must be submitted to the Bureau of Customs when the vessel, aircraft, or overland transport departs. When exporting by mail, the Declarations shall be submitted to the Post Office at the time of mailing.

3. *Destination control statement.* The destination control statement required on certain shipping documents will no longer be required on the Shipper's Export Declaration. The destination control statement will continue to be required, however, on bills of lading, air waybills, and on commercial invoices.

4. *Submission of validated export licenses.* The exporter, or his agent, will no longer submit validated export license documents to Customs Offices or Post Offices in making shipments. Instead, the exporter, or his agent, will maintain complete records of all shipments made against each license by posting each shipment on the reverse side of the license document. When the full quantity authorized for export under a validated license has been exported or when it is otherwise determined that the license will not be further used, it shall be forwarded promptly to the Office of Export Control. All records regarding exports under validated licenses (as well as those regarding exports under general licenses) will be subject to inspection, from time to time, by officials of the Office of Export Control and the Bureau of Customs.

5. *Review of declarations.* Instead of the authentication of Declarations by the Bureau of Customs prior to export, the Office of Export Control will review the unauthenticated Declarations after they have been presented to and accepted by the Customs Offices or Post Offices and forwarded to the Bureau of the Census. In conducting this review, the Office of Export Control will install a computerized method of comparing the quantities and commodities shown on Declarations covering shipments made under a validated export license with the quantities and commodities authorized by that license. In addition, from time to time, physical inspection of shipments will be made by duly authorized officials.

6. *Entry of parenthetical digit.* The italicized digit in parentheses at the end of each Export Control Commodity Number on the Commodity Control List will be required to be entered immediately below each entry of the Schedule B Number on a Shipper's Export Declaration covering a shipment under a validated export license. Fulfillment of this requirement will be facilitated by the fact that the parenthetical digit will appear beside each commodity description on the validated export license. Entry of the parenthetical digit on the Declaration is essential to the computerized accounting of validated license shipments.

In addition, the parenthetical digit will be required immediately below the Schedule B Number on Shipper's Export Declarations covering certain general license shipments. The parenthetical digit will be required for general license shipments if the Commodity Control List shows the commodity being exported under an Export Control Commodity Number that is also used for other commodities that are not exportable to the same destination under the same general

license. The entry of the parenthetical digit on Declarations covering general license shipments will confirm the exporter's representation that the license being used is applicable to the intended shipment.

7. *Entry of validated license number.* For shipments made under the authority of a validated export license, the exporter or forwarder will continue to enter the license number on the shipper's export declaration. It should be entered below the "description of commodities" and be clearly identifiable.

8. *Summary.* The proposed change in export clearance procedures will result in relieving the exporter of his responsibility for the entry of a destination control statement on his Shipper's Export Declarations and of the necessity of having these Declarations authenticated by the Bureau of Customs. He will also be relieved of the requirement that validated export licenses be presented to the Customs Office at the port of export (or an authorized inland port of origin) or to the Post Office at the time of mailing. On the other hand, the entry of the parenthetical digit on the Declaration will apply to most shipments whether made under a validated or general license.

The simplified export clearance system will not affect shipments made under the Monthly Reporting Procedure (ECR 386.3(x) and FTSR 30.39). As in the past, authorized exporters will annotate bills of lading or air waybills properly and either file with the Bureau of Customs each month a report of their shipments on the Summary Shipper's Export Declaration or forward their report in the form of punch cards or magnetic tape directly to the Foreign Trade Division of the Bureau of the Census. Shipments will continue to be recorded on licenses by exporters and upon their completion or expiration the licenses will be returned to the Office of Export Control.

Persons interested in the changes described in substance in this notice are urged to submit their written data, views, or comments to the Office of Export Control (Attention: 840), U.S. Department of Commerce, Washington, D.C. 20230, not later than 30 days from the publication of this notice. All such material received on or before that date will be considered before the adoption of the proposed changes in the regulations. Copies of all material submitted will be available for inspection during normal business hours at the address given above. If, after the written data, views, and comments have been received and considered, it is decided to adopt the proposed procedures, the changes in the Export Control Regulations necessary and appropriate to give effect to the proposals described in this notice will be published in a forthcoming edition of the FEDERAL REGISTER.

RAUER H. MEYER,
Director, Office of Export Control, Bureau of International Commerce.

[FR Doc.72-4995 Filed 3-29-72;9:59 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10866; Docket No. FDC-D-363; NDA 10-866, etc.]

CENTRAL PHARMACAL CO. AND MERRELL-NATIONAL LABORATORIES

Neoparbel Tablets and Tace With Ergonovine Capsules; Notice of Withdrawal of Approval of New-Drug Applications

On October 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19418) a notice of opportunity for hearing (DESI 10866) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications in the absence of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling:

1. NDA 10-866, Neoparbel Tablets (pamabrom, pyrilamine maleate, homatropine methylbromide, hyoscyamine sulfate, scopolamine hydrobromide, and methamphetamine hydrochloride); Central Pharmacal Co., 116-128 East Third Street, Seymour, Indiana 47274.

2. NDA 11-444: That part of the NDA providing for TACE with Ergonovine Capsules (chlorotrianisene and ergonovine maleate), Merrell-National Laboratories, Div. of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215, formerly the Wm. S. Merrell Co.

The Merrell-National Co., by letter of October 26, 1971, voluntarily requested withdrawal of approval of that portion of their NDA pertaining to TACE with Ergonovine, and thereby waived their opportunity for a hearing, stating that the product is no longer marketed.

Neither Central Pharmacal Co., the holder of NDA 10-866; nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of NDA 10-866 and that part of NDA 11-444 pertaining to TACE with Ergonovine Capsules, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (3-30-72).

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4829 Filed 3-29-72;8:50 am]

[Docket No. FDC-D-462]

DIAMOND LABORATORIES, INC.

Penicillin, Streptomycin, Vitamins Preparations; Notice of Drugs Deemed Adulterated

An announcement concerning the productions Vistrepcin and Vistrepcin 5X was published in the FEDERAL REGISTER of July 23, 1970 (35 F.R. 11825, DESI 0184NV). The announcement set forth the findings of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, that the drugs are probably not effective for their intended use as a water dispersible antibiotic-vitamin powder for enteric infections in calves and swine or for complicated chronic respiratory disease and blue comb in turkeys and chickens.

Said announcement informed the manufacturer and all interested persons that such drugs to be marketed must be the subject of approved new animal drug applications. Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50304, manufacturer of the above-listed drugs, did not respond or submit new animal drug applications for the above-named drugs.

Based on the foregoing, and on the information before him, the Commissioner of Food and Drugs concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subjects of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to Diamond Laboratories, Inc., and to all interested persons, that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4833 Filed 3-29-72;8:50 am]

[Docket No. FDC-D-441]

MERCK & CO., INC., AND SALSBURY LABORATORIES

Penicillin, Streptomycin, Vitamin Combination Drugs; Notice of Drugs Deemed Adulterated

An announcement concerning FloxAid BF and FloxAid AWP; marketed by Animal Health Products, Merck Chemical Division, Merck & Co., Inc., Rahway, N.J. 07065 was published in the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11707, DESI 0122NV), and an announcement concerning Medic Aid 2-50 Soluble; marketed by Salsbury Laboratories, Charles City, Iowa 50616 was published in the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13538, DESI 0151NV). These announcements set forth the findings of the Food and Drug Administration following review of reports received from the National Academy of Sciences - National Research Council, Drug Efficacy Study Group that these preparations are probably not effective for veterinary use.

Said announcements provided the manufacturers and all interested persons a 6-month period in which to submit new animal drug applications. The above listed manufacturers did not submit new animal drug applications for the above-named drugs within the 6-month period provided.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above-named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to Merck & Co., Inc., Salsbury Laboratories, and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049 as amended, 82 Stat. 343-351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4834 Filed 3-29-72;8:50 am]

[Docket No. FDC-D-274; NADA 3-559V]

PFIZER, INC.

Phen-Ovine Sheep and Goat Drench; Amendment to Notice of Opportunity for Hearing

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017, the holder of NADA No. 3-559V for the product Phen-Ovine Drench (a product which contains 12.5 grams phenothiazine per ounce) requested that data available to the Food and Drug Administration submitted in response to the FEDERAL REGISTER announcement of July 9, 1966 (31 F.R. 9426) be evaluated prior to the withdrawal of their product. After having evaluated these data, the Commissioner of Food and Drugs concluded that this product is evaluated as effective if properly labeled. As well as meeting all other requirements of the Act and regulations the label should be revised to conform with the labeling presented in the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18688).

The holder of said NADA is provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate final printed labeling and documentation which will support a regulation (21 CFR Part 135).

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

Notice is given to all interested persons that similar articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on the drug's components and composition, and also including information regarding manufacturing methods, facilities, and controls in accordance with the requirements of section 512 of the act.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4835 Filed 3-29-72;8:50 am]

[Docket No. FDC-D-449]

PHILADELPHIA LABORATORIES, INC., AND PURE LABORATORIES, INC.

Certain Products Containing Dihydrostreptomycin, Penicillin, Penicillin and Dihydrostreptomycin; Notice of Withdrawal of Approval of New Animal Drug Applications

Announcements concerning the following drugs were published in the FEDERAL REGISTER of July 1, 1970 (35 F.R. 10699, DESI 0024NV), July 22, 1970 (35 F.R. 11715, DESI 2-023NV), August 19, 1970 (35 F.R. 13222, DESI 0060NV), August 25, 1970 (35 F.R. 13536, DESI 0019) and August 25, 1970 (35 F.R. 13544, DESI 0018NV).

1. Procaine Penicillin G Crystalline in Aqueous Suspension, Veterinary; marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (now PP & C Companies, Inc., 1500 Walnut Street, Philadelphia, Pa. 19102.

2. Procaine Penicillin G Crystalline in Sesame Oil, marketed by Philadelphia Laboratories, Inc.

3. Procaine Penicillin G Crystalline and Dihydrostreptomycin Sulfate; marketed by Philadelphia Laboratories, Inc.

4. Dihydrostreptomycin Sulfate; marketed by Philadelphia Laboratories, Inc.

5. Potassium Penicillin G Tablets U.S.P.; marketed by Philadelphia Laboratories, Inc.

6. Procaine Penicillin G in Aqueous Suspension, Veterinary; marketed by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

7. Crystalline Procaine Penicillin G in Sesame Oil; marketed by Pure Laboratories, Inc. and

8. Crystalline Dihydrostreptomycin Sulfate Solution; marketed by Pure Laboratories, Inc.

Said announcements set forth the findings of the Food and Drug Administration following review of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding efficacy of the above-listed products.

Both Philadelphia Laboratories, Inc. and Pure Laboratories, Inc. advised the Commissioner of Food and Drugs that the above-mentioned products are no longer marketed.

Based on the grounds set forth in said announcements and the firms' responses, the Commissioner concludes that the antibiotic applications for the above named products should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the antibiotic applications for the above products is hereby withdrawn effective

on the date of publication of this document.

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4831 Filed 3-29-72;8:50 am]

[DESI 8881; Docket No. FDC-D-437; NDA 9-459]

RICHLYN LABORATORIES, INC.

Hexamethonium Chloride for Oral Use; Notice of Withdrawal of Approval of New-Drug Application

In an announcement (DESI 8881) published in the FEDERAL REGISTER of May 22, 1971 (36 F.R. 9342) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Hexamethonium Chloride Tablets. The announcement stated that there is a lack of substantial evidence that oral forms of hexamethonium chloride will have the antihypertensive effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug applications providing for this drug. Interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. No such data have been received. Richlyn Laboratories, Inc., Castor and Kensington Avenues, Philadelphia, Pa. 19124, holder of NDA 9-459 Hexamethonium Chloride Tablets, one of the two drugs included in the announcement, has voluntarily requested withdrawal of approval of their application, thereby waiving their opportunity for a hearing, stating that the drug is no longer marketed.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new-drug application, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (3-30-72).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4821 Filed 3-29-72;8:49 am]

[Docket No. FDC-D-432; NDA 1-593]

SCHERING CORP.

Ethisterone for Oral Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 1593) published in the FEDERAL REGISTER of October 24, 1970 (35 F.R. 16607), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective and lacking substantial evidence of effectiveness for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 1-593; Pranone Tablets containing ethisterone; Schering Corp., 1011 Morris Ave., Union, N.J. 07003.

Progesterol (ethisterone) Tablets (NDA 1-704) was also included in the announcement of October 24, 1970. Organon, Inc., holder of NDA 1-704, having discontinued marketing of the drug, requested withdrawal of approval of the application. Withdrawal of approval of that application was published in the FEDERAL REGISTER October 27, 1971 (36 F.R. 20619).

Therefore, notice is given to Schering Corporation and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new drug application No. 1-593 and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of an opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

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

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4838 Filed 3-29-72;8:51 am]

[DESI 8881; Docket No. FDC-D-436; NDA 8-881]

USV PHARMACEUTICAL CORP.

Hexamethonium Chloride for Oral Use; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New-Drug Application

In an announcement (DESI 8881) published in the FEDERAL REGISTER of May 22, 1971 (36 F.R. 9342), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Hexamethonium Chloride Tablets. The announcement stated that there is a lack of substantial evidence that oral forms of hexamethonium chloride will have the antihypertensive effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling, and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new-drug applications providing for this drug. Interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. No data have been received. Richlyn Laboratories, Inc., holder of one of the two applications listed in the announcement (NDA 9-459), has voluntarily requested withdrawal of approval of that application, thereby waiving their opportunity for a hearing, stating that the drug is no longer marketed, and NDA 9-459 is the subject of a separate order withdrawing approval.

Therefore, notice is given to USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, NY 10707, the present holder of NDA 8-881 for Hexamethonium Chloride Tablets (the former holder of the NDA was NYSCO Laboratories, Inc., 84-24 Vernon Boulevard, Long Island City, NY 11106), and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such appproval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockvile, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact required a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for a hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing, and/or elections not to request a hearing, may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

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

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4822 Filed 3-29-72;8:49 am]

[DESI 5316]

CERTAIN PENICILLIN-CONTAINING DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 5316) published in the FEDERAL REGISTER of July 29, 1970 (35 F.R. 12144), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antibiotic drug preparations:

I. Sodium methicillin for injection, marketed as Staphcillin; by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201 (NDA 50-117).

II. Sodium oxacillin for oral use, marketed as:

1. Prostaphlin Capsules; by Bristol Laboratories (NDA 50-118).

2. Prostaphlin Tablets; by Bristol Laboratories (NDA 50-119).

3. Resistopen Capsules; by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 50-120).

III. Phenoxymethyl penicillin for oral use, marketed as:

1. Compocillin-VK Filmtabs; by Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064 (NDA 50-121).

2. Compocillin-V Oral Suspension; by Abbott Laboratories (NDA 50-177).

3. Compocillin-VK Granules for Aqueous Suspension; by Abbott Laboratories (NDA 50-123).

4. V-Cillin Pulvules; by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60-001).

5. V-Cillin Drops; by Eli Lilly and Co. (NDA 60-002).

6. V-Cillin Pediatric for Oral Suspension; by El Lilly and Co. (NDA 60-002).

7. V-Cillin K Tablets; by Eli Lilly and Co. (NDA 60-003).

8. V-Cillin K Pediatric for Oral Suspension; by Eli Lilly and Co. (NDA 60-004).

9. Pen-Vee-Oral Tablets; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 60-005).

10. Pen-Vee-K Tablets; by Wyeth Laboratories, Inc. (NDA 60-006).

11. Pen-Vee-K for Oral Solution; by Wyeth Laboratories, Inc. (NDA 60-007).

IV. Benzathine penicillin G for oral use or benzathine phenoxymethyl penicillin for oral use, marketed as:

1. Bicillin Drops; by Wyeth Laboratories, Inc. (NDA 50-126).

2. Bicillin Oral Suspension; by Wyeth Laboratories, Inc. (NDA 50-126).

3. Bicillin Tablets; by Wyeth Laboratories, Inc. (NDA 50-128).

4. Pediatric Pen Vee for Oral Suspension; by Wyeth Laboratories, Inc. (NDA 50-129).

5. Pediatric Pen Vee Drops; by Wyeth Laboratories, Inc. (NDA 50-129).

6. Pen Vee Suspension; by Wyeth Laboratories, Inc. (NDA 50-129).

V. Sodium penicillin O for injection; marketed as Cer-O-Cillin Sodium; by

The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 50–137).

VI. Benzathine penicillin G for aqueous intramuscular injection, marketed as:

1. Permapen Isoject Aqueous Suspension; by Charles Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 60–014).

2. Bicillin Long-Acting Aqueous Suspension; by Wyeth Laboratories, Inc. (NDA's 50–141 and 50–131).

VII. Potassium penicillin G, oral forms, marketed as:

1.a. Penicillin Powder for Oral Use (NDA 60–307); and

b. Penicillin Soluble Tablets (NDA 60–306); and

c. Buffered Penicillin Tablets; by Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407 (NDA 60–306).

2.a. Soluble Potassium Penicillin G Tablets (NDA 60–065); and

b. Buffered Potassium Penicillin G Tablets; by Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, N.Y. 10550 (NDA 60–065).

3. Steri-Med Tablets; by Ketchum Laboratories, Inc., 800 Hinsdale Street, Brooklyn, N.Y. 11207 (NDA 60–064).

4. Hyasorb Tablets; by Key Pharmaceuticals, Inc., 300 North East 59th Street, Miami, Fla. 33137 (NDA 60–078).

5.a. Soluble Potassium Penicillin G Tablets (NDA 60–403); and

b. Buffered Potassium Penicillin G Tablets; by Eli Lilly and Co. (NDA 60–403).

6. Penisem Powder for Oral Solution; by the S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620 (NDA 60–187).

7.a. Potassium Penicillin G Capsules (NDA 60–085); and

b. Buffered Potassium Penicillin G Powder for Syrup (NDA 60–087); and

c. Buffered Potassium Penicillin G Tablets; by Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 60–086).

8. Potassium Penicillin G Tablets; by Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 60–075).

9.a. Buffered Potassium Penicillin G Tablets (NDA 60–071); and

b. Flavocillin Oral Powder and Pen Cillin Oral Powder; by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 60–063).

10.a. Buffered Potassium Penicillin G Tablets (NDA 60–084); and

b. Premocillin Powder for Oral Solution; by Premo Laboratories, Inc., 111 Leuning Street, South Hackensack, N.J. 07606 (NDA 60–083).

11. Potassium Penicillin G Tablets; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054 (NDA 60–126).

12.a. Potassium Penicillin G Oral Powder (NDA 60–066); and

b. Soluble Potassium Penicillin G Tablets (NDA 60–070); and

c. Buffered Potassium Penicillin G. Tablets (NDA 60–070); and

d. Potassium Penicillin G. Capsules; by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124 (NDA 60–327).

13.a. Pentids Tablets; and

b. Pentids Soluble Tablets; and

c. Pentids Capsules; and

d. Pentids Powder for Syrup; and

e. Potassium Penicillin G Tablets; by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60–392).

14.a. Soluble Penicillin Tablets; and

b. Buffered Penicillin Tablets; by Supreme Pharmaceutical Co., Inc., 354 Mercer Street, Jersey City, N.J. 07302 (NDA 60–079).

15. Sugracillin Flavored Granules; by the Upjohn Co. (NDA 60–062).

16.a. Soluble Potassium Penicillin G. Tablets (NDA 60–069); and

b. Flavored Penicillin G Powder for Oral Solution (NDA 60–081); and

c. Buffered Potassium Penicillin G. Tablets; by Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 60–069).

17. Dramcillin Powder for Oral Solution; by White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033 (NDA 90–078).

18. Buffered Potassium Penicillin G Tablets; by Wyeth Laboratories, Inc., Post Office 8299, Philadelphia, Pa. 19101 (NDA 60–413).

19.a. Buffered Potassium Penicillin G Tablets (NDA 60–073) (NDA 60–404); and

b. Flavored Penicillin G Powder for Oral Solution; by Zenith Laboratories, Inc., 150 South Dean Street, Englewood, N.J. 07631 (NDA 60–072).

VIII. Procaine penicillin G intramuscular injection marketed as:

1. Abbocillin-DC Aqueous Injection and Procaine Penicillin G Suspension; by Abbott Laboratories (NDA 60–09).

2.a. Duracillin A.S. Aqueous Injection (NDA 60–093); and

b. Duracillin Injection in Oil; by Eli Lilly and Co. (NDA 50–158).

3.a. Procaine Penicillin G in Aqueous Suspension (NDA 60–099); and

b. Procaine Penicillin G for Aqueous Injection; by Chas. Pfizer and Co., Inc. (NDA 60–286).

4.a. Procaine Penicillin G for Aqueous Injection (NDA 60–358); and

b. Procaine Penicillin G Injection in Aqueous Suspension (NDA 60–357); and

c. Procaine Penicillin G Injection in Oil; by Philadelphia Laboratories, Inc. (NDA 60–088).

5.a. Procaine Penicillin G Powder for Aqueous Injection (NDA 90–455); and

b. Procaine Penicillin G in Aqueous Suspension (NDA 60–420); and

c. Procaine Penicillin G Injection in Oil (NDA 60–092); by Pure Laboratories, Inc.

6. Procaine Penicillin G in Aqueous Suspension; by Roehr Products Co., Inc., 2010 New Daytona Road, De Land, Fla. 32720 (NDA 60–102).

7.a. Crysticillin Aqueous Injection (NDA 60–100); and

b. Pentids-P Aqueous Injection (NDA 60–100); and

c. Procaine Penicillin G Injection in Oil; by E. R. Squibb and Sons, Inc. (NDA 60–090).

8.a. Diurnal-Penicillin Readimixed Aqueous Injection (NDA 60–094); and

b. Depo-Penicillin Injection in Oil; by the Upjohn Co. (NDA 60–089).

9.a. Wycillin Aqueous Injection (NDA 60–101); and

b. Lentopen Injection in Oil; by Wyeth Laboratories, Inc. (NDA 60–091).

IX. Potassium or sodium penicillin G (aqueous parenteral use), marketed as:

1. Potassium Penicillin G Powder for Injection; by Abbott Laboratories (NDA 60–292).

2. Potassium Penicillin G Powder for Injection; by Eli Lilly and Co. (NDA 60–384).

3.a. Merpen Powder for Injection (NDA 60–183); and

b. Sopen Powder for Injection; by Merck and Co., Inc., Rahway, N.J. 07065 (NDA 60–182).

4. Potassium Penicillin G Powder for Injection; by Chas. Pfizer and Co., Inc. (NDA 60–074).

5.a. Sodium Penicillin G Powder for Injection (NDA 90–278); and

b. Potassium Penicillin G Powder for Injection; by Philadelphia Laboratories, Inc. (NDA 90–277).

6.a. Potassium Penicillin G Powder for Injection; and

b. Sodium Penicillin G Powder for Injection; by Pure Laboratories, Inc. (NDA 60–417).

7.a. Sodium Penicillin G Powder for Injection; and

b. Potassium Penicillin G Powder for Injection; by E. R. Squibb and Sons, Inc. (NDA 60–362).

8. Sodium Penicillin G Powder for Injection; by the Upjohn Co. (NDA 5–316).

X. Chloroprocaine penicillin O for aqueous injection, marketed as Depo-Cer-O-Cillin; by the Upjohn Co. (NDA 50–159).

XI. Potassium phenethicillin oral, marketed as:

1.a. Syncillin Tablets (NDA 50–133); and

b. Syncillin Powder for Oral Solution (NDA 50–134); and

c. Syncillin Powder for Pediatric Drops; by Bristol Laboratories, Inc. (NDA 50–134).

2. Semopen Powder for Oral Solution; by the S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620 (NDA 60–009).

3.a. Maxipen Tablets (NDA 60–010); and

b. Maxipen Powder for Oral Solution; by J. B. Roerig & Co., Division, Chas. Pfizer and Co. (NDA 60–008).

4.a. Ro-Cillin Powder for Oral Solution; and

b. Ro-Cillin Tablets; by Rowell Laboratories, Inc., Baudette, Minn. 56623 (NDA 60–409).

5.a. Darcil Tablets (NDA 60–013); and

b. Darcil Powder for Oral Solution; by Wyeth Laboratories, Inc. (NDA 60–012).

The notice stated that the drugs were regarded as effective, probably effective, possibly effective, and lacking substantial

evidence of effectiveness for the various labeled indications.

Based upon a reevaluation of these preparations, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of July 29, 1970, by:

1. Changing the effectiveness classification for the following drugs. The name of the drug is preceded by a roman numeral as assigned to it in the July 29, 1970, announcement.

a. *IV Benzathine penicillin G for oral use or benzathine phenoxymethyl penicillin for oral use.*

The indication classified as probably effective has been changed to lacking substantial evidence of effectiveness.

b. *VI Benzathine penicillin G for aqueous intramuscular injection.*

i. The indications classified as probably effective and possibly effective have been changed to lacking substantial evidence of effectiveness.

c. *VII Potassium penicillin G, oral forms.*

i. The indications classified as probably effective have been changed to effective.

ii. The indications classified as possibly effective have been changed to lacking substantial evidence of effectiveness.

d. *IX Potassium or sodium penicillin G for parenteral use.*

i. The indications classified as possibly effective have been changed to lacking substantial evidence of effectiveness.

e. *X Chloroprocaine penicillin O for aqueous injection.*

i. The following indication classified as probably effective has been changed to lacking substantial evidence of effectiveness:

Anaerobic streptococcal infection.

ii. The remaining indications classified as probably effective has been changed to effective.

iii. The indications classified as possibly effective have been changed to lacking substantial evidence of effectiveness.

f. XI Potassium phenethicillin, oral forms.

i. The indications classified as possibly effective have been changed to lacking substantial evidence of effectiveness.

2. Revising the labeling guidelines of the July 29, 1970, announcement for the following drugs:

a. *IV Benzathine penicillin G for oral use and benzathine phenoxymethyl penicillin for oral use.*

i. Delete the following paragraph from the Indications section:

To prevent bacterial endocarditis in patients with congenital and/or rheumatic heart lesions who are to undergo dental procedures or minor upper respiratory tract surgery or instrumentation. Prophylaxis should be instituted the day of the procedure and for 2 or more days following. Patients who have a past history of rheumatic fever and are receiving continuous prophylaxis may harbor increased numbers of pencillin-resistant organisms; use of another prophylactic anti-infective agent should be considered. If penicillin is to be used in these patients at surgery, the regular rheumatic fever program should be interrupted 1 week prior to the contemplated surgery. At the time of surgery, penicillin may be reinstituted as a prophylactic measure against the hazard of surgically induced bacteremia.

ii. Delete the following paragraph from the Administration and Dosage section:

To prevent bacterial endocarditis in patients with rheumatic or congenital heart lesions who are to undergo dental or upper respiratory tract surgery or instrumentation: 500,000 units given orally the day of the procedure, 500,000 units aqueous penicillin I.M. 1 hour before the procedure and 500,000 units orally every 6 hours for 2 days.

b. *VI Benzathine penicillin G for aqueous intramuscular injection.*

i. Delete the following word which is located on the 12th and 13th lines of the Actions and Pharmacology section: N. gonorrhoeae.

ii. Revise the statement under the subheading Venereal infections in the Indications section to read as follows:

Syphilis, yaws, bejel, and pinta.

Batches of such drugs for which certification is requested should provide for labeling information in accord with the labeling guidelines developed on the basis of this reevaluation of the drug.

The possibly effective indications and some of the probably effective indications, as described above, have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness for these drugs has been submitted pursuant to the notice of July 29, 1970.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drugs have been reclassified from probably effective or possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regution providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–4828 Filed 3–29–72;8:50 am]

[DESI 11020]

CERTAIN PREPARATIONS CONTAINING ACETOPHENAZINE MALEATE; FLUPHENAZINE HYDROCHLORIDE; OR THIOPROPAZATE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 11020) published in the FEDERAL REGISTER of November 28, 1970 (35 F.R. 18213), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs:

1.a. Permitil Tablets (NDA 12–034), and

b. Permitil Chronotab Tablets containing fluphenazine hydrochloride (NDA 12–419); White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033.

2. Dartal Tablets containing thiopropazate hydrochloride; G. D. Searle and Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 11–020).

3.a. Prolixin Elixir (NDA 12–145), and

b. Prolixin Tablets and Injection (NDA 11–751) containing fluphenazine hydrochloride; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

4. Tindal Tablets containing acetophenazine maleate; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 12–254).

The notice stated that the drugs were regarded as effective, possibly effective, or lacking substantial evidence of effectiveness for their various labeled indications.

Based upon further review and evaluation, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of November 28, 1970, by:

1. Rewording the indications section to read as follows:

INDICATIONS

This drug is indicated for the management of manifestations of psychotic disorders.

2. Reclassifying the possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the November 28, 1970 announcement.

The new drug applications referred to above have been satisfactorily supplemented to delete those claims for which substantial evidence of effectiveness is lacking and to be in accord with the indications section above.

Other holders of applications approved for these drugs should submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new drug applications to provide for revised labeling in accord with the indications section above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

Any such preparations, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and

Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-4830 Filed 3-29-72;8:50 am]

[DESI 12235]

SODIUM COLISTIMETHATE FOR INTRAMUSCULAR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Coly-Mycin M Intramuscular (formerly Coly-Mycin M Injectable) containing sodium colistimethate and dibucaine hydrochloride; marketed by Warner-Chilcott Laboratories, Div. Warner Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, NJ 07950 (NDA 50-357).

The Food and Drug Administration concludes that sodium colistimethate for intramuscular use is effective for the treatment of severe acute and resistant chronic urinary tract infections and septicemias due to susceptible organisms. It is also effective in infections due to *Pseudomonas aeruginosa*.

Preparations containing sodium colistimethate are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification of the drug in the dosage form described above should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement.

The above-named firm and any other holders of applications approved for a drug of the kind described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows (optional additional information applicable to the drug may be proposed under other appropriate paragraph headings and should follow the information given below):

WARNING

Caution: This drug should be given only to hospitalized patients, so as to provide constant supervision by a physician.

Renal function should be carefully determined, and patients with renal damage and nitrogen retention should have reduced dosage. Patients with nephrotoxicity due to sodium colistimethate usually show albuminuria, cellular casts, and azotemia. Diminishing urine output and a rising bun are indications for discontinuing therapy with this drug.

Neurotoxic reactions may be manifested by irritability, weakness, drowsiness, ataxia, perioral paresthesia, numbness of the extremities, and blurring of vision. These are usually associated with high serum levels found in patients with impaired renal function and/or nephrotoxicity. The concurrent use of other nephrotoxic and neurotoxic drugs, particularly kanamycin, streptomycin, polymyxin B, neomycin, gentamicin, and viomycin, should be avoided.

The neurotoxicity of sodium colistimethate can result in respiratory paralysis from neuromuscular blockade, especially when the drug is given soon after anesthesia and/or muscle relaxants.

Usage in pregnancy: The safety of this drug in women during pregnancy has not been established.

DESCRIPTION

(Descriptive information to be included by the manufacturer should be confined to appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Sodium colistimethate has a bactericidal action against almost all gram-negative bacilli except for the Proteus group. Sodium colistimethate is identical to polymyxin E in structure. Polymyxins increase the permeability of the bacterial cell wall membranes. All gram-positive bacteria; fungi; and the gram-negative cocci, *N. gonorrhoeae* and *N. meningitidis*, are resistant.

Susceptibility plate testing: If the Kirby-Bauer method of disc susceptibility testing is used, a 10 mcg. colistin disc should give a zone of 11 mm. or more when tested against a susceptible bacterial strain.

The drug is not absorbed from the normal alimentary tract. Since the drug loses 50 percent of its activity in the presence of serum, active blood levels are low (3 mcg/ml. average at 2 hrs. following a 75 mg. intramuscular dose in adults). Repeated injections give a cumulative effect. Levels tend to be higher in infants and children. The drug is excreted slowly by the kidneys. Tissue diffusion is poor, and the drug does not pass the blood brain barrier into the cerebrospinal fluid. In therapeutic dosage, sodium colistimethate causes some nephrotoxicity with tubular damage to a slight degree.

INDICATIONS

Sodium colistimethate for intramuscular injection is indicated in treatment of acute infections of the urinary tract and blood stream caused by susceptible strains of *Pseudomonas aeruginosa*.

It may be indicated in serious infections caused by susceptible strains of the following organisms, when less potentially toxic drugs are ineffective or contraindicated:

Escherichia coli, specifically urinary tract infections,

Aerobacter aerogenes, specifically bacteremia, and

Klebsiella pneumoniae, specifically bacteremia.

CONTRAINDICATIONS

This drug is contraindicated in persons with a prior history of hypersensitivity reactions to the polymyxins.

PRECAUTIONS

See "Warning" Box.

Baseline renal functions should be done prior to therapy, with frequent monitoring of renal function and blood levels of the drug during parenteral therapy.

Avoid concurrent use of a curariform muscle relaxant and other neurotoxic drugs (ether, tubocurarine, succinylcholine, gallamine, decamethonium, and sodium citrate) which may precipitate respiratory depression. If signs of respiratory paralysis appear, respiration should be assisted as required, and the drug discontinued.

As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

See "Warning" box.

Nephrotoxic reactions:
Albuminuria.
Cylindruria.
Azotemia.
Rising blood levels without any increase in dosage.

Neurotoxic reactions:
Facial flushing.
Dizziness progressing to ataxia.
Drowsiness.
Peripheral paresthesias (circumoral and stocking-glove).
Apnea due to concurrent use of curariform muscle relaxants, other neurotoxic drugs, or inadvertent overdosage.

Other reactions occasionally reported:
Drug fever.
Urticarial rash.

DOSAGE AND ADMINISTRATION

(To be supplied by the manufacturer.)

The Food and Drug Admnistration concludes that sodium colistimethate for intramuscular injection is possibly effective for the treatment of respiratory tract, surgical, wound, and burn infections; and infections due to Shigella. Batches of the drug which bear labeling with these indications and are otherwise in accord with the labeling conditions

herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in these conditions.

The Food and Drug Administration further concludes that sodium colistimethate for intramuscular injection lacks substantial evidence of effectiveness for the treatment of infections due to Bordetella-Brucella and Salmonella. Preparations containing the drug with labeling bearing these claims will no longer be acceptable for certification or release after 40 days following the publication date of this announcement.

Any person who would be adversely affected by deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described in this announcement, may, within 30 days following the publication date of this announcement, submit comments or pertinent data bearing on the effectiveness of the drug for such use.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

Representatives of the Administration are willing to meet with any interested person who desires a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Divisions of Anti-Infective Drug Products (BD–140), at the address given below, within 30 days after publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12235, directed to the attention of the appropriate office listed below, and addressed to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67).

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–4831 Filed 3–29–72;8:50 am]

[Docket No. FDC–D–364; NDA 6–762, etc.]

CERTAIN TOPICAL PREPARATIONS FOR OPHTHALMIC, OTIC, OR NASAL USE

Notice of Withdrawal of Approval of New-Drug Applications

A notice was published in the FEDERAL REGISTER of July 23, 1971 (36 F.R. 13696) extending to each holder of a new drug application listed below, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of each listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications.

NDA No.	Drug	NDA holder
6–762	Propion Ophthalmic Solution containing sodium propionate.	Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, PA 19101.
8–894	Corticloron Sterile Suspension containing cortisone acetate and chlorpheniramine maleate.	Schering Corp., 60 Orange St., Bloomfield, NJ 07003.
10–500	Metreton Nasal Spray containing prednisolone acetate and chlorpheniramine gluconate.	Do.

Neither the holders of the new-drug applications nor any other interested persons have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new drug applications and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (3–30–72).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–4832 Filed 3–29–72;8:50 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA–431]

AIRCRAFT ACCIDENT AT ALBANY, N.Y.

Notice of Investigation Hearing

In the matter of investigation of accident involved Mohawk Airlines, Inc., FH–227B, of U.S. Registry N7818M, Albany, N.Y., March 3, 1972.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., e.s.t., on April 25, 1972, at the DeWitt Clinton Hotel, State and Eagle Streets, Albany, NY.

Dated this 24th day of March 1972.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.72–4848 Filed 3–29–72;8:46 am]

[Docket No. SS–P–9]

NATURAL GAS PIPELINE ACCIDENT IN ANNANDALE, FAIRFAX CO., VA.

Notice of Investigation Hearing

In the matter of the investigation of a Natural Gas Pipeline accident in Annandale, Fairfax, County, Va., on March 24, 1972, involving a pipeline owned and operated by the Washington Gas Light Co.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., on Wednesday, April 5, 1972, in

Conference Room 2008, Federal Office Building No. 7, 17th and H Streets NW., Washington DC.

Dated this 28th day of March 1972.

ISABEL A. BURGESS,
Chairman,
Board of Inquiry.

[FR Doc.72-4976 Filed 3-29-72;8:54 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Reconstitution of Board

Dr. Walter H. Jordan was originally appointed as one of the technically qualified members of the Board established to consider the above application. Dr. J. M. B. Kellogg was appointed the alternate technically qualified member. Both Dr. Jordan and Dr. Kellogg are serving on other atomic safety and licensing boards in which hearings are in progress. In order to relieve them, Dr. Dale F. Babcock has been appointed to serve in place of Dr. Jordan and Dr. Paul W. Purdom has been appointed to serve in place of Dr. Kellogg.

Mr. Edward Diamond was originally appointed as alternate chairman of this Board. He has advised that he is unable to continue in his duties as a member of the Atomic Safety and Licensing Board Panel and has regretfully resigned. Therefore, he is unable to continue to serve as alternate chairman of this proceeding. Accordingly, Mr. John B. Farmakides, a member qualified in the conduct of administrative proceedings, has been appointed alternate chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721(b) of the rules of practice.

Dated at Washington, D.C., this 24th day of 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-4816 Filed 3-29-72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL

Suspension Request; Notice of Public Hearing; Procedures for Public Hearing

On March 13, 1972, Volvo, Inc., filed with the Administrator an application pursuant to section 202(b)(1)(A) of the Act. A public hearing on this application and on applications received from any other motor vehicle manufacturers on or before April 5, 1972, will be held in Washington, D.C., at the Department of Commerce Auditorium, 14th and E Streets NW., commencing at 10 a.m. on April 10, 1972. Other information pertinent to this hearing is contained in a prior notice published at 37 F.R. 5766 (March 21, 1972). That notice, insofar as it provides that interested members of the public may submit written questions at least ten days in advance of the hearing to be propounded to the applicant by the hearing panel, is amended to provide that such questions also may be submitted at any time during the hearing, as permitted by the hearing panel, to be propounded to the extent practicable to any applicant by the hearing panel.

A subpena has been issued to Volvo, Inc., requiring that appropriate representatives of the applicant attend the hearing and respond under oath to questions propounded by the hearing panel. In addition, subpenas have been issued requiring the attendance at the hearing of appropriate representatives of the following companies: General Motors Corp.; Ford Motor Co.; Chrysler Corp.; Volkswagen of America, Inc.; American Motors Corp.; Nissan Motors Corp.; British Leyland Motors, Inc.; Daimler Benz of North America; Toyo Kogyo; Saab-Scania of America; Toyota Motor Co., Ltd.; Englehard Industries; W. R. Grace Co.; Universal Oil Products Co.; Oxy Catalyst; Matthey Bishop, Inc.; American Lava Corp.; Corning Glass Works.

A verbatim transcript of the proceeding will be made and copies will be available from the reporter at the expense of any person requesting them.

Dated: March 27, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-4978 Filed 3-29-72;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18128, 18684]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Tariff Revisions, Extension of Time

In the matter of American Telephone and Telegraph Co., Long Lines Department, revisions of tariff FCC No. 260 Private Line Services, Series 5000 (TELPAK), Docket No. 18128; American Telephone and Telegraph Co., revision of American Telephone and Telegraph Co. tariff FCC No. 260, Series 6000 and 7000 Channels (Program Transmission Services), Docket No. 18684.

1. A "Motion for Extension of Time in Which to File Opposition to Petition for Reconsideration," was filed March 16, 1972, by Microwave Communications, Inc. (MCI) in the above-captioned proceeding. In its motion, MCI requested that the time for filing an opposition to A.T. & T.'s "Petition for Reconsideration" of the Commission's Memorandum Opinion and Order adopted February 3, 1972 (FCC 72-118) (37 F.R. 3380, Feb. 15, 1972), be extended to March 31, 1972.

2. None of the parties to this proceeding have objected to the motion, and MCI has shown good cause for the granting of the motion.

3. Accordingly, the Chief, Common Carrier Bureau, pursuant to the authority delegated in 47 CFR 0.303(c), hereby grants Microwave Communications, Inc.'s "Motion for Extension of Time in Which to File Opposition to Petition for Reconsideration" and the date for filing such opposition is extended to March 31, 1972.

Adopted: March 22, 1972.

Released: March 23, 1972.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.72-4883 Filed 3-29-72;8:51 am]

[Dockets Nos. 19472-19474; FCC 72-235]

PATRICK H. ROBINSON ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Patrick H. Robinson, Monroe, La., Docket No. 19472, File No. BP-18320, requests: 1110 kc., 500 w., day; Robert Cowan Wagner, Pineville, La., Docket No. 19473, File No. BP-18465, requests: 1110 kc., 500 w., day; Southeast Arkansas Radio, Inc. Dermott, Ark., Docket No. 19474, File No. BP-18476, requests: 1110 kc., 10 kw., day; for construction permits.

1. The Commission has before it for consideration: (i) The above-captioned and described mutually exclusive applications; (ii) informal objections to the application of Southeast Arkansas Radio, Inc., filed by Southeast Arkansas Broadcasters, Inc., licensee of station KVSA, McGehee, Ark.; and (iii) pleadings in opposition thereto.

2. The town of McGehee, Ark., is located approximately 7 miles from Dermott. In substance, KVSA objects to a grant of the Dermott proposal on the grounds that the area is already well served by its existing operation;[1] that another station would economically harm KVSA; and that the Dermott applicant is guilty of filing erroneous and misleading information in the identification of some of the persons in its survey of community needs. In support of the latter claim, KVSA points out a number of discrepancies such as the fact that one Charles J. Bennett does not operate a pharmacy in Dermott and that Carrol Jackson is not City Recorder of Dermott.

3. In rebuttal, the applicant's president, Bennie J. Ryburn, filed an affidavit

[1] In support of this proposition, the licensee attached petitions signed by approximately 1,000 persons praising the service rendered and stating that another station in the area was not needed.

in which he acknowledged that a number of errors in the identification of persons interviewed were made. In general, Mr. Ryburn attributed the errors to the fact that the survey (since amended) was prepared somewhat hastily in order to meet a Commission cutoff date. In a number of instances, according to Ryburn, the errors were caused by interviewees signing the contact form in the wrong place. Ryburn set out explanations for the discrepancies, pointing out, for instance, that although the aforementioned Charles Bennett is not a pharmacist in Dermott, he did operate a drug store in nearby Wilmot and that although Carrol Jackson was misidentified as City Recorder of Dermott, he is, in fact, Superintendent of Streets, Water, and Sewers. Ryburn alleges further that it is obvious there was no attempt to mislead the Commission since there could not have been any plausible motive for doing so. Moreover, Ryburn asserts that if the applicant had been attempting any deception, the signed survey contact forms would not have been filed with the application. Ryburn then accuses KVSA of filing the objection in order to "perpetuate the virtual monopoly on broadcast service" it has in the area. Finally, Ryburn denies that Dermott is adequately served by KVSA claiming that the community deserves a station of its own.

4. The Commission finds that KVSA has failed to raise any substantial or material questions of fact which merit the specification of issues against Southeast Arkansas Radio. KVSA's claim of economic harm is conclusory in nature and contains no specific data related to the economics of broadcasting which would tend to show that another station in the Dermott area would result in a net degradation of service to the public. Thus, a Carroll [2] issue is not warranted. Big Basin Radio, et al., 10 FCC 2d 209, 11 RR 2d 368 (1967). With respect to the discrepancies in the applicant's survey, we find that they have been adequately clarified by Mr. Ryburn. While we do not sanction carelessness, it is abundantly clear that no intentional misrepresentations were made. KVSA did not even allege that the misidentified persons were not actually interviewed or that the survey was fabricated. With approximately 200 persons contacted it is understandable that a few errors would be made, but the fact that the actual signed interview forms were filed leads us to conclude that the applicant had no intent to mislead or, for that matter, anything to gain through the errors. Since the misstatements appear to have been both minor and inadvertent, there is no need to question the applicant's basic qualifications. BCU–TV, 10 FCC 2d 190 (1967). As far as the question of Dermott's need for a radio station is concerned, the applicant has proposed to provide a first local transmission service for that community and the proposal meets all the technical requirements for a station licensed to that community. Since the proposal is mutually exclusive with applications for two other towns, the question of the needs of Dermott and environs for the proposed service and the needs of the other two communities vis-a-vis Dermott will be explored under the section 307(b) issue specified. Accordingly, the objections by KVSA will be denied.

5. Analysis of the financial data supplied by Patrick H. Robinson indicates that $38,520 will be needed to meet first-year construction and operation costs consisting of: Equipment, $20,604; land, $792; building, $400; miscellaneous costs, $3,000; interest on the credit union loan, $420; and first-year working capital, $13,304. To meet expected expenses, the applicant intends to rely on available cash, $9,300; a credit union loan, $6,450; and a bank loan of $50,000, for a total of $65,750. The bank loan, however, is not current and is otherwise not reliable because of its failure to specify a fixed rate of interest and terms of amortization. Accordingly, Patrick H. Robinson fails to meet his expected first-year costs, and a financial issue will be included.

6. Finally, the community-needs data submitted by Patrick H. Robinson fails to comply with criteria set forth in the Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). By Commission letter, dated September 13, 1971, Robinson was informed of the deficiencies in his survey of community needs and he filed an amendment in response to the inquiry. He did not report, however, the population breakdown of the minority, racial, or ethnic groups of Monroe, La., or provide a justification for his failure to do so. Accordingly, a Suburban issue [3] will be included as to this applicant.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

2. To determine with respect to the application of Patrick H. Robinson:

(a) The terms, conditions, and availability of the bank loan;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine the efforts made by Patrick H. Robinson to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

4. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

9. *It is further ordered,* That the informal objections to the application of Southeast Arkansas Radio, Inc., filed by Southeast Arkansas Broadcasters, Inc., licensee of KVSA, McGehee, Ark., are denied.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 15, 1972.

Released: March 24, 1972.

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

[FR Doc.72-4885 Filed 3-29-72;8:51 am]

[Docket No. 19464; FCC 72-230]

SOUTHWEST PENNSYLVANIA CABLE TV, INC.

Order to Show Cause and Instituting Hearing

In regard: Cease and desist order to be directed against: Southwest Pennsylvania Cable TV, Inc., California, Pa., Docket No. 19464, SR–87113.

1. Southwest Pennsylvania Cable TV, Inc., operates a cable television system at California, Pa., which provides approximately 1,900 subscribers with the following television signals: KDKA–TV (CBS), WTAE–TV (ABC), WQEX (Educ.), WIIC–TV (NBC), and WQED (Educ.), Pittsburgh, Pa.; WTRF–TV (NBC), Wheeling, W. Va.; WSTV–TV (CBS, ABC), Steubenville, Ohio; and WJAC–TV (NBC), Johnstown, Pa. Station WIIC–TV places a predicted principal community contour over California, Pa., Station WTRF–TV places a predicted Grade A contour over California, and

[2] Carroll Broadcasting Co. v. F.C.C., 103 U.S. App. D.C. 346, 258 F 2d 440 (1958).

[3] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

Station WJAC–TV places a predicted Grade B contour over California. On April 7, 1969, Southwest Pennsylvania requested waiver of the program exclusivity requirement of § 74.1103 of the Commission's rules so that it would not have to provide exclusivity to WIIC–TV vis-a-vis WTRF–TV on its cable television system at California, Pa. The Commission denied this request in Southwest Pennsylvania Cable TV, Inc., FCC 69–1061, 19 FCC 2d 989. Southwest Pennsylvania did not petition for reconsideration of this action.

2. On August 23, 1971, WIIC–TV Corp., licensee of Station WIIC–TV, petitioned the Commission to issue an order directing Southwest Pennsylvania to show cause why it should not be ordered to cease and desist from further violation of § 74.1103(e)[1] of the Commission's rules by not providing exclusivity protection to WIIC–TV vis-a-vis lower priority WTRF–TV and WJAC–TV on its Cable Television system at California, Pa. Southwest Pennsylvania opposes this petition and WIIC–TV has replied.

3. In opposing WIIC–TV's petition, Southwest essentially reargues its waiver request; and for reasons stated in that opinion those arguments must be rejected. Additionally we reject Southwest's argument that the Commission's action disregarding Southwest's allegations concerning the unsatisfactory nature of WIIC–TV's signal is contrary to its holdings in Community Service, Inc. v. United States, 418 F.2d 709 (6th Cir., 1969), and Meadville Master Antenna, Inc. v. Federal Communications Commission, 443 F.2d 282 (3rd Cir., 1971).[2] In these cases concrete factual engineering evidence was timely filed by the petitioner. In the instant case, no such evidence was submitted. Finally, Southwest's contention that WIIC–TV is not currently enforcing its exclusivity rights in the same manner against other cable television systems, is irrelevant to the question whether Southwest is in violation of the Commission's rules. See e.g. Community TV Corp., 17 FCC 2d 940 (1969). Accordingly, we will issue the requested order to show cause.

4. The public interest requires that the hearing process be conducted as expeditiously as possible. The Examiner is so directed and shall issue his initial decision as promptly as possible after the conclusion of the hearing.

Accordingly, it is ordered, That pursuant to section 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c) and 409(a), Southwest Pennsylvania Cable TV, Inc. is directed to show cause why it should not be ordered to cease and desist from further violation of section 74.1103(e) of the Commission's rules and regulations on its CATV system at California, Pa.

It is further ordered, That Southwest Pennsylvania Cable TV, Inc., is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C., at a time and place before an Examiner, to be specified by subsequent order, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That WIIC–TV Corp., and Chief, Cable Television Bureau ARE MADE parties to this proceeding.

It is further ordered, That the Examiner shall conduct the hearing expeditiously and issue an initial decision as promptly as possible, in accordance with paragraph four above.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to Southwest Pennsylvania Cable TV, Inc.

Adopted: March 15, 1972.

Released: March 24, 1972.

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

[FR Doc.72–4886 Filed 3–29–72;8:52 am]

[FCC 72–246]

STATION KUTV, SALT LAKE CITY, UTAH

Memorandum Opinion and Order Regarding Prime Time Waiver

In the matter of request for waiver of the "prime time access rule" (§ 73.658(k)), filed on behalf of Station KUTV, Salt Lake City, Utah, for Thursday, March 23, 1972.

1. The Commission here considers a request for waiver of the "prime time access rule" (§ 73.658(k) of the Commission's rules) filed on March 6, 1972, by KUTV, Inc., the licensee of Station KUTV, Salt Lake City, Utah (NBC affiliated). The request is for waiver on Thursday, March 23, to carry 3½ hours of NBC programs between 7 and 11 p.m., m.t.

2. KUTV has received a number of waivers in recent months, including one granted March 15 for the remaining Saturdays in March. Generally, these all reflect the fact that, as long as their "prime hours" remain 7 to 11 p.m., m.t., mountain time zone stations have to carry during prime time certain material which, in the rest of the Nation, is shown after prime time ends. For NBC affiliates in particular, this includes the Tonight show which is presented on the network at 11:30 p.m., e.s.t., and is carried by the mountain zone stations at 10:30 m.t. KUTV deals with this problem generally, on Thursdays, by carrying a syndicated program during earlier prime hours; but this is not possible on March 23 because the first 2 hours of prime time will be devoted by NBC to a special program, the semifinals of the NCAA basketball tournament, played at Salt Lake City and running on the network from 7 to 9 p.m., m.t. Accordingly, KUTV wishes to carry this game, the Flip Wilson NBC program from 9 to 10, and then the Tonight show starting at 10:30, a total of 3½ hours.

3. Viewed by itself, this request would fall within the scope of previous Commission actions, granting waivers of the rule during 1971–72 where special programing of this sort is involved. However, here we must also take into account the fact that KUTV already has one waiver for the week involved, that for Saturday, March 25, mentioned above. This would be the first time a station has received two waivers for the same week.

4. However, it is also appropriate to take into account other circumstances. First, as we have mentioned before, the rule is not yet in full effect, with the present 1971–72 period being a "transitional year," during which stations may present off-network material which will be precluded in the large markets during the cleared portion of prime time after October 1, 1972. Second, we have recognized that the rule presents problems in the mountain time zone, and have recently taken steps looking toward amendment of it within the next few months (Docket 19475, notice of proposed rule making adopted March 15, 1972). Thus, it appears that these problems are only of a temporary nature. Third, it appears that in the present case, as well as the Saturday schedule which is the subject of the waiver during March mentioned above, KUTV serves an important role in "feeding" NBC programs to some 11 other stations in smaller markets in the mountain zone, so that any deletion of NBC programs would have a disruptive effect to areas and populations beyond those served by KUTV directly. Thus, if waiver is denied, KUTV will probably delete the NBC Tonight show from its schedule on this date, resulting in loss of this program to substantial numbers of viewers in these market areas. Fourth, we note the special nature of the programing which leads to the waiver request, and the fact that, even with waivers, KUTV's prime time presentation of NBC material during the week will be less than 21 hours. Under all of these circumstances, therefore, waiver appears warranted. We emphasize, as we did in the recent action granting the Saturday waivers for the remainder of March, that this action is taken in light of all of these circumstances. It does not indicate that waivers of this sort will be appropriate after the rule goes into full effect next October.

5. In view of the foregoing, Station KUTV, Salt Lake City, Utah, may present up to 3½ hours of NBC programs during prime hours on Thursday, March 23, 1972, only.

Adopted: March 23, 1972.

Released: March 23, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–4884 Filed 3–29–72;8:51 am]

[1] This provision of the rules will be renumbered to § 76.91 effective Mar. 31, 1972.

[2] Cable TV of Santa Barbara, Inc. v. Federal Communications Commission, 428 F.2d 672 (9th Cir. 1970) involved grant of special relief, rather than enforcement of an existing rule.

[1] Commissioner Johnson concurring in the result.

[Dockets Nos. 19468–19471; FCC 72–233]

WIOO, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of: WIOO, INC., Carlisle, Pa., Docket No. 19468, File No. BPH–6572, requests: 93.5 MHz; No. 228; 3 kw. (H&V); 179 feet; Howard J. Hilton, John E. McGowan, and John E. Hilton, doing business as Hilton, McGowan & Hilton, Carlisle, Pa., Docket No. 19469, File No. BPH–6631, requests: 93.5 MHz; No. 228; 416 w. (H&V); 699 feet; Russell C. Lash, Carlisle, Pa., Docket No. 19470, File No. BPH–6864, requests: 93.5 MHz; No. 228; 3 kw. (H&V); 121 feet; Alexander Contract and Sylvia Contract, doing business as Cumberland Broadcasting Co., Carlisle, Pa., Docket No. 19471, File No. BPH–7404, requests: 93.5 MHz; No. 228; 3kw. (H&V); 300 feet; for construction permits.

1. The Commission has before it: (a) An engineering statement filed by TV Cable of Waynesboro, Inc., which we shall consider as a petition for reconsideration of our action in TV Cable of Waynesboro, Inc., 18 FCC 2d 191 (1969), in which we returned its tendered application for a construction permit for a new FM station to operate on channel 228, Carlisle, Pa.; and (b) the captioned applications, which are mutually exclusive and thus must be designated for a comparative hearing.

2. Based on figures contained in its application, we find that Hilton, McGowan & Hilton (Hilton) will require funds of $74,760 to construct and operate the proposed station for 1 year.[1] To satisfy this requirement, Hilton claims the availability of $7,500 in new capital and loans from its three partners totaling $90,000. Howard J. Hilton has agreed to loan the partnership $40,000, while John E. McGowan has promised to advance up to $35,000, and John E. Hilton has agreed to loan up to $15,000 to the partnership. However, the balance sheets submitted by J. E. McGowan and J. E. Hilton do not show sufficient cash and liquid assets in excess of current liabilities to meet their respective loan commitments, as required by paragraph 4(d), section III, FCC Form 301. Howard J. Hilton's balance sheet of April 1, 1970, shows his ability to loan the partnership $40,000, but since that balance sheet is over 22 months old, it is necessary that he submit a current balance sheet to demonstrate his present ability to make that loan. Accordingly, financial issues will be specified against the applicant.

3. Based on cost estimates contained in his application, Russell C. Lash will have first-year expenses of $38,793.[2] To meet these expenses, he relies on a $40,000 bank loan from the Farmers Trust Co., Carlisle, Pa. However, the bank letter that Mr. Lash submitted has expired and does not indicate the security required, if any. Accordingly, issues will be specified to determine whether the loan offer will be renewed, the security required for the loan, if any, and Mr. Lash's ability to provide that security. Relevant to the latter issue will be Mr. Lash's other obligations as described below.

4. Mr. Lash is also the president and 50 percent owner of Sun City Broadcasting Corp. (Sun City Broadcasting). On July 14, 1969, Sun City Broadcasting filed an application for a construction permit for a new FM broadcast station in Sun City, Ariz. In that application, Mr. Lash agreed to loan $40,000 to Sun City Broadcasting. Subsequently, on September 16, 1969, Mr. Lash applied for a new FM station in Carlisle, Pa., but he did not reveal his obligation to Sun City Broadcasting in his Carlisle application. Mr. Lash's failure to indicate that commitment in his Carlisle application raises a question as to his compliance with § 1.514(a) of our rules, which requires an applicant to disclose all information called for by the application form. His promise to loan Sun City Broadcasting $40,000 should have been indicated as a liability on his balance sheet of September 8, 1969, which was submitted as part of his Carlisle application. It is also noted that after Sun City Broadcasting was designated for hearing, it submitted a new financing plan which would increase Mr. Lash's commitment to it by making him the guarantor of a $50,000 bank loan to that corporation. In conclusion, since Mr. Lash did not reveal his commitment to loan Sun City Broadcasting $40,000 in his balance sheet submitted for his Carlisle application, and since this omission has not been corrected for well over 2 years, it is necessary to specify a nondisclosure issue against him.

5. Data submitted by the applicants indicate that there would be a significant disparity in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary (1 mv/m or greater for FM) aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Three of the four applicants propose independent programing while WIOO, Inc., proposes to duplicate the programing of its commonly owned station WIOO during the daytime hours. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

7. On February 13, 1969, TV Cable of Waynesboro, Inc. (TV Cable), tendered an application for authority to construct a new FM broadcast station on Class A channel 228 in Carlisle, Pa., which specified a transmitter site located 63 miles from the transmitter of cochannel station WCST–FM, Berkeley Springs, W. Va. Section 73.207 of our rules states that applications for Class A FM broadcast stations which are not separated by at least 65 miles from cochannel stations will not be accepted for filing. TV Cable requested a waiver of § 73.207 of the rules so that its application could be accepted. We denied this request and returned TV Cable's application, TV Cable of Waynesboro, Inc., 18 FCC 2d 191 (1969), but stated that we would allow TV Cable 30 days to amend its application by specifying a transmitter site which complied with the minimum separation requirements of § 73.207 of the rules. Instead of filing such an amendment, TV Cable submitted an engineering statement in the nature of a petition for reconsideration which asserted that the 0.1 mv/m contour of its proposed station would not penetrate the 1 mv/m contour of station WCST–FM if both stations were operating with maximum facilities, but which contained no other information not previously before the Commission.[3] The protected contour concept of determining station separations was explicitly rejected in our First Report and Order in Docket No. 14185, 33 FCC 309, 23 RR 1801 (1962), when we adopted the present system of fixed FM channel separation requirements. Under our rules, commercial FM broadcast stations are entitled to protection from interference to the degree afforded by the minimum assignment and station separation requirements and the rules governing maximum powers and antenna heights. Thus, the applicant's recent engineering statement is irrelevant and does not demonstate good cause for waiving § 73.207 of the rules. In this case, there are four other applicants for Channel 228 in Carlisle whose transmitter sites are consistent with our rules and no public interest considerations are presented which would warrant a grant of TV Cable's request. Thus, TV Cable's request for a waiver of § 73.207 of the rules will be denied and its application will be returned.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

[1] Hilton's first-year costs consist of: Down payment on equipment, $11,660; first-year payments on equipment, including interest, $13,760; physical plant, $1,000; first-year operating expenses, $45,240; and miscellaneous expenses, $3,100.

[2] Mr. Lash's first-year expenses consist of: Equipment lease payments, $6,038; interest on loan, $2,400; working capital, $28,855; and miscellaneous expenses, $1,500.

[3] TV Cable submitted a map which depicted the 1 mv/m contours of its proposal and those of the other entities which had filed for a construction permit for a new FM station at Carlisle, Pa., arguing as it did in its application that TV Cable's site would, on a comparative basis, provide superior coverage to areas not receiving numerous other services.

9. *Accordingly, it is ordered,* That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

1. To determine with respect to the application of Hilton, McGowan & Hilton:

(a) Whether John E. McGowan has net liquid assets of $35,000 to loan to the applicant;

(b) Whether John E. Hilton has net liquid assets of $15,000 to loan to the applicant;

(c) Whether Howard J. Hilton currently has net liquid assets of $40,000 to loan to the applicant; and

(d) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified.

2. To determine with respect to the application of Russell C. Lash:

(a) Whether the Farmers Trust Co. of Carlisle, Pa., will renew its offer to lend funds to the applicant and, if so, the security required, if any.

(b) Whether Mr. Lash can provide the required security, if any;

(c) Whether, in light of the evidence adduced under the preceding issues, the applicant is financially qualified.

(d) Whether Russell C. Lash has complied with the provisions of section 1.514(a) of the Commission's rules, and if not, to determine the effect of such noncompliance on the basic or comparative qualifications of Russell C. Lash to be a Commission licensee.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permits should be granted.

10. *It is further ordered,* That the request of TV Cable of Waynesboro, Inc., that the Commission reconsider its decision in TV Cable of Waynesboro, Inc., 18 FCC 2d 191 (1969), and waive § 73.207(a) of the Commission's rules, is hereby denied, and its application is returned as unacceptable for filing.

11. *It is further ordered,* That each of the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

12. *It is further ordered,* That the applicants shall give notice of the hearing, within the time and in the manner specified in § 1.594 of our rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: March 15, 1972.

Released: March 24, 1972.

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

[FR Doc.72-4887 Filed 3-29-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. G-4579, etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order

MARCH 22, 1972.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to FPC gas rate schedules on file with the Commission and propose to initiate, continue, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Texas Oil & Gas Corp., applicant in Docket No. CI72-109, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-5123 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 261. The effective rate under Sun's rate schedule at the time of the transfer of the producing properties was in effect subject to refund in Docket No. RI71-205. Therefore, Applicant will be made a corespondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention was filed by The People of the State of California and The Public Utilities Commission of the State of California in Docket No. CI71-909 on August 12, 1971, and withdrawn on August 23, 1971. No protests to the granting of the applications, petitions to intervene, or further notices of intervention were filed.

At a hearing held on March 17, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) Applicant in Docket No. CI62-675 has collected no money subject to refund in Docket No. RI66-26.

(7) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated and the related rate schedules canceled.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Texas Oil & Gas Corp. should be made corespondent in the proceeding pending in Docket No. RI71-205 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued to Sohio Petroleum Co. in Docket No. CI62-675 should be terminated and the related rate schedule canceled.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing

sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–4579, G–16367, G–18881, CI61–691, CI63–1111, and CI64–1102 are amended by deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. G–5123 is amended by deleting therefrom authorization to sell natural gas assigned to applicant in Docket No. CI72–109.

(F) The certificate of public convenience and necessity issued in Docket No. CI62–675 is terminated and the related rate schedule is canceled since the service authorized therein will be continued by Southwestern Natural Gas, Inc., a small producer certificate holder.

(G) Texas Oil & Gas Corp. is made corespondent in the proceeding pending in Docket No. RI71–205 and said proceeding is redesignated accordingly. Texas Oil & Gas Corp. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(H) The certificate granted herein in Docket No. CI72–109 is subject to the Commission's Order No. 595 and any other orders issued in the Texas Gulf Coast Area Rate Proceeding, Dockets Nos. AR64–2, et al.

(I) Within 90 days from the date of this order applicant in Docket No. CI72–109 shall file three copies of a rate schedule-quality statement in the form prescribed by Opinion No. 595.

(J) Applicant in Docket No. CI72–36 is not relieved of any refund obligations in Dockets Nos. RI68–154, RI71–445, and RI71–1089 as a result of the abandonment permitted and approved herein.

(K) Applicant in Docket No. CI71–909 shall charge and collect 22 cents per Mcf at 14.65 p.s.i.a., subject, however, to upward or downward B.t.u. adjustment as provided by Opinion No. 568, as modified, and subject also to prospective modification at the conclusion of the Permian Basin Area Rate Proceeding in Docket No. AR70–1.

(L) Within 90 days from the date of this order applicant in Docket No. CI71–909 shall file three copies of a rate schedule-quality statement in the form prescribed by Opinion No. 468.

(M) The proceeding pending in Docket No. RI66–26 is terminated.

(N) Applicant in Docket No. CI72–128 is not relieved of any refund obligations in Docket No. RI65–423 as a result of the abandonment permitted and approved herein.

(O) The certificates of public convenience and necessity issued in Nos. G–14910, CI62–885, CI66–873, CI67–602, and CI67–1356 are terminated and the related rate schedules are canceled.

(P) The certificates of public convenience and necessity issued in Dockets Nos. G–7257 and G–8832 are terminated only insofar as they pertain to the sales authorized to be abandoned herein and the related rate schedules are canceled.

(Q) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(R) The rate schedule and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document	No.	Supp.
G–4579 [1] D 7–5–68	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Stevens County, Kans.	Assignment [2] 6–24–68 (No specific effective date).	154	3
G–7257 [3] B 7–14–71	Hurley Oil & Gas Co. et al.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Notice of abandonment [4] 6–23–71 (Effective date: Date of this order).	6	5
	do	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Notice of abandonment [4] 6–23–71 (Effective date: Date of this order).	7	3
G–16367 [5] D 8–20–70	Mobil Oil Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Assignment [6] 4–10–70 (Effective date: Date of this order).	239	19
G–18881 [1] D 12–24–70	Union Oil Co. of California (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	Assignment [7] 10–27–70 (No specific effective date).	123	19
CI61–691 D 4–24–68	Atlantic Richfield Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Assignment [8] 5–9–66 (Effective date: Date of this order).	443	50
CI61–691 [1] D 4–21–69	do	do	Assignment [9] 3–21–69 (No specific effective date).	443	51
CI62–675 [13A] 8–9–71	Sohio Petroleum Co.	El Paso Natural Gas Co., acreage in Reagan County, Tex.	Assignment [10] 10–1–65 (Effective date: 10–1–65).	94	19
CI63–1111 [11] D 7–21–71	Texaco, Inc.	Panhandle Eastern Pipe Line Co., North Hansford Field, Hansford County, Tex.	Amendment [12] 6–7–71 (Effective date: Date of this order).	309	5
CI64–1102 [1] D 6–4–68	Humble Oil & Refining Co.	Transwestern Pipeline Co., acreage in Hemphill County, Tex.	Assignment [8] 5–1–68	346	16
D 7–9–68			Assignment [6] 6–21–68 (No specific effective date).	346	17
CI71–843 [13] B 5–20–71	Federal Pertoleum, Inc.	Transwestern Pipeline Co., Brillhart Field, Hansford County, Tex.	Notice of Cancellation [4] 5–17–71 (Effective date: Date of this order).		
CI71–909 [14] 6–29–71	Union Oil Co. of California.	El Paso Natural Gas Co., Gomez and La Rica Fields, Pecos County, Tex., and Lea County, N. Mex.	Contract 6–9–71 [15]	206	
CI72–27 [16] B 6–14–71	Mobil Oil Corp.	Diamond Shamrock Oil & Gas Co., Panhandle Field, Hutchinson County, Tex.	Notice of cancellation [4] [17] (Effective date: Date of this order).	145	7
CI72–36 [18] B 7–19–71	Humble Oil & Refining Co.	Lone Star Co., East Nellie Field, Stephens County, Okla.	Notice of cancellation [4] [17] 7–12–71 (Effective date: Date of this order).	412	4
CI72–42 [13] B 7–19–71	L. M. Moffitt & H. W. Perritt.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	(A) (Effective date: Date of this order).		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document	No.	Supp.
CI72-109 [19] F 8-19-72	Texas Oil & Gas Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Contract 1-1-49	91	
			Supplemental Agreement 6-1-49.	91	1
			Letter agreement 7-20-54	91	2
			Letter agreement 5-2-58	91	3
			Amendment 9-6-57	91	4
			Letter agreement 6-4-63	91	5
			Amendment 3-1-65	91	6
			Letter agreement 12-13-68	91	7
			Letter agreement 3-27-62	91	8
			Letter agreement 3-20-61	91	9
			Letter agreement 1-15-69	91	10
			Letter agreement 6-11-64	91	11
			Assignment [20] 5-7-71 (Effective date: 6-1-71).	91	12
CI72-117 [21] B 8-23-71	Mobil Oil Corp.	Costal States Gas Producing Co., Alfred Field, Jim Wells County, Tex.	Notice of cancellation [4] [17] 8-18-71 (Effective date: Date of this order).	288	5
CI72-128 [22] B 8-30-71	Midhurst Oil Corp. (Operator) et al.	Trunkline Gas Co., Southeast Alice Field, Jim Wells County, Tex.	Notice of cancellation [4] [17] 8-25-71 (Effective date: Date of this order).	9	6
CI72-132 [23] B 8-30-71	Sun Oil Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Notice of cancellation [4] [17] 8-16-71 (Effective date: Date of this order).	440	5
CI72-142 [24] B 9-3-71	Stnarco Oil Co., Inc. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Bonanza Field, Logan County, Colo.	Notice of cancellation [4] [17] 8-31-71 (Effective date: Date of this order).	3	1

[1] No deletion filing made or necessary (18 CFR 2.64). Acreage assigned to small producer.
[2] Assigns acreage from applicant to Barnett Oil Co., holder of a small producer certificate in Docket No. CS71-210.
[3] Application to abandon in part the sale of natural gas heretofore authorized in Docket No. G-7257.
[4] Source of gas depleted.
[5] Application to delete acreage assigned to a small producer.
[6] Conveys acreage from applicant to Samadan Oil Corp., which is holder of a small producer certificate in Docket No. CS71-430.
[7] Conveys acreage from applicant to Jones & Pellon Oil Co., which is holder of a small producer certificate in Docket No. CS71-157.
[8] Conveys interest to Edwin L. Cox.
[9] Conveys acreage from applicant to An-Son Corp., which is holder of a small producer certificate in Docket No. CS69-77.
[10] Assigns acreage to Southwestern Natural Gas, Inc., which is holder of a small producer certificate in Docket No. CS66-127.
[11] Application to delete expired or depleted leases.
[12] Pertains only to section 188-Blk. 45, H&TC Survey.
[13] Application to abandon a sale of natural gas covered under small producer certificate.
[13A] All acreage assigned to small producer. Certificate to be terminated and rate schedule to be canceled.
[14] By letter of Aug. 23, 1971, applicant agrees to accept a permanent certificate with conditions set forth in the temporary certificate.
[15] The rate schedule filing has heretofore been accepted.
[16] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. G-14910.
[17] Includes buyer's concurrence.
[18] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. CI67-602.
[19] Applicant proposes to continue in part, the sale of natural gas heretofore authorized in Docket No. G-5123 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 261.
[20] Assigns acreage from Sun Oil Co. to applicant.
[21] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. G-8832.
[22] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. CI62-885.
[23] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. CI66-873.
[24] Applicant proposes to abandon the sale of natural gas heretofore authorized in Docket No. CI67-1356.

[FR Doc.72-4789 Filed 3-29-72;8:45 am]

[Docket No. RI72-191, etc.]

McCULLOCH GAS PROCESSING CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

MARCH 22, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period

[1] Does not consolidate for hearing or dispose of the several matters herein.

without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI72-191	McCulloch Gas Processing Corp.	3	[1] 4	McCulloch Interstate Gas Corp. (Tailgate of various gas processing plants in the Powder River Basin, Wyo.)	----------	2-24-72	3-26-72	[11] Accepted	----------	----------	
			5		$1,572,420	2-24-72	----------	4-26-72	15.0	22.18	
RI72-192	Hassie Hunt Trust	40	1	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex.) (Permian Basin).	8,100	2-22-72	----------	[5] 4-24-72	[2] 27.0	30.0	
RI72-193	Phillips Petroleum Co	18	[3] 66	Northern Natural Gas Co. (Andrews Plant, Andrews County, Tex.) (Permian Basin).	374,263	2-25-72	----------	8-27-72	16.4492	23.079	RI70-1668.
	do	484	4	El Paso Natural Gas Co. (Sales Ranch Field, Martin and Midland Counties, Tex.) (Permian Basin).	2,102	2-25-72	----------	10- 6-72	26.852	[4] 27.236	RI71-1025.
	do	485	5	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex.) (Permian Basin).	9,300	2-25-72	----------	10- 1-72	[7] 29.680	[8] 30.072	RI71-1043. RI72-144.
RI72-194	Getty Oil Co	187	3	El Paso Natural Gas Co. (Toro (Ellenburger) Field, Reeves County, Tex.) (Permian Basin).	280	3- 1-72	----------	9- 1-72	26.5	26.85	RI71-987.
RI72-195	Warren Petroleum Co	60	4	El Paso Natural Gas Co. (Eunice Gas Processing Plant, Lea County, N. Mex.) (Permian Basin).	45,508	3- 2-72	----------	5- 3-72	[6] 28.053	[10] 31.170	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Provides for a rate of 22.18 cents for the first period of the contract term.
[2] Initial rate under Mitchell type certificate.
[3] Includes letter from the buyer advising Phillips of the redetermined price to be paid.
[4] 24.85-cent base rate plus upward B.t.u. adjustment.
[5] Or 1 day after commencement of deliveries, whichever is later.
[6] 26.85-cent base rate plus upward B.t.u. adjustment for 1,120 B.t.u. gas.
[7] Previously reported as 28.355 cents for 1,070 B.t.u. gas.
[8] Subject to downward B.t.u. adjustment for 970 B.t.u. gas.
[9] Initial rate under Mitchell type certificate. (27-cent base rate plus B.t.u. adjustment).
[10] Increase to contract rate (30-cent base rate plus B.t.u. adjustment).
[11] Accepted, to become effective Mar. 26, 1972.

The proposed increases of Phillips Petroleum Co. and Getty Oil Co. exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months.

The initial rates of Hassie Hunt Trust and Warren Petroleum Co. were authorized under a Mitchell type certificate. One day suspensions are therefore appropriate for these proposed rate increases.

McCulloch Gas Processing Corp.'s increase does not exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore it is suspended herein for 1 day.

With the exception of McCulloch Gas Processing Corp. and its purchaser, there is no known affiliation between buyers and sellers.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATE OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-4787 Filed 3-29-72;8:45 am]

[Docket No. CS71-1153, etc.]

JOHNEY M. MYERS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 23, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 20, 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

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of Applicant
CS71-1153	10-21-71	Johney M. Myers, 901 Zuni Dr., Farmington, NM 87401.
CS72-459 [1]	3-10-72	Don S. Sturgill, Trustee for Peter Widener Co. et al. 128 East Vine St., Lexington, KY 40507.
CS72-686	2- 1-72	Harold D. Courson, Post Office Box 809, Perryton, TX 79070.
CS72-791	3- 3-72	Car-Tex Producing Co., Post Office Box 655, Carthage, TX 75633.
CS72-792	3- 3-72	Lee W. Kilgore, 410 East Hopi St., Farmington, NM 87401.
CS72-793	3- 3-72	Ragars Oil and Gas Co., Post Office Box 2030, Alice, TX 78332.
CS72-794	3- 3-72	M and M Production and Operation, Lindrith Camp, Counselor, N. Mex. 87018.
CS72-795	3- 3-72	Robert J. Hewitt, 400 Victoria Bank & Trust Bldg., Victoria, Tex. 77901.
CS72-796	3- 6-72	Flint Berlin, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-797	3- 6-72	Eugene W. Gill, 1707 National Bank of Commerce Bldg., San Antonio, Tex. 78205.
CS72-798	3- 6-72	Cricket Oil Co., 307 Milam Bldg., San Antonio, Tex. 78205.
CS72-799	3- 6-72	Colonial Gas Co., 1025 Charleston National Plaza, Charleston, W. Va. 25301.
CS72-800	3- 6-72	Equity Resources Corp., 1900 Avenue of the Stars, Los Angeles, CA 90067.
CS72-801	3- 6-72	A. M. Reburn, 1108 Petroleum Tower, Shreveport, La. 71101.
CS72-802	3- 6-72	Geo. L. Blohm et al., Box 22352, Houston, TX 77027.
CS72-803	3- 6-72	Thunderbird Drilling, Inc., Post Office Box 18407, Wichita, KS 67218.
CS72-804	3- 6-72	M & G Oil Co., Box 96, Iraan, TX 79744.
CS72-805	3- 6-72	O. F. Woodfin, Post Office Box 247, Logansport, LA 71049.
CS72-806	3- 7-72	Gruy Management Service Co., Operator for V. A. Hughes et al., 2501 Cedar Springs, Dallas, TX 75201.
CS72-807	3- 7-72	Roy A. Godfrey, Box G, Madill, OK 73446.
CS72-808	3- 7-72	Edith A. Seeger, Individually and as Executrix of the Estate of W. F. Seeger, deceased, 823 South Water, Corpus Christi, TX 78401.
CS72-809	3- 6-72	Kansas University Endowment Association, University of Kansas, Lawrence, Kans. 66044.
CS72-810	3- 7-72	R. L. Lynd, Operator, Post Office Box 290, Alice, TX 78332.
CS72-811	3- 3-72	Alan L. Lamb, 5909 Burnham Pl., Oklahoma City, OK 73132.
CS72-812	3- 8-72	F. O. Penn, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-813	3- 8-72	O. Neathery, Jr., 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-814	3- 8-72	David Penn, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-815	3- 8-72	William Pirtle, M.D., 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-816	3- 8-72	A. Bart Brown, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-817	3- 8-72	Bart B. Brown, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-818	3- 8-72	Jennifer Brown Alexander, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-819	3- 8-72	William B. Dean, M.D., 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-820	3- 8-72	George W. Pirtle, 628 Meadows Bldg., Dallas, Tex. 75206.
CS72-821	3- 8-72	John D. Hill, c/o Oil Loan Department, Fort Worth National Bank, Fort Worth, Tex. 76102.
CS72-822	3- 8-72	D. Morgan Firestone, 353 Iroquois Rd., Oakville, ON, Canada.
CS72-823	3- 8-72	Consolidated Drilling, Division of Westland Oil Co., 504 East Central Ave., Minot, ND 58701.
CS72-824	3- 9-72	C. B. Gas Gathering Co., Post Office Box 1873, Corpus Christi, TX 78403.
CS72-825	3- 3-72	Miles Production Co., et al, 1907 Plantation Rd., Dallas, TX 75235.
CS72-826	3- 9-72	Alfred L. Loomis, III, 48 Wall St., Suite 1200, New York, NY 10005.
CS72-827	3- 9-72	William H. Crocker, 3333 P St. NW., Washington, DC 20007.
CS72-828	3- 9-72	St. Vincents Island Co., 48 Wall St., Suite 1200, New York, NY 10005.
CS72-829	3- 9-72	Candace L. Lake, 48 Wall St., Suite 1200, New York, NY 10005.
CS72-830	3- 9-72	Mary Paul Loomis, 48 Wall St., Suite 1200, New York, NY 10005.
CS72-831	3- 9-72	Henry Stimson Loomis, 48 Wall St., Suite 1200, New York, NY 10005.
CS72-832	3- 9-72	Sanford E. McCormick, 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-833	3- 9-72	McCormick 1969-4, Ltd., 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-834	3- 9-72	McCormick 1971 Oil & Gas Program, 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-835	3- 9-72	Lorenzo B. Taylor, 1822 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS72-836	3- 9-72	R. E. Warren, Jr., 7715 Clarewood, Houston, TX 77036.
CS72-837	3- 9-72	Richard L. Davisson, Jr., 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-838	3-10-72	Mrs. D. W. Neustadt, Post Office Box 788, Ardmore, OK 73401.
CS72-839	3-10-72	GS Oil & Gas Co. (1971), 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-840	3-10-72	Laurance H. Armour, Jr., 1204 Tenneco Bldg., Houston, Tex. 77002.
CS72-841	3-10-72	Bravo Industries, Inc., 4140 Southwest Freeway, Houston TX 77027.
CS72-842	3-10-72	Roy M. Huffington, Inc., 2210 Tenneco Bldg., Houston, Tex. 77002.
CS72-843	3-10-72	Jack H. Mayfield, Jr., 4140 Southwest Freeway, Houston, TX 77027.
CS72-844	3-10-72	Estate of Claude E. Heard, deceased, First National Bank in Dallas, Trust-Oil Department, Post Office Box 6031, Dallas, TX 75222.
CS72-845	3-10-72	Jerral W. Jones, 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-846	3-10-72	Jim Dooley, 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-847	3-10-72	Bill J. Sparks, 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-848	3-10-72	D. B. Jones, 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-849	3-10-72	Jess Harris, Jr., 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-850	3-13-72	Grand Petroleum Co., Post Office Box 319, Pampa, TX 79065.

See footnote at end of table.

[1] Redesignation of Peter Widener Co.

[FR Doc.72-4788 Filed 3-29-72;8:45 am]

FEDERAL RESERVE SYSTEM

ASHLAND STATE BANK OF ASHLAND

Order Approving Application for Merger of Banks

The Ashland State Bank of Ashland, Ashland, Ohio, a nonoperating proposed member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with the Ashland Bank & Savings Co., Ashland, Ohio (Bank), under the charter of the former and the name of the latter. As an incident to the merger, the present branch of the Ashland Bank & Savings Co. will continue as a branch of the resulting bank. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank by First Banc Group of Ohio, Inc., Columbus, Ohio.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order [1] of January 25, 1972, approving the application of First Banc Group of Ohio, Inc., to acquire 100 percent of the voting shares of the successor by merger to the Ashland Bank & Savings Co., Ashland, Ohio: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

[1] FEDERAL REGISTER of Jan. 29, 1972 (37 F.R. 1505).

By order of the Board of Governors,[2] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4855 Filed 3-29-72;8:47 am]

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corp., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to the Central National Bank at Cambridge, Cambridge, Ohio (Bank).

The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the largest bank holding company and second largest banking organization in Ohio, has 31 subsidiary banks controlling deposits in excess of $1.6 billion, representing 7.4 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.) Consummation of the proposal herein would increase the percentage of total State deposits controlled by applicant slightly to 7.5 percent and applicant would remain the State's second largest banking organization.

Bank, with deposits of $26.7 million, holds 41.9 percent of deposits within Guernsey County which approximates the relevant market within which the competitive aspects of the proposal are to be considered. Bank is the second largest of three banks within the market; the largest bank is affiliated with the fifth largest bank holding company in the State, while the smallest bank, located 19 miles from Cambridge, is unaffiliated. The acquisition should intensify competition between the two Cambridge banks which are comparable in size without adversely affecting the smallest bank which has shown itself to be an aggressive competitor. Although applicant has subsidiary banks in four of the six counties adjacent to Guernsey County, the nearest office of a subsidiary to an office of Bank is 20 miles away and there is no significant competition between Bank and any subsidiary of applicant. Because of the distances involved, Ohio's restrictive branching laws, and other facts of record, it is considered unlikely that meaningful future competition will develop between Bank and applicant's subsidiaries. Therefore, it would appear that approval of the application would not eliminate significant present competition or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of applicant and its subsidiaries are regarded as satisfactory. The latest examination of Bank indicates that it is in sound condition, but the application indicates that a management succession problem exists. Since applicant could readily resolve such a problem, banking factors lend some weight toward approval.

Applicant, through its lead bank, would make available international banking services and FHA mortgage loans, neither of which is presently available locally. The affiliation would also facilitate larger loans by the Bank through participations and would increase access to computer services. Thus, considerations related to the convenience and needs of the communities involved also lend some weight toward approval. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4856 Filed 3-29-72;8:47 am]

BOATMEN'S BANCSHARES, INC.

Order Approving Acquisition of Williams, Kurrus and Co.

Boatmen's Bancshares, Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Williams, Kurrus and Co. (Company), St. Louis, Mo. Notice of the application affording opportunity for interested persons to submit comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

The operation by a bank holding company of a mortgage company is an activity that the Board has previously determined to be closely related to the business of banking (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity in accordance with the procedures the Board has established pursuant to section 4(c)(8) of the Act.

Applicant is the sixth largest bank holding company in Missouri. Applicant's principal subsidiary, Boatmen's National Bank of St. Louis (deposits of $295.3 million),[1] is the sixth largest bank in Missouri and is the third largest bank in the St. Louis Standard Metropolitan Statistical Area (SMSA) where the bank holds 4.9 percent of deposits. In the St. Louis SMSA applicant also controls three other banks with combined deposits of $54 million. Applicant's commercial bank subsidiaries originate and service a limited number of long-term mortgage loans and interim construction loans exclusively for their own accounts. During 1970, applicant's banks originated 20 loans on income producing properties which totalled $3.8 million. None of applicant's banks service mortgage portfolios for institutional investors.

Company is a mortgage banking firm specializing in the origination and servicing of commercial and industrial mortgage loans for the accounts of long-term investors. It does no mortgage financing on new one to four family residences, nor does it normally warehouse loans. On the basis of its mortgage servicing portfolio of $106 million,[2] Company ranks fifth among mortgage companies located in the St. Louis area, and 192d in the Nation. Five mortgage loans (totaling $16.2 million) on income producing property were originated by Company during its last fiscal year ending March 1971. The record herein evidences that neither applicant nor Company have a significant share of the market in mortgage lending on income producing properties—the only product market in which they compete. On this basis, consummation of the proposed acquisition would have only a slightly adverse effect on existing competition. Company's limited capital resources limit its potential as a competitor to applicant in either the construction loan market or the market for permanent loans on one to four family residences.

It is anticipated that Company's affiliation with applicant will enable Company to compete more effectively with the two largest mortgage banking firms in the St. Louis SMSA, both of which are affiliated with banks. Company will also be able to broaden the range of its mortgage banking services through access to the resources of applicant, and thus offer better services to the public. On balance,

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

[1] Voting for this action: Chairman Burns, and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

[1] Deposit data as of June 1971.
[2] Data as of June 30, 1971.

the Board concludes that the public benefits factors the Board is required to consider under section 4(c)(8) outweigh any possible adverse effects that might result from the proposed acquisition.

In addition to its mortgage loan and servicing activity, Company is engaged and proposes to continue to engage in real estate brokerage. Real estate brokerage is not an activity that the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. Nor has applicant demonstrated to the Board's satisfaction that applicant's activities in the real estate brokerage field are so closely related to banking or managing or controlling banks as to be a proper incident thereto. Accordingly, in the Board's judgment, approval of the application herein is appropriate only on condition that Company terminates its real estate brokerage activities.

Based on the record herein, the application is approved on condition that Company terminates its real estate brokerage activities. This approval is subject further to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4857 Filed 3-29-72;8:47 am]

CPC INTERNATIONAL, INC.

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

CPC International, Inc., Englewood Cliffs, N.J., a bank holding company within the meaning of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by virtue of ownership of more than 90 percent of the voting shares of Argo State Bank, Summit, Ill. (Bank), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application was published in the FEDERAL REGISTER on January 5, 1972 (37 F.R. 117). Time for filing comments and views has expired.

Section 4(d) of the Act provides that to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to certain one-bank holding companies in order: (1) To avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application and all comments received in the light of the factors set forth in section 4(d) of the Act and finds that:

CPC International is a diversified multinational manufacturing company with assets in excess of $1 billion. Applicant's largest plant, currently employing 2,800 people, has been located in Bedford Park, a community adjoining Summit, Ill., since the beginning of the century. The record shows that predecessors of applicant began acquiring shares of Bank's common stock, and below standard investments from Bank's portfolio in 1931, in a successful effort to prevent Bank from failing; at that time, Bank was the only banking organization in Summit and, apparently because over 1,000 employees of applicant were depositors of Bank, applicant decided to assist Bank in overcoming its problems. Continued purchases resulted in applicant's becoming the majority shareholder shortly thereafter. An ownership interest in excess of 90 percent was attained by 1936 and has been maintained to the present date. It appears that Bank is well managed and in sound financial condition and the record contains nothing to suggest that applicant has abused its relationship with Bank or misused Bank's services for the benefit of applicant's other interests. There is no reason to believe that permitting this relationship to continue indefinitely will adversely affect the Bank or the communities involved.

Bank's total assets ($30 million) at yearend 1970 were about 3 percent of applicant's consolidated assets and Bank's earnings represent less than 1 percent of applicant's 1970 net income. It appears that CPC has never borrowed from Bank and there has been no preferential treatment of CPC's suppliers; and the small size of Bank in relation to the credit needs of CPC makes it unlikely that CPC would use Bank unfairly to further other interests of CPC. Summit is economically a part of the Chicago metropolitan area. Bank competes with the many other banks in the Chicago banking market and controls 0.1 percent of the total deposits in that market as of June 30, 1971.

Based on the foregoing and other considerations reflected in the record, the Board has concluded, pursuant to section 4(d)(1), that an exemption is warranted to avoid disrupting a business relationship that has existed over a long period of years without adversely affecting the banks or communities involved; and pursuant to section 4(d)(3), that Bank is so small in relation to the total interests of applicant and so small in relation to the banking market served by Bank as to minimize the likelihood that Bank's powers to grant or deny credit may be influenced by a desire to further CPC's other interests. Accordingly, an exemption is granted: *Provided, however,* That this determination is subject to revocation if the facts upon which is based change in any material respect.

By order of the Board of Governors,[1] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4860 Filed 3-29-72;8:48 am]

COLORADO NATIONAL BANKSHARES, INC.

Determination Regarding Planned Activities of Nonbanking Subsidiary Under Bank Holding Company Act

In the matter of the application of Colorado National Bankshares, Inc., for a determination under section 4(c)(8) of the Bank Holding Company Act of 1956, respecting the planned activities of B-G Service Corp. and Aspen Industrial Bank, proposed subsidiaries.

Applicant, Colorado National Bankshares, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act of 1956, had filed a request for a determination by the Board of Governors that the planned activities of its proposed subsidiaries, B-G Service Corp. and Aspen Industrial Bank, are of the kind described in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) so as to make it unnecessary for the prohibitions of section 4 of the Act with regard to the acquisition or retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

The application was filed prior to the passage of the Bank Holding Company Act Amendments of 1970. In accordance with applicable provisions of the Act prior to the passage of the 1970 amendments, a hearing was held on this matter on December 1, 1970, pursuant to an Order of the Board of Governors, before a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of Title 5 of the United States Code. The record made at said hearing was duly filed with the Board. Inasmuch as section 4(c)(8) of the Act, as amended, is controlling with respect to the issues to be determined in this matter, on April 29, 1971, the Board issued a notice

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

of opportunity for hearing in this matter pursuant to section 4(c)(8), as amended. Requests for hearing were made by letters dated May 18, 1971, by the National Association of Insurance Agents, Inc., and the National Association of Mutual Insurance Agents. By letter dated November 2, 1971, Applicant moved to amend its original application, stating that B-G Service Corp. will cease doing business and be liquidated upon its acquisition and that applicant sought only a determination by the Board that the activities of Aspen Industrial Bank are of the kind described in section 4(c)(8) of the Act. By letters dated November 9 and November 13, 1971, respectively, the proposed intervenors withdrew their request for a further hearing. On December 16, 1971, Hearing Examiner Poindexter filed his recommended decision, a copy of which is annexed hereto,[1] wherein he recommended that the Board make the requested determination. The time for filing exceptions to the recommended decision has expired and none have been filed. The findings of fact, conclusions of law, and recommendations of the Hearing Examiner are adopted, and, on the basis of the entire record.

It is hereby ordered, That the planned activities of the proposed subsidiary, Aspen Industrial Bank, are determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

By order of the Board of Governors,[2] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4858 Filed 3-29-72;8:47 am]

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Acquisition of Banks

Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., has applied in two separate applications, as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

1. To acquire at least 80 percent of the voting shares of Indialantic Beach Bank, Indialantic, Fla.; and

2. To acquire 80 percent or more of the voting shares of First National Bank of Eau Gallie, Melbourne, Fla.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 13, 1972.

Board of Governors of the Federal Reserve System, March 23, 1972.

MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-4859 Filed 3-29-72;8:48 am]

FIRST FINANCIAL GROUP, INC.

Order Approving Formation of Bank Holding Company

First Financial Group, Inc., Janesville, Wis., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the First National Bank (First Bank) and Peoples State Bank (Peoples Bank), both of Janesville, Wis.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a newly formed organization and has no operating history. Upon acquisition of First Bank ($36 million in deposits) and Peoples Bank ($3 million in deposits), applicant would become the 19th largest bank holding company and the 20th largest banking organization in the State and would control about 0.4 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.)

Both of the proposed subsidiary banks are located in Janesville, a city of 46,000 in Rock County, Wis. There are six banks in Janesville representing three banking groups, each of which has two closely related banks. Applicant's group is the second largest as the two other groups have deposits of $56 million and $29 million, respectively. First Bank, applicant's lead bank, is located in the downtown business section of the city. Peoples Bank is located in a shopping center in the western part of Janesville, approximately 1.3 miles from First Bank. The area served by First Bank includes practically the entire city of Janesville, and encompasses the service area of Peoples Bank. First Bank and Peoples Bank are, respectively, the second largest and smallest of the six Janesville banks and the fourth and 16th largest of 18 banks in Rock County, the relevant market.

The two proposed subsidiary banks have been closely associated since Peoples Bank was organized by the principal officers and directors of First Bank in 1969. First Bank has assisted Peoples Bank during the entire period of Peoples Bank's operations. Presently, shareholders common to both banks control 54 percent of First Bank and 66 percent of Peoples Bank. Additionally, there are eight common directors, representing more than a majority of either bank's board of directors. Because of this close relationship, no meaningful competition exists between the subject banks, and it appears likely that such relationships will continue regardless of the Board's action on the present application. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have a significantly adverse effect on competition in any relevant area. Nor is consummation likely to have any significant adverse effects on Bank's competitors.

Applicant proposes to assist Peoples Bank, through its lead bank, in the technical aspects of lending, data processing, trust services, marketing, accounting, and auditing. While some of these services are already being furnished, approval of this formation would assure the continuation of present services and the addition of improved and expanded services in the future. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application.

Considerations relating to financial and managerial resources and future prospects as they relate to applicant and its proposed subsidiaries are regarded as generally satisfactory and consistent with approval. Banking factors are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4861 Filed 3-29-72;8:48 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Banks

Wyoming Bancorporation, Cheyenne, Wyo., has applied for Board approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 59.5 percent or more of the voting shares of The First National Bank of Rawlins (Rawlins Bank), Rawlins, Wyo., 58.4 percent or more of the voting shares of The First National Bank of Lander (Lander Bank), Lander, Wyo.,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheenan. Absent and not voting: Governor Mitchell.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

and 84 percent or more of the voting shares of Stockmans National Bank of Lusk (Lusk Bank), Lusk, Wyo.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the third largest banking organization in Wyoming, controls five banks with aggregate deposits of $45.4 million, representing 5.4 percent of commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.) The largest and second largest banking organizations in Wyoming control 15 percent and 8.9 percent, respectively, of the State's total commercial bank deposits. However, applicant is the only multibank holding company, at present, which is allowed by law to acquire additional banking subsidiaries in Wyoming. Rawlins Bank, Lander Bank, and Lusk Bank control, respectively, $16.9, $12.4, and $6.6 million of deposits. Upon consummation of the proposal, applicant would become the second largest banking organization in the State, holding 9.7 percent of total deposits in Wyoming.

Rawlins Bank is the largest of the three banks located in its service area, which is approximated by Carbon County and a portion of Sweetwater County, and holds 47.5 percent of the total deposits in commercial banks in that area. Lander Bank is the second largest of the five banks located in its service area, approximated by Fremont County. Lander Bank holds 24.5 percent of the total deposits in commercial banks in that area. Lusk Bank is the fourth largest of the eight banks located in its service area, holding 12.2 percent of the total deposits in commercial banks in that area which is approximated by Niobrara County and portions of Converse, Goshen, and Platte Counties in Wyoming, and a portion of Sioux County in Nebraska.

No proposed subsidiary bank is closer than 126 miles to any other proposed subsidiary bank, and none is closer than 90 miles to any of applicant's present subsidiaries. There is no meaningful existing competition between the proposed subsidiary banks, nor between any of applicant's present subsidiaries and the proposed subsidiaries. It also appears unlikely that consummation of this proposal would preclude potential competition because of the distances involved, the number of intervening banks, and Wyoming's prohibition against branch banking. Based on the foregoing, and the record before it, the Board concludes that consummation of the proposed transactions would not have an adverse effect on competition in any relevant market.

In 1970, applicant acquired indirect control of the three proposed subsidiary banks through Enterprises Limited, a partnership comprised of certain of applicant's officers, directors, and shareholders. Applicant has indicated that should any of these applications be denied, the partnership would sell the respective bank to independent parties. However, strong competition exists in each banking market of the proposed subsidiaries. No significant adverse competitive effects would result from consummation of the proposal. Approval of the application would formalize the present relationship and perpetuate applicant's assistance to the banks. Both Rawlins Bank and Lander Bank have been assisted by applicant in resolving management and capital adequacy problems; approval of the application will enable applicant to give continued needed support to each Bank.

Considerations relating to the financial and managerial resources and future prospects of applicant and Lusk Bank are satisfactory. The future prospects of Lander Bank and Rawlins Bank are considered satisfactory. Convenience and needs considerations lend support to approval in that applicant plans to initiate trust services at Lusk Bank and Lander Bank and increase the trust services at Rawlins Bank. In addition applicant intends to supply an overline source for large agricultural transactions. These factors lend some weight toward approval of the applications. It is the Board's judgment that consummation of the proposed transactions would be in the public interest, and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] March 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4862 Filed 3-29-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-141]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Nevada Public Service Commission in a proceeding involving electric rate increases proposed by the Nevada Power Co.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Service Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Date: March 22, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-4839 Filed 3-29-72;8:46 am]

PRICE COMMISSION

RENT ADVISORY BOARD

Notice of Public Hearings

Notice is hereby given that the Rent Advisory Board of the Price Commission will hold public hearings on April 14, 1972, in Washington, D.C.

The purpose of the hearings is to receive input from various sectors of the Nation, including industry, commerce, labor, consumers, and others. The Board and Commission are seeking a general review of the rent stabilization policy; comments and recommendations with respect to changes in policy; identification of specific problem areas; and a discussion of the causes of inflation and the application of the rent stabilization policies in attempting to control it.

The hearing will be held from 9 a.m. to 5 p.m. in the auditorium of the U.S. Department of the Interior, 18th and C Streets NW., Washington, DC.

The public hearings hereby scheduled reflect the Commission's intention to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact on the national economy.

Announcement of the public hearings was made by the Commission on March 23, 1972 (Rent Advisory Board Press Release No. 1), in which it was stated that the deadline for submitting requests to make an oral presentation at the hearings was April 4, 1972. The Board will notify all persons who submit requests to make an oral presentation whether or not they have been scheduled to make

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

such presentation. The Board reserves the right to select the persons to be heard at the hearings, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearings.

Persons scheduled by the Board to make an oral presentation may supplement their presentations by written submissions filed with the Board before April 9, 1972. In addition, the Board requests all other interested parties to submit, before April 9, 1972, written comments on the subject of the hearings for Board consideration.

All written submissions should be sent to Mr. James R. Tanck, Rent Advisory Board, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on March 27, 1972.

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

[FR Doc.72-4901 Filed 3-29-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

MARCH 23, 1972.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1972, through April 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-4840 Filed 3-29-72;8:46 am]

[812-3131]

ASTRONICS CORP. ET AL.

Notice of Filing of Application for Order Permitting Proposed Transactions

MARCH 24, 1972.

Notice is hereby given that Astronics Corp., a New York corporation (Astronics) and Thomas L. Robinson, Sr., Bessie A. Robinson, Thomas L. Robinson, Jr., Roy Robinson, Kevin T. Keane, 300 French Road, Buffalo, NY 14227, and Kurt Berman, 152 Leicester Road, Buffalo, NY 14217 (collectively "Applicants"), shareholders of Astronics, have filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting Applicants to sell to the public common stock of Astronics jointly with Rand Capital Corp. (Rand), 2205 Main Place, Buffalo, NY 14202. Rand is a nondiversified, closed-end investment company registered under the Act and is also a shareholder of Astronics. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Astronics is a New York corporation organized in 1968. It is engaged in research and development with respect to a form of light known as electroluminescence and in the development, design, and limited manufacture of electroluminescence for specific application and for testing and evaluation by potential customers. As of December 31, 1971, Astronics had 708,125 shares of common stock outstanding held by 12 shareholders.

Astronics has filed with the Commission a registration statement under the Securities Act of 1933 (1933 Act) covering its proposed sale to underwriters for distribution to the public 300,000 shares of its common stock together with 65,000 Astronics shares to be offered by the individual Applicants and 50,000 Astronics shares to be offered by Rand. The following schedule shows the record and beneficial shareholdings in Astronics and the number of shares each selling shareholder proposes to sell in the public offering:

Name	Number of shares owned and percent of total	Number of shares to be sold
Thomas L. Robinson, Sr.	119,000 (16.8%)	9,375
Bessie A. Robinson	118,500 (16.7%)	9,375
Thomas L. Robinson, Jr.	12,500 (1.8%)	1,250
Roy Robinson	12,500 (1.8%)	1,250
Keven T. Keane	112,500 (15.9%)	40,000
Kurt Berman	37,500 (5.3%)	3,750
Rand Capital Corp.	237,500 (33.5%)	50,000

Under the definition of "affiliated person" in section 2(a)(3) of the Act, Astronics and Rand are affiliated persons of each other; the individual applicants are affiliated persons of Astronics and, therefore, affiliated persons of an affiliated person of Rand.

Rule 17d-1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of any registered investment company or any affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The underwriters are obligated to purchase from Astronics and the selling shareholders all shares of common stock to be sold to the public if any are purchased. The public offering price of each share of stock purchased by the underwriters from each such seller will be negotiated between the underwriters and the sellers. The underwriting discount will also be negotiated between the underwriters and the sellers, but will not exceed 10 percent of the public offering price. The public offering price and the underwriting discount will be the same with respect to all shares to be sold to the public by Astronics, Rand, and the other selling shareholders. If the public offering price or the underwriting discount is not satisfactory to Rand, it will withdraw from registration and sale the 50,000 shares to be sold by it.

The underwriting agreement will provide, with respect to the allocation of the expenses of the underwriting between Rand, the other selling shareholders and Astronics, that Rand will pay only its pro rata share of such expenses, based upon the number of shares to be sold by it.

Applicants assert that the participation of Rand in the proposed transaction is (i) consistent with the provisions, policies, and purposes of the Act, and (ii) is not on a basis less advantageous than or different from that of other participants.

Notice is further given that any interested person may not later than April 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will received notice

of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4851 Filed 3-29-72;8:46 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

MARCH 23, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 27, 1972, through April 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4842 Filed 3-29-72;8:46 am]

[812-3018]

CONTINENTAL ASSURANCE CO. AND CONTINENTAL ASSURANCE CO. SEPARATE ACCOUNT B

Notice of Filing of Application for Exemption

MARCH 24, 1972.

Notice is hereby given that Continental Assurance Co. (Company), an Illinois life insurance company, and Continental Assurance Co. Separate Account (B) (Account), 310 South Michigan Avenue, Chicago, IL 60604, an open-end diversified management company registered under the Investment Company Act of 1940 (Act) (hereinafter collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting the Applicants from the provisions of section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants propose to establish a schedule of reduced sales charges and request an exemption to permit such schedule to apply to purchase payments made by participants regardless of whether they are made under a fixed or a variable annuity contract, or both. Applicants assert that variable annuities funded in the account are usually sold together with a fixed annuity and the participant has a free right to transfer from the fixed to the variable or from the variable to the fixed contract. Applicants contend that the proposed provisions will afford each participant maximum flexibility for maintaining what he considers to be a proper investment balance.

Applicants have requested that consideration regarding an additional exemption from section 22(d) set forth in the application be temporarily deferred.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the procedure fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on April 14, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issue, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4845 Filed 3-29-72;8:46 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 23, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered: Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 26, 1972, through April 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4843 Filed 3-29-72;8:46 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

MARCH 23, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 24, 1972, through April 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4844 Filed 3-29-72;8:46 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MARCH 23, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered: Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 27, 1972, through April 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4846 Filed 3-29-72;8:46 am]

[812-3130]

WASATCH NATIONAL, INC.

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 24, 1972.

Notice is hereby given that Wasatch National, Inc. (Applicant), c/o Commercial Security Bank, Ogden, Utah 84401, a Delaware corporation, which has agreed to be subject to certain sections of the Act during the pendency of its application for an order under section 3(b)(2) of the Act declaring that it is not an investment company, has applied pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting from the provisions of section 17(a) of the Act, the conversion of Applicant's interest in Commercial Security Bank (Commercial Bank), a Utah corporation, into an interest in Commercial Security Bancorporation (Bancorporation), also a Utah corporation. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant owns 14 percent of the outstanding stock of Commercial Bank. Thus, under section 2(a)(3) of the Act, Commercial Bank and Applicant are affiliated persons of each other.

Bancorporation and its wholly-owned subsidiary, CSB, Inc. (CSB), a Utah corporation, were formed by Commercial Bank for the purpose of making Bancorporation a bank holding company, as defined in the Bank Holding Company Act of 1956, of Commercial Bank. This will be accomplished by merging CSB into Commercial Bank and converting presently outstanding shares of Commercial Bank into shares of Bancorporation.

After the proposed merger and conversion, Bancorporation will own all of the shares of Commercial Bank except directors qualifying shares; the present shareholders of Commercial Bank, except dissenting shareholders who will have appraisal rights, will hold the same percentage of ownership interest in Bancorporation that they now hold in Commercial Bank; and CSB will cease to exist as a separate corporation.

The reason for creating a bank holding company to hold the shares of Commercial Bank is to take advantage of 1970 amendments to the Bank Holding Company Act which permit more operating flexibility for bank holding companies than is permitted banks as such.

The directors of Commercial Bank and the shareholders of Commercial Bank have each approved of the proposed mergers subject to necessary regulatory approval of the Board of Governors of the Federal Reserve System, the Commissioner of Financial Institutions of the State of Utah, the Federal Deposit Insurance Corporation, and the Securities and Exchange Commission.

On January 19, 1972, the Commission temporarily exempted Applicant from certain sections of the Act pending determination of Applicant's application for an order pursuant to section 3(b)(2) of the Act declaring that it is not an investment company. The Commission further ordered that Applicant and other persons in their transactions and relations with it be subject to other provisions of the Act and the respective rules and regulations thereunder, including section 17 and the rules and regulations thereunder, as though Applicant were a registered investment company.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for an affiliated person of an affiliated person of a registered investment company (1) knowingly to sell any security to such registered investment company or (2) knowingly to purchase any security from such registered company.

Since CSB and Bancorporation are under the control of Commercial Bank and thus, under section 2(a)(3) of the Act, affiliated persons of Commercial Bank, which is itself an affiliated person of Applicant, the exchange of securities which would occur pursuant to the proposed merger could be deemed to violate section 17(a) (1) and (2).

As pertinent here, section 17(b) of the Act provides that the Commission may exempt a proposed transaction from the prohibition of section 17(a) upon finding that the terms of the proposed transaction including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the general purposes of the Act.

Applicant represents that the terms of the proposed exchange of securities pursuant to the proposed merger are fair, reasonable, and do not involve overreaching by any person concerned and that the proposed transaction is fully consistent with the purposes and policies of the Act. Applicant consents that any order of the Commission exempting the proposed transaction from section 17(a) of the Act may be subject to approval of the proposed transaction by the Board of Governors of the Federal Reserve System, the Commissioner of Financial Institutions of the State of Utah, and the Federal Deposit Insurance Corporation.

Notice is further given that any interested person may, not later than April 13, 1972 submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4847 Filed 3-29-72;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

MONTANA

Notice of Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period

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 30, 1972, for the State of Montana.

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 February 20, 1972, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the State of Montana which, before February 20, 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 the State of Montana. 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 18th day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-4817 Filed 3-29-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 27, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107496 Sub 827, Ruan Transport, MC 108449 Sub 334, Indianhead Truck Line, now being assigned hearing May 3, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 119619 Sub 65, Distributors Service, now being assigned hearing May 4, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 82492 Sub 63, Michigan & Nebraska Transit Co., now being assigned hearing June 15, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

MC 113567 Sub 4, La Crosse and Western Stages, Inc., doing business as Hiawatha Coaches, now being assigned hearing June 19, 1972, at La Crosse, Wis., in a hearing room to be later designated.

MC 114211 Sub 151, Warren Transport, Inc., now being assigned hearing June 14, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

FD 26877, Chicago and North Western Railway Co. abandonment between Winthrop, Sibley County, and Klossner, Nicollet County, Minn., now being assigned hearing June 12, 1972, at New Ulm, Minn., in a hearing room to be later designated.

MC-F-11122, Duff Truck Line, Inc.—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, continued to May 1, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105881 Subs Nos. 19, 21, 23, 25, 26, 30, 32, 35, 40, 41, and 42, M. R. & R. Trucking, now being assigned continued hearing April 5, 1972, at the Downtown Holiday Inn, Panama City, Fla.

MC 74361 Sub 9, Bob Mendenhall, doing business as Oklahoma Border Express, now assigned April 24, 1972, at Oklahoma City, Okla., postponed to May 9, 1972, in Room 3397, Post Office Building, 334 West Fourth Street, Tulsa, OK.

MC 107583 Sub 50, Salem Transportation Co., Inc., continued to April 10, 1972, in Room 313, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA.

MC 106451 Sub 9, Cook Motor Lines, Inc., now assigned April 24, 1972, at Columbus, Ohio, will be held in Room 255, Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH.

MC 130139, Leisure, Inc., now assigned May 8, 1972, at Boston, Mass., will be held in Room 1900A, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

MC 130156, Wegiel Travel Service, Inc., now assigned May 15, 1972, at Boston, Mass., will be held in Room 1900A, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

MC 63390 Sub 16, Carl R. Bieber, Inc., now assigned April 24, 1972, at Reading, Pa., postponed to April 25, 1972, in U.S. District Courtroom, Fourth Floor American Savings Bank Building, 35 North Sixth Street, Reading, PA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4888 Filed 3-29-72;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42383—*Phosphates between points in Illinois Freight Association and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A-2659), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in Illinois Freight Association and western trunkline territories, on the one hand, also from points in Canada to Illinois Freight Association and western trunkline territories, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 161 to Colorado-Utah-Wyoming Committee, Agent, tariff ICC 27, and 6 other schedules named in the application. Rates are published to become effective on April 25, 1972.

FSA No. 42384—*Phosphatic fertilizer solution between points in Illinois Freight Association and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A-2660), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank-car loads, as described in the application, between points in Illinois Freight Association and Western trunkline territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 161 to Colorado-Utah-Wyoming Committee, Agent, tariff ICC 27, and 4 other schedules named in the application. Rates are published to become effective on April 25, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-4893 Filed 3-29-72;8:52 am]

[Rev. S.O. 994; I.C.C. Order 65, Amdt. 1]

ILLINOIS CENTRAL RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 65 (Illinois Central Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 65 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-4890 Filed 3-29-72;8:52 am]

[Rev. S.O. 994; I.C.C. Order 61, Amdt. 4]

NEW YORK, SUSQUEHANNA, AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 61 (New York, Susquehanna, and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 61 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-4889 Filed 3-29-72;8:52 am]

[Notice 44]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 24, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16550 (Sub-No. 5 TA), filed March 13, 1972. Applicant: ROSCOE V. SMITH, Route 2, Columbia, TN 38401. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Automotive parts, automotive supplies, and accessories,* between Nashville, Tenn., and Nashville, Tenn., from Nashville, Tenn., over U.S. Highway 41 or 41A to their junction with Kentucky Highway 85, thence over Kentucky Highway 85 to its junction with Kentucky Highway 81, thence over Kentucky Highway 81 to its junction with U.S. Highway 431, thence over U.S. Highway 431 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to its junction with U.S. Highway 231, thence over U.S. Highway 231 to its junction with U.S. Highway 31W or I-65, thence over U.S. Highway 31W or I-65 to Nashville, Tenn., serving all intermediate points in Kentucky, and return over the same route. Restriction: Service at Nashville, Tenn., is restricted to service at the NAPA Distribution Center Warehouses, for 180 days. Supporting shippers: Napa Nashville Distribution Center, Nashville, Tenn.; Central City Auto Parts, Central City, Ky.; Madisonville Auto Parts, Madisonville, Ky.; Motor Parts, Inc., Bowling Green, Ky.; Franklin Motor Parts, Inc., Franklin, Ky. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 66746 (Sub-No. 16 TA), filed March 13, 1972. Applicant: JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, S/B Box 8365, 1651 Kerr Drive, Jackson, MS 39204. Applicant's representative: John A. Crawford, S/B Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bude, Miss., over U.S. Highway 84 to its intersection with Interstate Highway 55 and/or U.S. Highway 51, thence over Interstate Highway 55 and/or U.S. Highway 51 to Memphis, Tenn., and return over the same route, serving no intermediate points, for 180 days. NOTE: Applicant intends to tack or join its irregular-route authority in MC-66746 at Bude, and interline at Memphis, Tenn. Supporting shipper: Raymond Halpern Loungewear, Bude, Miss. 39630. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 95084 (Sub-No. 86 TA), filed March 14, 1972. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52546. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay,* in bags, from Boone, Iowa, to points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Grarok, Inc., Post Office Box 147, Boone, IA 50036. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 103051 (Sub-No. 247 TA), filed March 13, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: William G. North (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends thereof,* in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Pennsylvania, for 150 days. NOTE: Applicant does intend to tack authority here applied for to other authority held by it as indicated on the attachment hereto. Supporting shipper: Swift Edible Oil Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 340 TA), filed March 13, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media* of all kinds, (a) between Oak Brook, Ill., and Madison, Wis.; (b) between Philadelphia, Pa., on the one hand, and, on the other, Hampton, Newport News, Norfolk, Portsmouth, and Richmond, Va.; (c) between Quantico, Va., on the one hand, and, on the other, Albany, Ga., Beaufort and Parris Island, S.C., Cherry Point and Jacksonville, N.C., and Philadelphia, Pa.; (d) between Bird International Airport, Richmond, Va., and Quantico, Va., having an immediately prior or subsequent movement by air; and (e) between Tiffin, Ohio, and Fort Wayne, Ind., for 180 days. Supporting shippers: McDonald System, Inc., 2111 Enco Drive, Oak Brook, IL 60521; Harbisons Dairies, Kensington and Hunting Park Avenues, Philadelphia, Pa. 19124; Marine Corps Exchange Fund, Headquarters U.S. Marine Corp., Washington, D.C. 20380; Excel Wire and Cable Co., 108 Elm Avenue, Post Office Box D, Tiffin, OH 44883. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 116273 (Sub-No. 154 TA), filed March 13, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid ethylene,* in bulk, in shipper owned tank vehicles, from Bay City, Mich., and Clinton, Iowa, to Calvert City, Ky., Morris and Seneca, Ill., for 180 days. Supporting shipper: Northern Petrochemical Co., 2350 East Devon Avenue, Des Plaines, IL 60018. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 118468 (Sub-No. 29 TA), filed March 14, 1972. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle,

over irregular routes, transporting: *Lumber, plywood, and paneling*, from Madison, Wis., to points in Illinois, Iowa, and Minnesota, under contract with Emmer Madison, Inc., for 180 days. Supporting shipper: Emmer Madison, Inc., 2001 Fish Hatchery Road, Madison, WI 53713. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123634 (Sub-No. 10) (Correction), filed February 14, 1972, published in the FEDERAL REGISTER issue of March 2, 1972, corrected and republished as corrected this issue. Applicant: K. N. DISTRIBUTORS, INC., 360 Park Avenue South, New York, NY 10010. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lafrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by general department stores, between storage facilities and stores of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at New York, Yonkers, East Farmingdale, Commack, West Hempstead, Hicksville, New Hyde Park, and Valley Stream, N.Y., Newark, Woodbridge, Wayne Township, Cherry Hill, and East Brunswick, N.J., Philadelphia, York, Levittown, Glenolden, and points in Marple Township, Pa., Greenbelt, Md., Boston, Mass., and Alexandria, Va., for 180 days. Supporting shipper: S. Klein Department Stores, Inc., 360 Park Avenue South, New York, NY 10010. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007. NOTE: The purpose of this republication is to include the points in the State of New Jersey.

No. MC 124070 (Sub-No. 26 TA), filed March 14, 1972. Applicant: CHEMICAL HAULERS, INC., Post Office Box 2038, 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in shipper-owned trailers, from Bay City, Mich., and Clinton, Iowa, to Morris and Seneca, Ill., and Calvert City, Ky., for 180 days. Supporting shipper: Northern Petrochemical Co., 2350 East Devon Avenue, Des Plaines, IL 60018, Larry Richards, Traffic Manager. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 125470 (Sub-No. 11 TA), filed March 14, 1972. Applicant: MOORE'S TRANSFER, INC., Post Office Box 387, Osmond, NE 68765. Applicant's representative: Gailyn L. Larsen, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from points in Woodbury County, Iowa, to points in Nebraska, South Dakota, Iowa, and Minnesota, for 180 days. Supporting shippers: Big Soo Terminal, Sioux City, Iowa; Terra Chemicals International, Inc., Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125708 (Sub-No. 126 TA), filed March 13, 1972. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Post Office Box 192, Crawfordsville, IN 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Kansas City, Kans., and Willow Springs, Mo., to Grand Rapids, Mich., for 180 days. Supporting shipper: Berry Lumber Co., Post Office Box 6073, Grand Rapids, MI 49506. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 902 Century Building, 36 South Penn Street, Indianapolis, IN 46204.

No. MC 129032 (Sub-No. 7 TA), filed March 14, 1972. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th W Avenue, Post Office Box 7608, Tulsa, OK 74105. Applicant's representative: Tom Inman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and fruits*, from points in California, Idaho, Oregon, and Washington to Tulsa, Okla. Supporting shipper: Affiliated Food Stores, Inc., Darold C. Anderson, Dir. of Perishables, Post Office Box 629, 4433 West 49th Street, Tulsa, OK 74101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 129613 (Sub-No. 9 TA), filed March 9, 1972. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles* normally sold in department or variety stores, moving on commercial shipping documents, between Winchester, Va., and points in Delaware, Maryland, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, Conneticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Rhode Island, South Carolina, and Washington, D.C., under a continuing contract with Silco Stores, Inc., for 150 days. Supporting shipper: Silco Stores, Inc., Post Office Box 777, 2655 Philmont Avenue, Huntingdon Valley, PA 19006. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 134353 (Sub-No. 3 TA), filed March 13, 1972. Applicant: PFEIFER TRANSFER CO., 206 North Warpole Street, Upper Sandusky, OH 43351. Applicant's representative: Paul F. Berry, Suite 1660, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and iron*, from Bellefontaine, Ohio, to Troy and Detroit, Mich., and points in the Detroit commercial zone, for 180 days. Supporting shipper: Carter Steel and Fabricating Co., Carlisle Avenue, Bellefontaine, OH 43311. Send protests to: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 235 Summit Street, Toledo, OH 43604.

No. MC 136493 TA, filed March 9, 1972. Applicant: WESTERN PACIFIC TANK LINES, LTD., 204 1710 Barclay Street, Vancouver, BC. Applicants' representative: Boyd Hartman, 501 Third and Lenora Building, Seattle, Wash. 99121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, from Richmond Beach, Wash., to the U.S.-Canadian Border at Blaine, Wash., for 180 days. Supporting shipper: Western Slurry Seal Ltd., 374 East Esplanade, North Vancouver, BC. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136494 TA, filed March 10, 1972. Applicant: HALLMARK MOVING & STORAGE CO., Post Office Box 3312, Portsmouth, Va. 23701. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the cities of Portsmouth, Norfolk, Virginia Beach, and Chesapeake, Va., and Nansemond and Isle of Wight Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10 502 Federal Building, Richmond, Va. 23240.

No. MC 136495 TA, filed March 13, 1972. Applicant: DU PLAN TRANSPORTATION, INC., 500 Industrial Road South, Bristow, OK. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet, carpet paddings, yarn, carpet backing; supplies, materials, and equipment*

used in manufacturing, production of carpet, from points in Oklahoma to points in the United States (except Hawaii); and (2) *supplies, materials, and equipment* used in the manufacture and production of carpet, from points in the United States to the above-named origin points, restricted to service for Du Plan Carpet Co., Inc., of Bristow, Okla., for 180 days. Supporting shipper: S. D. Lee, general manager, Duplan Carpet Co., Inc., Bristow, Okla. Send protests to C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136498 TA, filed March 15, 1972. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, Post Office Box 10103, 611 Gaston Street, Raleigh, NC 27604. Applicant's representative: Richard L. Clapp (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, between points in the United States (except Hawaii and Alaska), for the account of Seventh-day Adventist Church only; and (2) *food commodities*, unfrozen, from points in California, to points in Hamilton County, Tenn., and Orange County, Fla., for the account of Seventh-day Adventist Church only, for 180 days. Supporting shippers: Southern Missionary College, Collegedale, Tenn. 37315; Carolina Conference of Seventh-day Adventists, Post Office Box 9325, 1936 East Seventh Street, Charlotte, NC 28305; Southeastern California Conference of Seventh-day Adventists, 9707 Magnolia Avenue, Post Office Box 7584, Riverside, CA 92503. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136499 TA, filed March 15, 1972. Applicant: SAMUEL D. SUMMERS, doing business as S. D. SUMMERS LUMBER COMPANY, Rural Delivery No. 2, Box 61, Moundsville, WV 26041. Applicant's representative: J. K. Chase, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock dust* by tank truck, from Benwood, W. Va., to Valley Camp Coal Co. Mine No. 3, Laidley's Run Portal, Washington County, Pa., for 180 days. Supporting shipper: Valley Camp Coal Co., Cleveland, Ohio. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003

No. MC 136500 TA, filed March 13, 1972. Applicant: HARRY D. DIEPHOLZ, doing business as DIEPHOLZ TRUCKING, 3453 Western Avenue, Mattoon, IL 61938. Applicant's representative: R. Garrett Phillips, 617½ East Monroe Street, Post Office Box 1402, Springfield, IL 62705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rollover protective structures*, between Mattoon, Ill., and Portland, Oreg., and points in the United States except Alaska and Hawaii, and on return to transport *miscellaneous commodities* essential to the manufacture of rollover protective structures from various suppliers, limited to a transportation service to be performed under a continuing contract, or contracts with Harry D. Diepholz, doing business as Diepholz Trucking, for 180 days. Supporting shipper: Glenn E. Hamner, plant manager, Tube-Lok Products, division of Portland Wire & Iron, Post Office Box 456, Mattoon, IL 61938. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 136501 TA, filed March 14, 1972. Applicant: CARDOSI CONTRACT REFRIGERATED EXPRESS, INC., 4919 East Shore Drive, Memphis, TN 38109. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and blends* (except in bulk), from Arlington and Memphis, Tenn., to points in the United States including Alaska; and (2) *materials and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, except in bulk, from points in the United States including Alaska, to Arlington and Memphis, Tenn., under a continuing contract with Pure Packed Foods, Inc., of Arlington, Tenn., for 180 days. Supporting shipper: Pure Packed Foods, Inc., Denby Brandon Building, Lamar Avenue, Memphis, Tenn. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

MOTOR CARRIERS OF PASSENGERS

No MC 134660 (Sub-No. 1 TA), filed March 14, 1972. Applicant: CRESENCIO "JOE" RAMIREZ, doing business as INTERSTATE BUS LINE, 614 North Avenue, Waukegan, IL 60085. Applicant's representative: James R. Madler, Suite 1625, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operation, between Waukegan, North Chicago, Lake Forest and Great Lakes Naval Training Center, near North Chicago on the one hand, and, on the other, Van's Great Lakes Dragstrip near Union Grove, Wis., East Troy and Lake Geneva, Wis., for 180 days. Supporting shippers: Pat Van Daalwyk, vice president, Van's Great Lakes Dragaway, Inc., Union Grove, Wis.; Alpine Valley Corp., Post Office Box 615, East Troy, WI 53120; Robert B. Couch, executive vice president, Geneva Lake Area Chamber of Commerce, 100 Lake Street, Lake Geneva, WI 53147; U.S. Naval Training Station (78 military personnel), Great Lakes, Ill. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4892 Filed 3-29-72;8:52 am]

[Notice 36]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73420. By order of March 24, 1972, the Motor Carrier Board approved the transfer to Gerald W. Duffy, doing business as S & S Trucking Co., Crystal Lake, Ill., of the operating rights set forth in Permits Nos. MC-111552 and MC-111552 (Sub-No. 2), issued October 20, 1958, and July 26, 1962, respectively, to James J. Schiffauer, Sr., and James J. Schiffauer, Jr., a partnership, doing business as S & S Trucking Co., Chicago, Ill., authorizing the transportation of: Cement poles, with brackets, from Chicago, Ill., to points in Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin; and concrete poles, concrete piling, metal poles, metal brackets for poles, and equipment and accessories used in connection with such commodities, under a continuing contract, or contracts, with American Concrete Corp., from Waukegan, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin. Philip A. Lee, 110 South Dearborn Street, Chicago, IL 60603, attorney for applicants.

No. MC-FC-73443. By order of March 21, 1972, the Motor Carrier Board approved the transfer to Thomas E. Moore, doing business as Moore & Son Truck Service, Perry, Mo., of the operating rights in Certificate No. MC-115900 issued August 11, 1971, to Clifford Christopher, Fulton, Mo., authorizing the

transportation of livestock and poultry feeds, fertilizer, wire fencing, fence posts, and lumber, from East St. Louis, Ill., to points in Callaway County, Mo.; and dry fertilizer, from East St. Louis, Ill., to points in Boone County, Mo. John W. Briscoe, New London, Mo. 63459, attorney for applicants.

No. MC–FC–73501. By order of March 22, 1972, the Motor Carrier Board approved the transfer to T & L Lease Service, Inc., Alvin, Tex., of Certificate of Registration No. MC–96875 (Sub-No. 1), issued April 17, 1964, to J. R. Briggs, Jr., doing business as Briggs Oil Co., Terrell, Tex., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 8356, Docket No. S–3563, dated December 23, 1952, issued by the Railroad Commission of Texas. Joe G. Fender, 802 Houston First Savings, Houston, Tex., attorney for applicants.

No. MC–FC–73506. By order of March 21, 1972, the Motor Carrier Board approved the transfer to Rhea M. McLeod, doing business as Budway Express, Pico Rivera, Calif., of Certificate No. MC–33051 issued September 9, 1960, and of corrected Certificate No. MC–33051 (Sub-No. 1) issued September 9, 1960, to Vincent M. McLeod, doing business as Budway Express, Los Angeles, Calif., authorizing the transportation of: Automobile parts, accessories and supplies, between Los Angeles Harbor and Los Angeles, Calif., and of truck parts, accessories, and supplies, garden seed, and grafting wax and shears, from Los Angeles, Calif., to the Port of Wilmington, Calif. Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212, applicants' attorney.

No. MC–FC–73508. By order of March 22, 1972, the Motor Carrier Board approved the transfer to DeBoer Truck Lines, Inc., Ripon, Calif., of Certificate of Registration No. MC–99870 (Sub-No. 1) issued February 12, 1964, to Charles DeBoer, doing business as DeBoer Truck Lines, Ripon, Calif., evidencing a right to engage in transportation in interstate commerce as described in No. 63119, dated January 16, 1962, issued by the Public Utilities Commission of California. William H. Kessler, 638 Divisadero Street, Fresno, CA 93271, attorney for applicants.

No. MC–FC–73546. By order entered March 23, 1972, the Motor Carrier Board approved the transfer to G. W. Trucking Co., a corporation, Washington Court House, Ohio, of the operating rights set forth in Certificates Nos. MC–1632 and MC–1632 (Sub-No. 7), issued August 8, 1958, and June 12, 1959, respectively, to Charles C. Rosen, Inc., Pittsburgh, Pa., authorizing the transportation of: General commodities, with the usual exceptions, iron and steel products, and materials and equipment used in the manufacture thereof, machinery and machinery parts, roofing materials, tar products, chemicals, and empty chemical containers, from, to, or between points in Pennsylvania, Ohio, and West Virginia. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney for transferee and A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for transferor.

No. MC–FC–73559. By order of March 21, 1972, the Motor Carrier Board approved the transfer to Sciarra Trucking and Moving, Inc., Branford, Conn., of the operating rights set forth in Certificate of Registration No. MC–97447 (Sub-No. 1), issued October 2, 1964, to Emery Sciarra, doing business as Sciarra's Trucking, Branford, Conn., evidencing a right to engage in operations in interstate commerce corresponding in scope to Motor Common Carrier Certificate No. C–1116, dated October 1, 1948, issued by the Public Utilities Commission of the State of Connecticut. Americo L. Sciarra, 569 Boston Post Road, Branford, CT, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–4891 Filed 3–29–72;8:52 am]

[Notice 24]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 24, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 3598 (Sub-No. 7), filed March 2, 1972. Applicant: WOOSTER EXPRESS, INC., Post Office Box 1469, Hartford, CT 06101. Applicant's representative: Russell R. Sage, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, restricted to traffic originating at said plantsite and/or warehouse facilities and destined to points in the States indicated. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 11722 (Sub-No. 29), filed February 28, 1972. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, in rolls, from Seattle, Wash., to Yakima, Wash., on traffic having a prior out-of-State movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 13250 (Sub-No. 113) (Correction), filed December 23, 1971, published

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

in the FEDERAL REGISTER, issue of January 27, 1972, and republished as corrected, this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Car wash systems;* (2) *parts, attachments, and accessories* for the commodities specified in (1) above; and (3) *supplies* used in the operation and maintenance of commodities specified in (1) above, from points in Los Angeles County, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it has no present intention to tack the authority sought with existing authority. However, tacking would be possible in order to serve on any of the involved commodities which require the use of special equipment, between points in Washington and Oregon, on the one hand, and, on the other, points in the involved destination area (via Los Angeles County, Calif.). The purpose of this republication is to correctly set forth the origin as points in Los Angeles County, Calif., in lieu of Los Angeles, Calif., shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 16503 (Sub-No. 7), filed March 3, 1972. Applicant: JOHN L. GUEX, Box 359, Shawano, WI 54166. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from points in Iowa, Nebraska, and South Dakota, to Menominee, Mich., under a continuing contract with Carpenter Cook Co., Menominee, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 27817 (Sub-No. 101), filed March 3, 1972. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, and advertising materials, equipment, and supplies* used in or incidental to the preparation, packing, sale, or distribution of prepared food products, from the plantsite and storage facilities of Heinz U.S.A., division of H. J. Heinz Co. located at Holland, Mich., to the distribution center sites of Heinz U.S.A., division of H. J. Heinz Co. located at Mechanicsburg (Cumberland County), Pa., and Harrison, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 28951 (Sub-No. 20), filed February 28, 1972. Applicant: ROSS TRANSFER, INC., Post Office Box 271, Chadron, NE 69337. Applicant's representative: Patrick W. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the plantsite of Amax Coal Co. located approximately 15 miles south and 3 miles east of Gillette, Wyo., as an off-route point in connection with applicant's regular route service between Omaha, Nebr., and Gillette, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 29120 (Sub-No. 138), filed March 2, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux City, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites, warehouses, and facilities of Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, S. Dak., Kansas City, Mo., or Omaha, Nebr.

No. MC 29120 (Sub-No. 139), filed March 1, 1972. Applicant: ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, 1500 Industrial Avenue, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Des Moines, Iowa: From St. Louis over Interstate Highway 70 to the junction of Interstate Highway 70 and U.S. Highway 63, thence over U.S. Highway 63 to the junction of U.S. Highway 63 and Iowa Highway 163, thence over Iowa Highway 163 to Des Moines, and return over the same route, with no service at intermediate points except serving as intermediate or off-route points, all points in St. Louis and St. Charles Counties, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., Kansas City, Mo., or Omaha, Nebr.

No. MC 30844 (Sub-No. 394), filed February 24, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the above named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31389 (Sub-No. 148), filed February 28, 1972. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box No. 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Firearms International Corp., at or near Accokeek, Md., as an off-route point in connections with carrier's regular route operations to and from Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41915 (Sub-No. 37), filed March 1, 1972. Applicant: MILLER'S MOTOR FREIGHT, INC., Post Office Box 345, 1060 Zinn's Quarry Road, York, PA 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corp. at or near Fogelsville, Pa., and Allentown, Pa., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, restricted to traffic originating at the named origins and destined to points in the named destination territory. NOTE: Common control may be involved. If a

hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 44639 (Sub-No. 51), filed March 1, 1972. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Alderson, W. Va., on the one hand, and, on the other, Narrows, Va., Crewe, Va., and New York, N.Y. NOTE: Applicant states that the requested authority can be tacked with its authorized operation in MC 44639 wherein it is authorized to serve New York, New Jersey, North Carolina, and Maryland for service at Crewe, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Crewe, Va.

No. MC 49387 (Sub-No. 39), filed March 3, 1972. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, MO 65270. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities of and/or utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Illinois and Missouri (restricted to traffic originating at Marshall, Mo., and destined to points in the named States). NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 51146 (Sub-No. 262), filed February 23, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Dayton and Urbana, Ohio, to points in Alabama, Georgia, South Carolina, North Carolina, Florida, and Memphis, Tenn. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 58923 (Sub-No. 38), filed March 9, 1972. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Post Office Box 6944, Atlanta, GA 30315. Applicant's representative: John C. Henderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Americus, Ga., and Helena, Ga.; from Americus, Ga., to Helena, Ga., over U.S. Highway 280, and return over the same route serving all intermediate points. NOTE: Common control may be involved. No duplicating authority involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60196 (Sub-No. 7), filed February 17, 1972. Applicant: AUTO EXPRESS, INC., Elm and Remington Avenues, Scranton, PA 18505. Applicant's representative: L. Agnew Meyers, Jr., Suite 1122, Warner Building, 13th and E Streets NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, excluding commodities in bulk, in tank vehicles, between points on the following routes: The Pennsylvania Turnpike from its intersection with U.S. Highway Route 6 north of Scranton to its intersection with U.S. Highway Route 22 west of Allentown; U.S. Highway Route 22 from its intersection with Pennsylvania Turnpike west of Allentown to Easton; Pennsylvania Highway Route 45 from U.S. Highway Route 22 to Easton; Pennsylvania Highway Route 512 from Bethlehem to U.S. Highway Route 22; Pennsylvania Highway Route 145 from Allentown to U.S. Highway Route 22; Pennsylvania Highway Route 29 from Allentown to U.S. Highway Route 22; Pennsylvania Highway Route 309 Allentown to U.S. Highway Route 22; Schoenersville Road from Bethlehem to U.S. Highway Route 22; Fullerton Avenue from Allentown to U.S. Highway Route 22; 12th Street from Allentown to U.S. Highway Route 22; Pennsylvania Highway Route 115 from Wilkes-Barre to Pennsylvania Turnpike; U.S. Highway Route 11 from Scranton to Dupont, thence via Pennsylvania Highway 315 to the Pennsylvania Turnpike. Restriction: That no right, power, or privilege is granted to transport property to or from the city of Easton, Northampton County, or the borough of Moosic, Lackawanna County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton or Harrisburg, Pa.

No. MC 64932 (Sub-No. 502), filed February 23, 1972. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. 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: (1) *Fertilizer*, in bulk, in tank vehicles, from Momence, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin; and (2) *molten sulphur*, in bulk, from Burns Harbor, Ind., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67646 (Sub-No. 70), filed February 29, 1972. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corp. at or near Fogelsville, Pa., and Allentown, Pa., to points in Ohio, Virginia, West Virginia, and that part of New York on and west of U.S. Highway 11 between the Pennsylvania-New York State line and Sycracuse, N.Y., and New York Highway 57 between Syracuse and Oswego, restricted to traffic originating at the named origins and destined to points in the named destination territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 74416 (Sub-No. 11), filed February 28, 1972. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, PA 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sheet metal products, heating and air-conditioning systems, and equipment, materials, and supplies* used in the installation of fabricated sheet metal products and heating and air-conditioning systems, from Philadelphia, Pa., to points in Minnesota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Missouri, Iowa, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Michigan, West Virginia, Ohio, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 76032 (Sub-No. 292), filed March 2, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Ira E. Neal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of American Cyanamid Co. and its subsidiaries at or near Fort Madison, Iowa, as an off-route point in connection with

carrier's authorized regular route operations. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 83539 (Sub-No. 330), filed February 22, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 87720 (Sub-No. 128), filed February 28, 1972. Applicant: BASS TRANSPORTATION CO., INC., Old Crofton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household and industrial cleaning products and water purifying products*, from Bristol and Philadelphia, Pa., to points in Maryland, Delaware, New Jersey, and New York; (2) *foodstuffs*, from Bristol, Pa., to points in Maryland and the District of Columbia; and (3) *materials and supplies* used in the manufacture, sale, or distribution of the above-named commodities, from the above-named destination States to Bristol and Philadelphia, Pa. Restriction: Restricted against the transportation of the above-named commodities in bulk; and to a service under contract with Purex Corp., Ltd. NOTE: Applicant now has pending applications under No. MC 135684 Sub-Nos. 1 and 3 for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 106), filed February 24, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite, warehouse and storage facilities of Gulf States Paper Co. at or near Demopolis, Ala., to Nicholasville, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 94350 (Sub-No. 305) (Correction), filed February 14, 1972, published in the FEDERAL REGISTER issue of March 9, 1972, and republished in part as corrected this issue. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). NOTE: The sole purpose of this partial republication is to reflect the correct origin point as Anson County, N.C., in lieu of Anson County, S.C., which was in error in previous publication. The rest of the application remains the same.

No. MC 94350 (Sub-No. 307), filed February 28, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture, from points in El Paso County, Colo., to points in the United States west of the Mississippi River and from points in Pueblo County, Colo., to points in the United States west of the Mississippi River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Colorado Springs, Colo.

No. MC 95540 (Sub-No. 835), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 839), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, hides and skins and pieces thereof), from St. Charles, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Swift & Co., at or near St. Charles, Ill. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 143), filed February 28, 1972. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (A) *General commodities*, except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, serving the facilities of Alcan Aluminum Corp., at or near Oswego, N.Y., as an off-route point in connection with applicant's presently authorized regular-route operations: Irregular routes: (B) *General commodities*, except classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, between the facilities of Alcan Aluminum Corp., at or near Oswego, N.Y., on the one hand, and, on the other, Warren, Ohio, and Fairmont, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 103051 (Sub-No. 245), filed February 11, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representative: Harlan Dodson, 900 Nashville Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Davidson and Knox Counties, Tenn., to points in Kentucky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 691), filed February 22, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Garvin County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is

deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 103993 (Sub-No. 692), filed February 22, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings mounted on undercarriages*, from Adams County, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 591), filed February 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural framing steel, expanded metals and metal gratings, lath, mesh, panels and partitions*, from the plant and warehouse sites of Keene Corp., Metal Construction Division at Vienna, W. Va., to points in Arizona, California, Colorado, Florida, Georgia, Idaho, Kansas, the Upper Peninsula of Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 592), filed February 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and *buildings in sections mounted on wheeled undercarriages* from points of manufacture in Haskell County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106497 (Sub-No. 66), filed February 28, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyors, conveyor systems, industrial washing machines, and accessories, parts, materials, supplies and equipment* necessary for the erection, installation, completion and maintenance thereof, from Florence, Ky., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacturing, installation, completion, erection and maintenance of conveyor systems, and industrial washing machines, from points in the United States (except Alaska and Hawaii), to Florence, Ky. NOTE: Applicant states that the requested authority can be tacked with its Sub-35 where "size or weight" commodities are involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 106674 (Sub-No. 87), filed February 24, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products, and materials*, from the plantsite and facilities of the Celotex Corp., at Charleston, Ill., to points in Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 145), filed February 24, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, uncrated, from Atmore and Mobile, Ala., to points in Arkansas, Kansas, Oklahoma, Nebraska, Texas, Minnesota, North Dakota, South Dakota, Tennessee, and Kentucky. NOTE: Applicant states tacking is possible at Oklahoma City and Vinita, Okla., and points in Beckham County, Okla., to serve New Mexico and Colorado. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 605), filed March 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber*, between Huntland, Tenn., on the one hand, and, on the other, points in the United States located east of the Mississippi River and points in Arkansas and Missouri; (b) *Wood veneer*, from Marion, Wis., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Rhode Island, Vermont, Virginia, and West Virginia; (c) *Buffing or polishing compounds*, from Cincinnati, Ohio, to points in the United States (except Alaska and Hawaii); and (d) *Ceiling suspension systems*, from Chicago, Ill., to points in Minnesota, Montana, North Carolina, North Dakota, South Carolina, South Dakota, Wisconsin, Wyoming and that part of Virginia on and south of U.S. Highway 460 and on and east of U.S. Highway 301. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 606), filed March 8, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Max Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing; structural pipe and tubing, iron or steel*, restricted against the transportation of oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, from Houston, Tex., to points in the continental United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107496 (Sub-No. 830) (Amendment), filed November 29, 1971, published in the FEDERAL REGISTER, issue of December 30, 1971, and republished, in part, as amended, this issue. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). The purpose of this partial republication is to reflect the changes in the territorial scope of part (7) of the application as follows: *Corn syrup and blends of corn syrup and sugar*, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas. The rest of the application remains as previously published.

No. MC 108053 (Sub-No. 111), filed February 23, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. 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: *Animal food*, from Delavan, Wis., to points in California, Oregon, Washington, Utah, and Idaho. NOTE:

Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 108449 (Sub-No. 340), filed February 24, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Estherville, Iowa, St. James, Madelia, and Butterfield, Minn., to points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108649 (Sub-No. 5), filed February 24, 1972. Applicant: STURM FREIGHTWAYS, INC., 2022 South Griswold Street, Peoria, IL 61605. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between the junction of U.S. Highway 34 and U.S. Highway 65 (near Lukas, Iowa) and Des Moines, Iowa, from the junction of U.S. Highway 34 and U.S. Highway 65 over U.S. Highway 65 to Des Moines, Iowa, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 109397 (Sub-No. 267), filed February 28, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113 (Business Route I-44 east), Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, equipment, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), (1) from points in Michigan and Ohio, to points in California, Nevada, and Utah; (2) between points in Lucas County, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan; (3) between points in Colorado, on the one hand, and, on the other, points in California, Florida, Indiana, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia; (4) between points in California, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Washington, Wyoming, and Utah; and (5) between points in Steuben and La Porte Counties, Ind., on the one hand, and, on the other, points in the Lower Peninsula of Michigan. Restrictions: Items (1) and (4) are restricted against tacking or joining with any other presently held authorities for purpose of performing a through service. Item (3) is restricted to traffic originating at or destined to plants or facilities of the Martin-Marietta Corp. located in Colorado; and item (5) is restricted to the transportation of traffic received from or delivered to connecting carriers at points in Steuben and La Porte Counties, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 109689 (Sub-No. 232), filed February 28, 1972. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Post Office Box 1825, Salt Lake City, UT 84110; Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum crude oil*, in bulk, from points in Garfield County, Utah, to points in Coconino County, Ariz.; (2) *potash*, in bulk, from the plantsite of Kaiser Aluminum & Chemical Co., Wendover, Utah, to points in Idaho; (3) *corn syrup*, in bulk, from Salt Lake City, Utah, to Pocatello, Idaho; (4) *hydroschloric acid*, in bulk, from Salt Lake City and Murray, Utah, to Nyssa, Oreg.; (5) *fertilizers and fire retardants*, from Erda, Utah, to points in Oregon, Washington, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Nebraska, Oklahoma, North Dakota, South Dakota, Kansas, Arizona, New Mexico, and Texas, and return with *material* used in the production of the commodity described above; and (6) *sulphur trioxide*, in bulk, from Dominguez, Calif., to Seattle, Wash. NOTE: Applicant states tacking possibilities exist, however, it does not intend presently to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 109708 (Sub-No. 56), filed February 22, 1972. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordon, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee liqueur*, in bulk, in tank vehicles, between Miami and Fort Pierce, Fla., on the one hand, and, on the other, Peoria, Ill., and Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 110420 (Sub-No. 651), filed March 3, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Frigge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard and rendered pork fat*, in bulk, from Fort Atkinson, Wis., to points in Illinois, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110525 (Sub-No. 1028), filed March 2, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red wine enamel*, in bulk, in tank vehicles, from Schenectady, N.Y., to Danbury, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or New York, N.Y.

No. MC 110525 (Sub-No. 1029), filed March 6, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, dry, in bulk, in tank vehicles, from Peabody, Mass., to points in Maine, New Hampshire, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 110563 (Sub-No. 82), filed February 24, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing house products*, boxed, or cured, from St. Louis, Mo., and its commercial zone and National Stockyards, Ill., to points in Indiana, Ohio, and Michigan. NOTE: Applicant states that the requested authority could be joined with authority held from Cleveland, Ohio, but have no present intention to do so. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110563 (Sub-No. 83), filed February 24, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building,

Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 110923 (Sub-No. 8), filed February 29, 1972. Applicant: ALBERT LIVEK, doing business as LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, IL 61443. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Core blowing and moulding machinery, parts and accessories;* (2) *materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of core blowing and moulding machinery, parts and accessories; and (3) *used core blowing and moulding machinery, parts and accessories*, between Cleveland, Ohio, and Kewanee, Ill., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111467 (Sub-No. 31), filed February 22, 1972. Applicant: ARTHUR J. PAPE, doing business as PAPE TRANSFER, 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Monies, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and lumber*, when moving with wooden pallets, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 469), filed February 28, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis, Minn., to points in Idaho, Oregon, Washington, California, Nevada, Utah, and Montana. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked from origins in Maine, Massachusetts, Pennsylvania, and Iowa, however, it is not presently intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112582 (Sub-No. 39), filed February 22, 1972. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Rural Delivery No. 2, Post Office Box 380, Chambersburg, PA 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112617 (Sub-No. 298), filed February 28, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcium carbide*, in bulk, from Louisville, Ky., to Bladensburg and Hyattsville, Md., and Iselin, N.J.; and (2) *fly ash*, in bulk, from points in Lawrence County, Ky., to points in Indiana, Kentucky, Ohio, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 112822 (Sub-No. 227), filed February 22, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, unfrozen; *foods and canned goods*, in containers, in straight or mixed shipments, from the plantsites and warehouses of Hunt-Wesson Foods, Inc., at or near Hayward, Davis, Fullerton, and Oakdale, Calif., to points in Colorado, Georgia, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wyoming. NOTE: Applicant states that there may be tacking possibilities; however, none are intended at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113267 (Sub-No. 277), filed February 28, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Mississippi, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113651 (Sub-No. 153), filed March 3, 1972. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 113678 (Sub-No. 450), filed March 2, 1972. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wallula, Wash., to points in Washington, Oregon, Idaho, California, Nevada, Utah, Colorado, New Mexico, Wyoming, Arizona, and Nebraska, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Cudahy Co., at or near Wallula, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Denver, Colo.

No. MC 113843 (Sub-No. 182), filed February 28, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named destination territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 114019 (Sub-No. 232), filed February 28, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High fructose syrup*, liquid, in bulk, in tank vehicles, from Chicago, Ill., to points in Arkansas, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 357), filed February 23, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* in vehicles equipped with mechanical refrigeration, from Elizabethtown, Pa., to points in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114211 (Sub-No. 168), filed March 2, 1972. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of (1) *tractors;* (2) *agricultural machinery and implements;* and (3) *parts and attachments* for the commodities described in (1) and (2) above (except commodities in bulk), and *pipe and tubing*, from points in the United States (except Alaska and Hawaii) to the ports of entry on the international boundary line between the United States and Canada located at Noyes, Minn., and Dunseith, N. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115180 (Sub-No. 81), filed February 22, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115180 (Sub-No. 82), filed February 22, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cheese, and party snacks*, from the facilities of D A K Foods, Inc., at East Brunswick, N.J., to points in Pennsylvania on and west of the Susquehanna River, Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, Missouri, Nebraska, Minnesota, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115924 (Sub-No. 20), filed February 25, 1972. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and mixtures of molasses and feed supplements*, in bulk, in tank vehicles, from Wilmington, N.C., to points in South Carolina and Virginia, under continuing contract or contracts with Savannah Foods & Industries, Inc., of Savannah, Ga. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116063 (Sub-No. 128), filed February 24, 1972. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, TX 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils and blends and products thereof*, in bulk, from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., located at Marshall, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, Oklahoma. Tennessee, Texas, and Wisconsin, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 116996 (Sub-No. 9), filed February 23, 1972. Applicant: B & B CARRIERS, INC., Post Office Box 207, Coatesville, PA 19320. Applicant's representative: William R. Keen, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in open dump trailers, from the Phoenix Steel Corp., Claymont, Del., to the Alan Wood Steel Co., Conshohocken, Pa., under contract with International Mill Service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 143), filed February 24, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, also Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and such materials, equipment, and supplies* as are used in the manufacture, packaging, installation, or distribution of the aforementioned commodities (except liquid commodities in bulk), between the plantsite and facilities of United States Gypsum Co. located in Martin County, Ind., about 5 miles of Shoals, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 188), filed February 28, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50316. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chicago and Chicago Heights, Ill., to points in Iowa and Omaha, Lincoln, Columbus, and Norfolk, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117883 (Sub-No. 167), filed February 15, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (2) *cheese, butter, and dairy products*, from St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (3) *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boone Terre, Mo., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-stated origins and destined to the stated destinations, and commodities in bulk and hides. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 117883 (Sub-No. 168), filed February 24, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118292 (Sub-No. 28), filed February 24, 1972. Applicant: BALLENTINE PRODUCE, INC., Box 312, Alma, AR 72921. Applicant's representative: Nancy Pyeatt, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, in boxes, in straight shipments and/or *mixed shipments of foodstuffs and canned goods*, from the plantsites and facilities of Hunt-Wesson Foods, Inc., at Fullerton, Davis, Hayward, and Oakdale, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 118806 (Sub-No. 23), filed March 2, 1972. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of (1) *tractors;* (2) *agricultural machinery and implements;* and (3) parts and attachments for the commodities described in (1) and (2) above (except commodities in bulk), and *pipe and tubing*, from points in the United States (except Alaska and Hawaii) to the ports of entry on the international boundary line between the United States and Canada at Noyes, Minn., and Dunseith, N. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 119226 (Sub-No. 82), filed February 29, 1972. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Loser and Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Belmond, Iowa, to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119399 (Sub-No. 33), filed March 2, 1972. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry urea;* from the plantsite and warehouse facilities of Atlas Chemical Industries, Inc., located at or near Atlas, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma; (2) *malt beverages, and advertising matter when moving therewith*, from Fort Worth, Tex.; Memphis, Tenn.; and Peoria, Ill., to points in Arkansas; and (3) *beverages*, and advertising matter when moving therewith, from Memphis, Tenn., to Fort Smith, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 119441 (Sub-No. 27), filed March 1, 1972. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (other than in bulk) and *accessories* used in the installation of such clay products from Summitville, and Pekin, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia,

Wisconsin, and the District of Columbia and (2) *Materials* (other than in bulk) and *machinery* (other than that which requires the use of special equipment), from the destinations named in (1) above to Summitville and Pekin, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119483 (Sub-No. 2), filed March 1, 1972. Applicant: SOUTHERN TRANSPORTATION CORP., Post Office Box 58, Amory, MS 38821. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slacks and walking shorts*, from Amory, Hatley, Gattman, Columbus, Guntown, and Plantersville, Miss.; Detroit and Sulligent, Ala., to points in Georgia, Kentucky, North Carolina, New Jersey, New York, South Carolina, Tennessee, and Virginia; (2) *Finished piece goods, cloth, trimmings and other materials*, such as (but not confined to) zippers, waistbands, pocketing, and thread used in the manufacture of men's and boys' slacks and walking shorts from points in Kentucky, New York, and Tennessee to Amory, Hatley, Gattman, Columbus, Guntown, and Plantersville, Miss., Detroit and Sulligent, Ala., and (3) *Damaged and returned shipments*, described in (1) and (2) on return, under contract with Glenn Sales & Service Co., Inc.; Gattman Sportswear, Inc.; Harley Sportswear Division of Glenn's All-American Sportswear, Inc.; Gleen Manufacturing Division of Tom & Huck Togs, Inc.; All-American Sportswear Division of Glenn's All-American Sportswear, Inc.; Plantersville Sportswear, Inc.; Detroit Slacks, Inc., McCoy Manufacturing Co., Inc.; Guntown Slacks, Inc.; and Tom & Huck Togs, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 119579 (Sub-No. 4), filed February 28, 1972. Applicant: J. J. TAYLOR, INCORPORATED, 5922 Farrington Avenue, Alexandria, VA 22304. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete products and materials* used in the installation thereof, from points in Prince William County, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials* used in the manufacture and installation of precast concrete products, except cement, and except commodities in bulk, from destination territory in (1) above, to points in Prince William County, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 30), filed March 3, 1972. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk or commodities in bulk in tank vehicles), from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, and Tennessee, restricted to the transportation of shipments originating at the plantsite and storage facilities of Illini Beef Packers, Inc., and destined to the above-named destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119792 (Sub-No. 34), filed February 23, 1972. Applicant: CHICAGO, SOUTHERN TRANSPORTATION COMPANY, INC., 1401 West 43d Street, Chicago, IL 60609. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the St. Paul-Minneapolis, Minn., commercial zone to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121499 (Sub-No. 4), filed March 1, 1972. Applicant: WILLIAM HAYES LINES, INC., Post Office Box 610, Lebanon, TN 37087. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Lebanon, Tenn., from Memphis, Tenn., over Interstate Highway 40 to Lebanon, Tenn., and return over the same route serving no intermediate points except those in Wilson County, Tenn., and serving all other points in Wilson County, Tenn., as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 123048 (Sub-No. 209), filed February 23, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Street maintenance, repair and cleaning equipment;* (2) *truck tractors;* (3) *truck bodies and truck beds;* (4) *cranes, hoists, and power gates*, designed for use on truck bodies and (5) *parts, attachments and accessories*, for the commodities described in (1) through (4), from Bowling Green, Ohio, and Ottawa, Kans., to points in the United States (except Alaska and Hawaii) and (B) *Commodities* described in (A), which at the time of movement are being transported for purposes of show, display or experiment and not for sale and *incidental paraphernalia*, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Chicago, Ill.

No. MC 124078 (Sub-No. 513), filed February 21, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette, 611 South 28th Street, Milwuakee, WI 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from Glasgow, W. Va., to points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio; (2) from plantsite of Kentucky Power Co., Lawrence County, Ky., to points in Ohio, Tennessee, Virginia, and West Virginia; and (3) from points in Bartow County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states tacking possibilities with Sub 92, at Wilsonville, Ala., to serve points in Arkansas, Louisiana, Texas; Sub 249 at Wilsonville, Ala., to serve Mississippi; Sub 133 at Kingston, and Gallatin, Tenn., to serve Kentucky; Sub 320 at Glasgow, W. Va., to serve eight Ohio counties; Sub 353 and Sub 374 to be tacked at Louisa, Ky., to serve Tennessee, West Virginia, and Virginia, Sub 52 to be tacked at Louisa, Ky., to serve Virginia; Sub 78 to be tacked at Louisa, Ky., to serve Tennessee; and Sub 337 to be tacked at Bartow County, Ga., to serve Florida, North Carolina, and South Carolina. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124078 (Sub-No. 514), filed February 16, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mill waste* (except cement, lime, limestone, and limestone products and byproducts) and *stack dust* (except fly ash), in bulk, between points in the United States in and east of Colorado, Nebraska, New Mexico, North Dakota, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 124111 (Sub-No. 41), filed February 16, 1972. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* requiring mechanical refrigeration, from St. Louis, Mo., and its commercial zone to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia; and (2) *meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., and its commercial zone to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124212 (Sub-No. 58), filed February 28, 1972. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Post Office Box 22183, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44122. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) between points in Minnesota and (2) between points in Massachusetts and Rhode Island, restricted (1) to traffic originating at manufacturing plants of Lehigh Portland Cement Co. (2) to shipments having an immediately prior movement by rail, and (3) against the joinder or tacking of such authority with any other authority held by applicant. NOTE: Common control and dual operations may be involved. Applicant states it holds authority under MC 124212 Sub 22, which may partially duplicate some of the authority sought herein. However, applicant does not seek duplicative authority and has no objection to any authority granted herein being so restricted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125616 (Sub-No. 5), filed March 2, 1972. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, MD 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to the transportation of shipments having a prior or subsequent movement by air, between Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Loudon County, Va.; and Washington National Airport, Gravelly Point, Va., on the one hand, and, on the other, points in Garrett County, Md., and in Hampshire, Mineral, and Morgan Counties, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126305 (Sub-No. 40), filed February 22, 1972. Applicant: BOYD BROTHERS TRANSPORTATION, INC., Rural Delivery 1, Clayton, Ala. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings, cast iron meter boxes and parts, manhole frames and covers and culverts, and materials, equipment, and supplies* used or useful in the manufacture and sale of the cast iron pipe, fittings, cast iron meter boxes and parts, manhole frames and covers and culverts (except commodities in bulk and those which because of size, shape, or weight require the use of special equipment or handling), between points in Calhoun County, Ala., on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Oklahoma, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Virginia, Wisconsin, and the District of Columbia. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states if the above authority is granted, all duplicating authority will be canceled. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 127239 (Sub-No. 9), filed February 28, 1972. Applicant: UNIVERSITY BOW TRANSPORT, INCORPORATED, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, from Crozet, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and those in New York on and north of a line beginning at the New York-Vermont State line and extending along New York Highway 7 to the New York-Pennsylvania State line, under contract with ITT Continental Baking Co., Inc., Morton Frozen Foods Division, Rye, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston Mass.

No. MC 128218 (Sub-No. 5), filed March 1, 1972. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 North Michigan Avenue, Kenilworth, NJ 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains*, in straight or mixed shipments, from Albany, N.Y., and Baltimore, Md., to points in Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128220 (Sub-No. 7), filed February 28, 1972. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, Post Office Box 508, Burnside, KY 42519. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquette, wood chips, vermiculite, lighter fluid, and spices and sauces* used in outdoor cooking, from Cookeville, Tenn., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, and points in all States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 128383 (Sub-No. 13) (Amendment), filed February 17, 1972, published in the FEDERAL REGISTER, issue of March 16, 1972, under MC 128283 Sub-13, and republished as corrected, this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 S. Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*

commodities (except commodities in bulk), (1) between Greater Buffalo International Airport, Erie County, N.Y., Rochester-Monroe County Airport, Monroe County, N.Y., Oneida County Airport, Oneida County, N.Y., Clarence E. Hancock Airport, Onondaga County, N.Y., Albany County Airport, Albany County, N.Y., Broome County Airport, Broome County, N.Y., Chemung County Airport, Chemung County, N.Y., Jamestown Municipal Airport, Chautauqua County, N.Y., Schenectady County Airport, Schenectady County, N.Y., Logan International Airport, Boston, Mass., Bowles Agawam Airport, Hampden County, Mass., Tweed-New Haven Airport, New Haven County, Conn., Bradley International Airport, Hartford County, Conn., Youngstown Municipal Airport, Trumbull County, Ohio, Akron-Canton Airport, Summit County, Ohio, Cleveland-Hopkins Airport, Cuyahoga County, Ohio; and (2) between the above-named airports on the one hand, and, on the other, John F. Kennedy International Airport at La Guardia Airport, New York, N.Y., Newark Airport, Newark, N.J., Philadelphia International Airport, Philadelphia, Pa., Friendship International Airport, Anne Arundel County, Md., Dulles International Airport, Fairfax and Loudoun Counties, Va., and Washington National Airport, Gravelly Point, Va.

NOTE: Applicant states that the requested authority may be tacked with its existing authority held by applicant at MC-128383 to provide service between the airports named in paragraph (1) on the one hand, and, on the other, the Pennsylvania and New Jersey points named in its Sub-No. 6. The requested authority may also be tacked with authority in its pending application at Sub-No. 10, to provide service between the airports named in paragraph (1), on the one hand, and, on the other, Delaware, the named counties in Maryland and Virginia and the District of Columbia. Additionally the authority requested between five of the named airports (Chemung County, Jamestown Municipal, Schenectady County, Bowles-Agawam, and Tweed-New Haven) and the other named airports may be tacked at any of the latter to the authority sought with applicant's pending Sub-No. 9 application to provide service to any airports named in Sub-No. 9. The purpose of this republication is to redescribe the authority sought, and reflect the correct docket number as MC 128383 (Sub-No. 13) in lieu of MC 128283 (Sub-No. 13). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128383 (Sub-No. 14), filed March 2, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between points in Hanover, Henrico, Chesterfield, Isle of Wight, Nansemond, York, Roanoke, Franklin, Montgomery, Craig, Bedford, Botetourt, Accomack, and Northampton Counties, Va., and the cities of Richmond, Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, Hampton, Salem, and Roanoke, Va., and points in Delaware, on the one hand, and, on the other, Dulles International Airport, Fairfax and Loudoun Counties, Va., Washington National Airport, Gravelly Point, Va., Friendship International Airport, Anne Arundel County, Md., Philadelphia International Airport, Philadelphia, Pa., Newark Airport, Newark, N.J., La Guardia Airport and John F. Kennedy International Airport, New York, N.Y.

NOTE: Applicant states that the authority sought herein may be tacked with existing authority held by applicant and with authority sought in pending proceedings as follows: MC 128383, Sub 6—authority sought herein may be joined at Philadelphia International Airport with Sub 6 to provide service between the New Jersey and Pennsylvania counties named in Sub 6 on the one hand, and, on the other, the Delaware, Maryland, and Virginia counties named in the instant application; MC 128383, Sub 9 (pending determination)—authority sought herein may be joined at any of the airports named herein with Sub 9 to provide service to or from all airports named in Sub 9, subject to the several restrictions in Sub 9; and MC 128383, Sub 10 (pending determination)—authority sought herein may be joined at any of the airports named herein with Sub 10 to provide service between the airports named herein, on the one hand, and, on the other, the Pennsylvania airports named in Sub 10. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128527 (Sub-No. 27), filed February 29, 1972. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, siding, insulating materials, and related accessories*, from Tacoma, Wash., and Portland, Oreg., to points in Idaho on and south of the southern boundary of Idaho County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128548 (Sub-No. 3) (Correction), filed February 16, 1972, published FEDERAL REGISTER, issue of March 16, 1972, and republished as corrected this issue. Applicant: MIDWEST TRANSPORT, INC., 2609 South Halsted Street, Chicago, IL 60608. Applicant's representative: Richard A. Smykal (same address as applicant). NOTE: The purpose of this republication is to show applicant's correct docket number, as shown above, in lieu of MC 128545 (Sub-No. 3), which was in error.

No. MC 128988 (Sub-No. 19), filed February 28, 1972. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene sheeting and bags*, from Minneapolis, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of polyethylene sheeting and bags, from points in the United States (except Alaska and Hawaii), to Minneapolis, Minn., restricted against the transportation of commodities in bulk of those requiring special equipment. All shipments to originate or terminate at the plantsite or warehouse facilities utilized by Poly-Tech, division of U.S. Industries, Inc., Minneapolis, Minn., under contract with Poly-Tech, division of U.S. Industries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129291 (Sub-No. 5) (Amendment), filed November 2, 1971, published in the FEDERAL REGISTER, issue of December 16, 1971, and republished as amended this issue. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, KY 40505. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), between Paris, Ky., and Maysville, Ky., from Paris, Ky., over U.S. Highway 68 to Maysville, Ky., and return over the same route, serving all intermediate points, and serving Carlisle, Ky., as an off-route point, restricted against service at points in Ohio within the Maysville, Ky., commercial zone. NOTE: The purpose of this republication is to broaden the territorial scope of authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Maysville, Ky.

No. MC 129631 (Sub-No. 28), filed March 3, 1972. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing or siding materials*, from Salt Lake City, Woods Cross, Ogden, and North Ogden, Utah, to points in Montana, Idaho, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133565 (Sub-No. 6) (correction), filed January 10, 1972, published

FEDERAL REGISTER, issues of February 10, and March 16, 1972, and republished as corrected this issue. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07036. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New York, on, west, and north of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., on traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. NOTE: The purpose of this republication is to correctly set forth the authority requested in this application. The notice of March 16 was in error. The issues remain as originally published on February 10, 1972.

No. MC 133565 (Sub-No. 7) (Amendment), filed February 17, 1972, published in the FEDERAL REGISTER, issue of March 16, 1972, and republished as amended this issue. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07036. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in containers or trailers, having a prior or subsequent movement by water, (1) between those ports of entry on the United States-Canada boundary line at or near Rouses Point and Champlain, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and points in Rhode Island; and (2) between Boston and Palmer, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, and points in Rhode Island. NOTE: Applicant states that the requested authority can be tacked with its Sub 2 application, but tacking is not contemplated. The purpose of this republication is to redescribe the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133760 (Sub-No. 2), filed February 23, 1972. Applicant: LANE TRANSFER CO., INC., Brandy Station, Va. 22714. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom designed and constructed concrete products*, under a continuing contract with Smith Cattleguard Co. in Midland, Va., from the plantsite of Smith Cattleguard Co. in Midland, Va., to points in North Carolina, Maryland, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133985 (Sub-No. 3), filed March 1, 1972. Applicant: RICHARD M. GODFREY TRUCKING, INC., 8530 Kings Cove Drive, Salt Lake City, UT 84070. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Campers, travel trailers, and folding trailers*, in truckaway service, in initial movements, from the account of Vista Liner, Inc., from Idaho Falls, Idaho, and points in Salt Lake County, Utah, to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska; under contract with Vista Liner, Inc.; and (2) *parts and supplies* used in the construction of campers, travel trailers, and folding trailers, for the account of Vista Liner, Inc., from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio, to Idaho Falls, Idaho, and points in Salt Lake County, Utah, under contract with Vista Liners, Inc.; (3) *campers, travel trailers, folding trailers, mobile homes modular units*, in truckaway service, in initial movements, for the account of Utah Mobile Homes, Inc., from points in Salt Lake County, Utah, and Moses Lake, Wash., to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska under contract with Utah Mobile Homes, Inc.; and (4) *parts and supplies* used in the construction of campers, travel trailers, mobile homes, and modular units, for the account of Utah Mobile Homes, Inc., from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio, to points in Salt Lake County, Utah, and Moses Lake, Wash., under contract with Utah Mobile Homes, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134599 (Sub-No. 36), filed February 24, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sponge rubber carpet cushion*, from Thomson, Ga., to points in Arizona, California, Oregon, and Washington, under a continuing contract with Uniroyal, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 135153 (Sub-No. 21), filed February 22, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sterling, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 135248 (Sub-No. 5), filed February 22, 1972. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and supplies*, used in or in connection with the manufacture, production, and distribution of nonalcoholic

beverages; and *cans, can ends, and supplies, including advertising materials,* between points in Colorado, Nebraska, Utah, and Wyoming; and (2) *nonalcoholic beverages,* from points in Wyoming to points in Nebraska and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Denver, Colo., or Casper, Wyo.

No. MC 135371 (Sub-No. 2) (Correction), filed February 2, 1972, published in the FEDERAL REGISTER, issue of March 2, 1972, and republished as corrected, this issue. Applicant: PACIFIC INLAND TRANSPORT COMPANY, a corporation, 5909½ East Sharp, Post Office Box 274, 99206, Parkwater Station, Spokane, WA 99211. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* between points in Spokane *County,* Wash., points in that part of Idaho in and north of Idaho County, and points in that part of Montana on and west of U.S. Highway 93. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is (1) to reflect the correct address of applicant's representative as 5909½ East Sharp, and (2) reflect the correct territorial description to read: Between points in Spokane *County,* Wash., in lieu of Spokane, Wash., shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135797 (Sub-No. 2), filed February 28, 1972. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tanks, hydropneumatic boiler heaters, gas; brooders, poultry, canopy or hovers,* from Rogers, Ark., and Toccoa, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135954 (Sub-No. 2), filed March 3, 1972. Applicant: JEROME KOENIG AND RAYMOND KOENIG, a partnership, Fairfax, S. Dak. 57335. Applicant's representative: Jerome Koenig (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* in bulk, from Sioux City, Iowa to Fairfax, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 136321 filed, December 16, 1971. Applicant: J K EQUIPMENT CORPORATION, 151 South Fulton Avenue, White Plains, NY 10606. Applicant's representative: Reubin Kaminsky, Post Office Box 17–067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Building materials,* namely: Asbestos; asbestos, felt paper or magnesia, combined; and wood pulp and fiberboard combined; asphalt; asphalt roof singlers; asphaltum; bolts and nuts; brackets; brick: bath (scouring brick), building, fire, paving crushed or ground, enameled and glazed, glass, glass faced concrete, insulating common, infusorial earth, diatomaceous earth and glass, vermiculite, lining, porcelain) and salt glazed; building construction sections; building corners and shields (covers for weatherboard or lap siding corner angles); capping, roof; caps, roof end; caps, column; casings, door and window; ceiling, ceiling moldings, panels, and ornaments; cement, boiler wall, roofing, roofing tile, magnesia, cork insulation, high temperature, bonding, hydraulic, masonry, mortar, natural and portland; channels; columns and column bases; corner bead; eave troughs and gutters; end caps; roof; fabric, asbestos, saturated with pitch, tar and asphalt; fasteners, roofing; fencing: Wire, posts, gates, stretchers, and wrought iron pipe, wire stays, clamps, brace collars, brace plates, pipe, brace rods, face plates, spreaders, taps, caps, clips, extension arms and stays; fiber and mineral wood (rock and slag wool) combined; fiber, plastering, wood and vegetable, fiberboard, pulpboard, and strawboard and strawboard and wood, combined; guttering; gutters, roof; hangers, eave trough, conductor pipe, electric clamp and joist; lath and lathing; locks and lock sets; locks, nuts; nails; netting, woven wire; paper, building; paper and felt paper, roofing and sheathing; paving composition; plasterboard; roof edge and roof binding materials and metal; roofing, composition and prepared; roofing and sheathing, steel, asbestos and asphalt coated, with and without aluminum, copper and cement facing; shingles; siding; slate; spikes; tacks; tar; wallboard; waterproofing compound:

(1) From ports of entry on the international boundary line between the United States and Canada located in the States of New York, Vermont, New Hampshire, and Maine to: (a) White Plains, N.Y., and points in Connecticut, New Jersey, and those in New York on and east of U.S. Highway 81, under continuing contract or contracts with Miller Supply Corp., of White Plains, N.Y. Restriction: Restricted to traffic having prior movement by way of motor carrier from points of origin in the Province of Quebec, Canada. (b) To Philadelphia, Pa., and points in Maryland, New Jersey, Delaware, and the District of Columbia, those in the State of Pennsylvania on and east of U.S. Highway 219 and those in Virginia on and east of U.S. Highway 81 and on and north of U.S. Highway 50. Restriction: Restricted to traffic having a prior movement by way of motor carrier from points of origin in the Province of Quebec, Canada. (c) To points in Massachusetts and Rhode Island, those in that part of Vermont on and south of U.S. Highway 2, those in that part of New Hampshire on and south of U.S. Highway 2 and those in that part of Maine on and south of U.S. Highway 2 and on and west of the Penobscot River, under continuing contract or contracts with Prudential Supply Corp., of East Dedham, Mass. Restriction: Restricted to traffic having prior movement by way of motor carrier from points of origin in the Province of Quebec, Canada. (d) To points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, and the District of Columbia, under continuing contract or contracts with Guardian Purchasing Corp., of White Plains, N.Y. Restriction: Restricted to traffic having prior movement by way of motor carrier from points of origin in the Province of Quebec, Canada, and destined for delivery to warehousing, manufacturing, and retail and wholesale outlets of dealers of building materials located in the destination States hereinabove named; and

(2) From ports of entry on the international boundary line between the United States and Canada located in New York and Michigan, to points located in that part of Illinois on and north of U.S. Highway 36, those in that part of the State of Indiana located on and north of U.S. Highway 40, those in that part of Michigan located on and south of U.S. Highway 96 and on and west of U.S. Highway 127 and those in that part of Wisconsin located on and east of U.S. Highway 261 and on and south of U.S. Highway 16 and Wisconsin Highways 82 and 23, under continuing contract or contracts with Metropolitan Wholesale Supply Corp., of Chicago, Ill. Restriction: Restricted to traffic having a prior movement by way of motor carrier from points of origin in the Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136389 (Sub-No. 1), filed March 2, 1972. Applicant: WRIGHT'S MOVING & STORAGE, INC., 1115 Vincennes Street, New Albany, IN 47150. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects,* between New Albany, Ind., on the one hand, and points in Brown, Bartholomew,

Jackson, Jennings, Jefferson, Switzerland, Ohio, Scott, Washington, Clark, Crawford, Floyd, and Harrison Counties, Ind., on the other. Restriction: Restricted to the transportation of traffic having a prior or subsequent movement in interstate or foreign commerce. Further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136447 (Sub-No. 1), filed February 28, 1972. Applicant: STECO, INC., Mays Boulevard at Bowery Lane, Post Office Box 488, Folkston, GA 31537. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and goods*, used in the manufacture of apparel, from New York, N.Y., Wilkes-Barre, and Philadelphia, Pa., points in North and South Carolina, to Folkston, Wrightsville, and Dublin, Ga., Lake Butler and Lake City, Fla., from Lake City, Fla., to Lake Butler, Fla., and Folkston, Ga., and (2) *Apparel*, from Folkston, Wrightsville, and Dublin, Ga., Lake Butler and Lake City, Fla., to Wilkes-Barre and Philadelphia, Pa., and New York, N.Y., under contract with Stephenson Enterprises, Inc., Lake Butler Apparel Co., Inc., Buckeye Industries, Inc., and Biljo, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 136469, filed March 2, 1972. Applicant: FRANCIS G. BROUGHTON, Star Route, Bridport, Vt. 05734. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural supplies* (such as), *dairy cleaners, veterinary supplies, medicaments and devices, small tools and equipment, various replacement parts for equipment, pesticides, and farmers apparel*, from Millbury, Mass., to points in Rutland, Addison, Chittender, and Lamoille Counties, Vt., and Millbury, Mass., to points in Essex, Clinton, Franklin, St. Lawrence, Jefferson Schoharie, Montgomery, Fulton, Madison, Chenanga, Broome, Tioga, Struben, Wyoming, and Ontario Counties, N.Y., under contract with Independent Buyers Association, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Worcester, Mass., Albany, N.Y., or Burlington, Vt.

No. MC 136470, filed March 2, 1972. Applicant: RUBBER CITY EXPRESS, a corporation, 1805 East Market Street, Akron, OH 44305. Applicant's representative: Paul F. Berry Co., 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, except in bulk and *materials and supplies* normally dealt in by retail gasoline service stations, when shipped in mixed loads with petroleum or petroleum products, from Paulsboro, N.J., to points in Ohio and Pennsylvania, under contract with Mobil Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136472, filed February 23, 1972. Applicant: GERALD S. LORD, doing business as LORD MOVING & STORAGE, 2629 Saddle Avenue, Oxnard, CA 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Santa Barbara and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136479, filed February 24, 1972. Applicant: WALBERT TRUCKING, INC., Post Office Box 403, Glasgow, KY 42141. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, dry, in bulk and in bags; and (2) *agricultural chemicals*, in containers, when shipped in mixed loads with fertilizer, from Nashville, Tenn., to points in Barren, Metcalfe, Hart, and Green Counties, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 136485, filed February 22, 1972. Applicant: WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf MD 20601. Applicant's representative: Daniel B. Johnson, 761 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment and electrical supplies (except commodities which because of size and weight require the use of special equipment), from points in Pennsylvania, New Jersey, Connecticut, New York, Maryland, Virginia, Delaware, West Virginia, Ohio, Kentucky and the District of Columbia to points in Anne Arundel, Prince Georges, Calvert, St. Marys, Charles, and Montgomery Counties, Md.; Stafford, Fauquier, Loudon, Fairfax, Arlington, and Prince William Counties, Va., and Washington, D.C., restricted to a transportation service to be performed under a continuing contract or contracts with Eagle Electric Supply Co., Inc, of Washington, D.C., and Waldorf, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136489, filed March 3, 1972. Applicant: RALPH L. NORTON, Box 27, Jericho, VT 05465. Applicant's representative: Alan D. Overton, Box 138, Essex Junction, VT 05452. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, soda, wines, and empty glass bottles in containers, pallets, returnable bottles, and kegs*, from A B & C Distributors, Inc., of Colchester, Vt., from (1) Cranston, R.I.; (2) Scotia, N.Y., and (3) Cleveland, Ohio, for Vermont Fruit & Grocery Co., Inc., of Burlington, Vt., from (1) Natick, Mass.; (2) Millis, Mass., and (3) Springfield, Mass.; (4) Dayville, Conn.; (5) Brooklyn, N.Y.; (6) Long Island, N.Y.; (7) New York City, N.Y.; (8) Albany, N.Y.; (9) Havansport, N.Y.; (10) Newark, N.J.; (11) North Bergen, N.J.; (12) Baltimore, Md., for Farrell Distributing Corporation of Winooski, Vt., from (1) Rochester, N.Y.; (2) Brooklyn, N.Y., and (3) New York City, N.Y., under contract with Vermont Fruit & Grocery Co., Inc., A B & C Distributors, Inc., and Farrell Distributing Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130163 (Correction), filed January 5, 1972, published in the FEDERAL REGISTER issue of February 10, 1972, and republished as corrected this issue. Applicant: UNIVERSITY TRAVEL SERVICE, INC., 1776 University Avenue, Green Bay, WI 54302. Applicant's representative: John C. Gower (same address as applicant). For a license (BMC-5) to engage in operations as a *broker* at Green Bay, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as individuals and groups, beginning and ending at points in Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, and Schoolcraft Counties, Mich., and points in Ashland, Brown, Calumet, Door, Florence, Forest, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and extending to points in the United States (including Alaska and Hawaii). The purpose of this republication is to correctly set forth the authority sought to include portions inadvertently omitted in previous publication.

APPLICATION FOR WATER CARRIER

No. W-381 (Sub-No. 16), (FEDERAL BARGE LINES, INC. EXTENSION COASTWISE), filed March 15, 1972. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, MO 63111. Applicant's representative: Thomas A. Phemister, Suite 1212, 425 13th Street NW., Washington, DC 20004. By application filed March 15, 1972, applicant seeks a revision of certificate (No. W-381), to cover the following proposed

changes in service: Operations as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance or towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length, or 100 tons in weight, *component parts thereof*, and *related equipment*, between ports and points along the Atlantic Coast and tributary waterways, on the one hand, and, on the other, ports and points on the Gulf of Mexico west of, but not including, New Orleans, La.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. 128339 (Sub-No. 2), filed February 29, 1972. Applicant: REGISTER VAN & STORAGE COMPANY, INC., 1371 Jacqueline Drive, Post Office Box 5568, Columbus, GA 31906. Applicant's representative: C. E. Walker, Suite 307, First National Bank Building, Post Office Box 1085, Columbus, GA 31902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to the transportation of empty and loaded trailers owned or leased by railroads or by shippers, between points in Lee and Russell County, Ala., on the one hand, and, Columbus, Ga., on the other hand. NOTE: Applicant states that authority sought can be tacked at Phenix City, Ala. Applicant already holds authority between Phenix City and Columbus.

No. MC 135265 (Sub-No. 2), filed February 28, 1972. Applicant: JOSEPH M. STORMS AND GWENDOLYN L. STORMS, a partnership, doing business as PETE'S AND PURCELL'S TRANSFER & STORAGE, 312 West Seventh Street, Bloomington, IN 47401. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between Bloomington, Ind., and points in Vigo, Clay, Owen, Monroe, Greene, Sullivan, Lawrence, Orange, Martin, Daviess, and Knox Counties, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-4802 Filed 3-29-72;8:45 am]

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