

# federal register

THURSDAY, JULY 13, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 135

Pages 13673-13753



---

## HIGHLIGHTS OF THIS ISSUE

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

**PRICE STABILIZATION—Price Comm. issues clarifying amendments..... 13716**

**DRUGS/ADDITIVES—**

FDA approves processed cottonseed flour for human consumption ..... 13713

FDA reclassifies 14 ophthalmic preparations; withdraws and proposes to withdraw approval of Panparnit Tablets and Phenergan Cream respectively (3 documents) ..... 13722, 13723

**ENVIRONMENTAL IMPACT STATEMENTS—EPA makes latest copies available ..... 13734**

**INCOME TAX—IRS amendments on income averaging and non-profit activities (2 documents) ..... 13679, 13686**

**FUNGICIDE RESIDUES—EPA establishes reduced tolerances for maneb..... 13695**

**"COUNTRY" PORK PRODUCTS—USDA revises proposed identity standards; comments within 60 days ..... 13717**

**CROP LOSS FOLLOWING MISREPRESENTATION OF INSURANCE COVERAGE—USDA proposed rule; comments within 30 days..... 13718**

**FARM MORTGAGES—USDA revises loan servicing regulations ..... 13702**

# MICROFILM EDITION FEDERAL REGISTER 35mm MICROFILM

**Complete Set 1936-71, 202 Rolls \$1,439**

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

Order Microfilm Edition from Publications Sales Branch  
National Archives and Records Service  
Washington, D.C. 20408



**FEDERAL REGISTER**  
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935

(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

# Contents

## AGRICULTURAL MARKETING SERVICE

### Rules and Regulations

Fruit grown in Florida; shipments limitations:	
Grapefruit .....	13697
Oranges (2 documents) .....	13698
Grapefruit; imports .....	13699
Irish potatoes grown in Washington; shipments limitation .....	13699
Onions:	
Grown in Idaho and Oreg.; shipments limitation .....	13700
Import regulations .....	13701
Valencia oranges grown in Arizona and California; handling limitation .....	13698

## AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Federal Crop Insurance Corporation; Packers and Stockyards Administration.

## ALCOHOL, TOBACCO AND FIREARMS BUREAU

### Rules and Regulations

Procedure; disclosure of information .....	13691
--	-------

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

### Proposed Rule Making

"Country" or "country style" hams and pork shoulders; standards .....	13717
---	-------

## ATOMIC ENERGY COMMISSION

### Notices

Consolidated Edison Company of New York, Inc.; order extending facility operating license expiration date .....	13725
Consumers Power Co.; order for hearing .....	13725
Detroit Edison Co.; availability of final environmental statement .....	13725

## BONNEVILLE POWER ADMINISTRATION

### Notices

Chief, Branch of Construction; re-delegations of authority .....	13721
--	-------

## CIVIL AERONAUTICS BOARD

### Notices

<i>Hearings, etc.:</i>	
Military fare rule changes .....	13725
Supplemental renewal proceeding .....	13727
Texas International Airlines, Inc. .....	13725
Transamerica Corp. et al. ....	13726
Union of Professional Airmen et al. ....	13727

## COMMERCE DEPARTMENT

See Economic Development Administration.

## COMMODITY CREDIT CORPORATION

### Rules and Regulations

Grain sorghum loan and purchase program; 1972 crop .....	13702
--	-------

## CUSTOMS BUREAU

### Rules and Regulations

Liquidation of duties; sugar content of certain articles from Australia .....	13712
---	-------

### Proposed Rule Making

Customhouse brokers; retention of brokers' records; use of microfilm .....	13717
--	-------

## ECONOMIC DEVELOPMENT ADMINISTRATION

### Rules and Regulations

Economic Development Regional Offices; location .....	13708
---	-------

## ENVIRONMENTAL PROTECTION AGENCY

### Rules and Regulations

Tolerances for pesticide chemicals in or on raw agricultural commodities; maneb .....	13695
---	-------

### Notices

Environmental impact statements; availability of Agency comments .....	13734
--	-------

## FARMERS HOME ADMINISTRATION

### Rules and Regulations

Account servicing policies .....	13702
----------------------------------	-------

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Airworthiness directives:	
Hawker Siddeley de Havilland airplanes .....	13709
Rolls Royce engines .....	13709
Temporary restricted area; designation .....	13709

### Proposed Rule Making

Airworthiness directive; STAI Marchetti airplanes .....	13719
Federal airways; withdrawal of proposed designation .....	13719

## FEDERAL COMMUNICATIONS COMMISSION

### Proposed Rule Making

Public interest groups as consultants to broadcasters; reimbursement for legitimate and prudent expenses; extension of time .....	13720
---	-------

Table of assignments; TV broadcast stations, Vallejo-Fairfield and Sacramento, Calif.; extension of time .....	13720
--	-------

### Notices

Crevolin, Andrew J.; order designating application for hearing on stated issues .....	13727
---	-------

## FEDERAL CROP INSURANCE CORPORATION

### Proposed Rule Making

Federal crop insurance; good faith reliance on misrepresentation .....	13718
--	-------

## FEDERAL INSURANCE ADMINISTRATION

### Rules and Regulations

Flood insurance program:	
Areas eligible for sale of insurance .....	13714
Identification of special hazard areas .....	13715

## FEDERAL POWER COMMISSION

### Notices

<i>Hearings, etc.:</i>	
Crystal Oil Co. et al. ....	13735
El Paso Natural Gas Co. ....	13735
Hondo Oil & Gas Co. et al. ....	13736
Indiana & Michigan Electric Co., Inc. ....	13736
Kansas-Nebraska Natural Gas Co., Inc. ....	13736
Mobil Oil Corp. et al. ....	13737
Tecon Gasification Co. and Texas Eastern Transmission Corp. ....	13740
Withdrawal of certain power site lands in Utah and Wyo. ....	13736

## FEDERAL RESERVE SYSTEM

### Notices

Commerce Bancshares, Inc.; acquisition of bank .....	13728
Irvin Union Corp.; formation of one-bank holding company .....	13728
Waiver of penalties for deficiencies in reserves .....	13728

## FEDERAL TRADE COMMISSION

### Rules and Regulations

Prohibited trade practices:	
Associated-East Mortgage Co. ....	13709
Cranston Cars, Inc., and Michael J. Cranston .....	13710
Lehigh Portland Cement Co. ....	13711

(Continued on next page)

**FISH AND WILDLIFE SERVICE****Rules and Regulations****Hunting:**

- Kirwin National Wildlife Refuge, Kans.----- 13713  
San Andres National Wildlife Refuge, N. Mex.----- 13713

**Notices**

- Klamath Forest National Wildlife Refuge; public hearing regarding wilderness study----- 13721

**FOOD AND DRUG ADMINISTRATION****Rules and Regulations**

- Food additives; modified cottonseed products----- 13713

**Notices**

- Certain ophthalmic preparations containing antibiotics; drugs for human use; efficacy study implementation----- 13722  
Geigy Chemical Corp.; caramiphen hydrochloride; withdrawal of approval of new drug application----- 13722  
Wyeth Laboratories; promethazine hydrochloride for dermatologic use; opportunity for hearing on proposal to withdraw approval of new drug application----- 13723

**GENERAL SERVICES ADMINISTRATION****Rules and Regulations**

- Procurement by formal advertising; solicitation of bids----- 13696  
Procurement of stock items; copies of solicitations----- 13696

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

*See also* Food and Drug Administration.

**Notices**

- Organization, functions, and delegations of authority:  
National Institutes of Health... 13723  
Public Health Service and Food and Drug Administration... 13724

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

*See* Federal Insurance Administration.

**INTERIOR DEPARTMENT**

*See also* Bonneville Power Administration; Fish and Wildlife Service; Land Management Bureau.

**Notices**

- Proposed Cascade Irrigation District Rehabilitation and Betterment Program, Wash.; availability of final environmental statement----- 13721

**INTERNAL REVENUE SERVICE****Rules and Regulations**

- Alcohol, tobacco, and firearms; disclosure of information; cross reference----- 13691  
Income tax:  
Activities not engaged in for profit----- 13679  
Income averaging----- 13686

**INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO****Notices**

- Restoration of historic low flow diversion, Lower Rio Grande Flood Control Project; availability of environmental statement and request for comments... 13728

**INTERSTATE COMMERCE COMMISSION****Rules and Regulations**

- Car service; Delaware and Hudson Railway Co. and Penn Central Transportation Co.----- 13697

**Notices**

- Assignment of hearings----- 13740  
Fourth section application for relief----- 13740  
Motor carrier, broker, water carrier and freight forwarder applications----- 13741  
Perishable commodities; investigation into need for defining reasonable dispatch----- 13740

**JUSTICE DEPARTMENT****Rules and Regulations**

- Organization; delegation of authority to designate attorneys to present evidence to grand juries----- 13695

**LABOR DEPARTMENT****Notices**

- Termination of extended unemployment compensation:  
Maryland----- 13733  
Massachusetts----- 13733  
Oklahoma----- 13734  
Wilson Shoe Corp.; certification of eligibility of workers to apply for adjustment assistance... 13733

**LAND MANAGEMENT BUREAU****Notices**

- Arizona; filing of plats of survey... 13721

**NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION****Rules and Regulations**

- Certification; gross vehicle and gross axle weight ratings----- 13696

**PACKERS AND STOCKYARDS ADMINISTRATION****Notices**

- Farmers Livestock Auction, Inc., et al.; posted stockyards----- 13722

**PRICE COMMISSION****Rules and Regulations**

- Price stabilization; miscellaneous amendments----- 13716

**SECURITIES AND EXCHANGE COMMISSION****Notices***Hearings, etc.:*

- Accurate Calculator Corp.----- 13730  
Allegheny Airlines, Inc.----- 13730  
American General Convertible Securities and American General Insurance Co.----- 13720  
Anthony Industries, Inc., et al. 13730  
Burlington Industries, Inc.----- 13731  
Cogar Corp.----- 13731  
Connecticut Yankee Atomic Power Co.----- 13731  
First World Corp.----- 13732  
Patent Development Corp.----- 13732  
Tanger Industries----- 13732  
Topper Corp.----- 13733

**TARIFF COMMISSION****Notices**

- Certain disposable catheters; complaint received----- 13733

**TRANSPORTATION DEPARTMENT**

*See* Federal Aviation Administration; National Highway Traffic Safety Administration.

**TREASURY DEPARTMENT**

*See* Alcohol, Tobacco and Firearms Bureau; Customs Bureau; Internal Revenue Service.

## List of CFR Parts Affected

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

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

<b>6 CFR</b>		<b>PROPOSED RULES:</b>		<b>27 CFR</b>	
300.....	13716	39.....	13719	71.....	13691
		71.....	13719		
<b>7 CFR</b>		<b>16 CFR</b>		<b>28 CFR</b>	
905 (3 documents).....	13697, 13698	13 (3 documents).....	13709-13711	0.....	13695
908.....	13698			<b>40 CFR</b>	
944.....	13699	<b>19 CFR</b>		180.....	13695
946.....	13699	16.....	13712		
958.....	13700	<b>PROPOSED RULES:</b>		<b>41 CFR</b>	
980.....	13701	111.....	13717	5A-2.....	13696
1421.....	13702			5A-72.....	13696
1861.....	13702	<b>21 CFR</b>		<b>47 CFR</b>	
<b>PROPOSED RULES:</b>		121.....	13713	<b>PROPOSED RULES:</b>	
401.....	13718	<b>24 CFR</b>		73 (2 documents).....	13720
<b>9 CFR</b>		1914.....	13714	<b>49 CFR</b>	
<b>PROPOSED RULES:</b>		1915.....	13715	567.....	13696
317.....	13717	<b>26 CFR</b>		1033.....	13697
319.....	13717	1 (2 documents).....	13679, 13686	<b>50 CFR</b>	
<b>13 CFR</b>		301.....	13686	32 (2 documents).....	13713
301.....	13708	601.....	13691		
<b>14 CFR</b>					
39 (2 documents).....	13709				
73.....	13709				



# Rules and Regulations

## Title 26—INTERNAL REVENUE

### Chapter 1—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 7198]

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

#### Activities Not Engaged in for Profit

On August 19, 1971, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 183, 212, and 270 of the Internal Revenue Code of 1954 to conform such regulations to the changes made by section 213 of the Tax Reform Act of 1969 (83 Stat. 571) was published in the FEDERAL REGISTER (36 F.R. 16112). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below. Furthermore, the Income Tax Regulations (26 CFR Part 1) under section 183 are amended to conform such regulations to the changes made by section 311 of the Revenue Act of 1971 (85 Stat. 525).

PARAGRAPH 1. Paragraphs (a) and (b) (3) of § 1.162-12, as set forth in paragraph 2 of the notice of proposed rule making, are revised as set forth below.

PAR. 2. Section 1.183, as set forth in paragraph 3 of the notice of proposed rule making, is revised by adding subsection (e) and amending the historical note. Section 1.183-1, as set forth in paragraph 3 of the notice of proposed rule making, is revised by amending paragraphs (a), (b) (1) (i), (3), and (4), (c) (1) (i), (2), and (4), (d), and (e), by adding a new subparagraph (5) at the end of paragraph (c), and by deleting paragraph (g). Section 1.183-2, as set forth in paragraph 3 of the notice of proposed rule making, is revised by amending paragraphs (a), (b), and example (5) of paragraph (c). Section 1.183-3, as set forth in paragraph 3 of the notice of proposed rule making, revised and redesignated as § 1.183-4. A new § 1.183-3 is added immediately following revised § 1.183-2. These amended, added, and redesignated provisions read as set forth below.

PAR. 3. Section 1.212-1, as set forth in paragraph 4 of the notice of proposed rule making, is revised by deleting the amendment to paragraph (b) and amending paragraph (c) to read as set forth below.

PAR. 4. The historical note following § 1.270, as set forth in paragraph 5 of the notice of proposed rule making, is revised as set forth below.

PAR. 5. Paragraph (f) of § 1.270-1, as set forth in paragraph 6 of the notice of proposed rule making, is revised as set forth below.

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

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

Approved: July 7, 1972.

FREDERIC W. HICKMAN,  
Acting Assistant Secretary of  
the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 183, 212, and 270 of the Internal Revenue Code of 1954 to section 213 of the Tax Reform Act of 1969 (83 Stat. 571) and section 311 of the Revenue Act of 1971 (85 Stat. 525), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) of § 1.61-4 is amended to read as follows:  
§ 1.61-4 Cross income of farmers.

(c) *Special rules for certain receipts.*  
In the case of the sale of machinery, farm equipment, or any other property (except stock in trade of the taxpayer, or property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business), any excess of the proceeds of the sale over the adjusted basis of such property shall be included in the taxpayer's gross income for the taxable year in which such sale is made. See, however, section 453 and the regulations thereunder for special rules relating to certain installment sales. If farm produce is exchanged for merchandise, groceries, or the like, the market value of the article received in exchange is to be included in gross income. Proceeds of insurance, such as hail or fire insurance on growing crops, should be included in gross income to the extent of the amount received in cash or its equivalent for the crop injured or destroyed. See section 451(d) for special rule relating to election to include crop insurance proceeds in income for taxable year following taxable year of destruction. For taxable years beginning after (insert date that these regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops and the process of gathering and disposing of such crops is not completed within the taxable year in which such crops are planted, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method. For taxable years beginning on or before (insert date that these

regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops which take more than a year from the time of planting to the time of gathering and disposing, the income therefrom may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be computed upon the crop method. In any case in which the crop method is used, the entire cost of producing the crop must be taken as a deduction for the year in which the gross income from the crop is realized, and not earlier.

PAR. 2. § 1.162-12 is amended to read as follows:

#### § 1.162-12 Expenses of farmers.

(a) *Farms engaged in for profit.* A farmer who operates a farm for profit is entitled to deduct from gross income as necessary expenses all amounts actually expended in the carrying on of the business of farming. The cost of ordinary tools of short life or small cost, such as hand tools, including shovels, rakes, etc., may be deducted. The purchase of feed and other costs connected with raising livestock may be treated as expense deductions insofar as such costs represent actual outlay, but not including the value of farm produce grown upon the farm or the labor of the taxpayer. For taxable years beginning after (insert date that these regulations are filed in final form by the FEDERAL REGISTER) where a farmer is engaged in producing crops and the process of gathering and disposal of such crops is not completed within the taxable year in which such crops were planted, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. For taxable years beginning on or before (insert date that these regulations are filed in final form by the FEDERAL REGISTER), where a farmer is engaged in producing crops which take more than a year from the time of planting to the process of gathering and disposal, expenses deducted may, with the consent of the Commissioner (see section 446 and the regulations thereunder), be determined upon the crop method, and such deductions must be taken in the taxable year in which the gross income from the crop has been realized. If a farmer does not compute income upon the crop method, the cost of seeds and young plants which are purchased for further development and cultivation prior to sale in later years may be deducted as an expense for the year of purchase, provided the farmer follows a consistent practice of deducting such costs as an expense from year to year. The preceding sentence does not

apply to the cost of seeds and young plants connected with the planting of timber (see section 611 and the regulations thereunder). For provisions relating to citrus and almond groves, see section 278 and the regulations thereunder. The cost of farm machinery, equipment, and farm buildings represents a capital investment and is not an allowable deduction as an item of expense. Amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may, at the election of the taxpayer, be regarded as investments of capital. For the treatment of soil and water conservation expenditures as expenses which are not chargeable to capital account, see section 175 and the regulations thereunder. For taxable years beginning after December 31, 1959, in the case of expenditures paid or incurred by farmers for fertilizer, lime, etc., see section 180 and the regulations thereunder. Amounts expended in purchasing work, breeding, dairy, or sporting animals are regarded as investments of capital, and shall be depreciated unless such animals are included in an inventory in accordance with § 1.61-4. The purchase price of an automobile, even when wholly used in carrying on farming operations, is not deductible, but is regarded as an investment of capital. The cost of gasoline, repairs, and upkeep of an automobile if used wholly in the business of farming is deductible as an expense; if used partly for business purposes and partly for the pleasure or convenience of the taxpayer or his family, such cost may be apportioned according to the extent of the use for purposes of business and pleasure or convenience, and only the proportion of such cost justly attributable to business purposes is deductible as a necessary expense.

(b) *Farms not engaged in for profit; taxable years beginning before January 1, 1970*—(1) *In general.* If a farm is operated for recreation or pleasure and not on a commercial basis, and if the expenses incurred in connection with the farm are in excess of the receipts therefrom, the entire receipts from the sale of farm products may be ignored in rendering a return of income, and the expenses incurred, being regarded as personal expenses, will not constitute allowable deductions.

(2) *Effective date.* The provisions of this paragraph shall apply with respect to taxable years beginning before January 1, 1970.

(3) *Cross reference.* For provisions relating to activities not engaged in for profit, applicable to taxable years beginning after December 31, 1969, see section 183 and the regulations thereunder.

PAR. 3. There are inserted immediately following § 1.182-6, the following new sections:

**§ 1.183 Statutory provisions; activities not engaged in for profit.**

SEC. 183. *Activities not engaged in for profit*—(a) *General rule.* In the case of an activity engaged in by an individual or an electing small business corporation (as defined in section 1371(b)), if such activity is

not engaged in for profit, no deduction attributable to such activity shall be allowed under this chapter except as provided in this section.

(b) *Deductions allowable.* In the case of an activity not engaged in for profit to which subsection (a) applies, there shall be allowed—

(1) The deductions which would be allowable under this chapter for the taxable year without regard to whether or not such activity is engaged in for profit, and

(2) A deduction equal to the amount of the deductions which would be allowable under this chapter for the taxable year only if such activity were engaged in for profit, but only to the extent that the gross income derived from such activity for the taxable year exceeds the deductions allowable by reason of paragraph (1).

(c) *Activity not engaged in for profit defined.* For purposes of this section, the term "activity not engaged in for profit" means any activity other than one with respect to which deductions are allowable for the taxable year under section 162 or under paragraph (1) or (2) of section 212.

(d) *Presumption.* If the gross income derived from an activity for two or more of the taxable years in the period of 5 consecutive taxable years which ends with the taxable year exceeds the deductions attributable to such activity (determined without regard to whether or not such activity is engaged in for profit), then, unless the Secretary or his delegate establishes to the contrary, such activity shall be presumed for purposes of this chapter for such taxable year to be an activity engaged in for profit. In the case of an activity which consists in major part of the breeding, training, showing, or racing of horses, the preceding sentence shall be applied by substituting the period of 7 consecutive taxable years for the period of 5 consecutive taxable years.

(e) *Special rule*—(1) *In general.* A determination as to whether the presumption provided by subsection (d) applies with respect to any activity shall, if the taxpayer so elects, not be made before the close of the fourth taxable year (sixth taxable year, in the case of an activity described in the last sentence of such subsection) following the taxable year in which the taxpayer first engages in the activity. For purposes of the preceding sentence, a taxpayer shall be treated as not having engaged in an activity during any taxable year beginning before January 1, 1970.

(2) *Initial period.* If the taxpayer makes an election under paragraph (1), the presumption provided by subsection (d) shall apply to each taxable year in the 5-taxable-year (or 7-taxable-year) period beginning with the taxable year in which the taxpayer first engages in the activity, if the gross income derived from the activity for two or more of the taxable years in such period exceeds the deductions attributable to the activity (determined without regard to whether or not the activity is engaged in for profit).

(3) *Election.* An election under paragraph (1) shall be made at such time and manner, and subject to such terms and conditions, as the Secretary or his delegate may prescribe. [Sec. 183 as added by sec. 213, Tax Reform Act 1969 (83 Stat. 571); as amended by sec. 311, Rev. Act 1971 (85 Stat. 525)]

**§ 1.183-1 Activities not engaged in for profit.**

(a) *In general.* Section 183 provides rules relating to the allowance of deductions in the case of activities (whether active or passive in character) not engaged in for profit by individuals and electing small business corporations, creates a presumption that an activity is

engaged in for profit if certain requirements are met, and permits the taxpayer to elect to postpone determination of whether such presumption applies until he has engaged in the activity for at least 5 taxable years, or, in certain cases, 7 taxable years. Whether an activity is engaged in for profit is determined under section 162 and section 212 (1) and (2) except insofar as section 183(d) creates a presumption that the activity is engaged in for profit. If deductions are not allowable under sections 162 and 212 (1) and (2), the deduction allowance rules of section 183(b) and this section apply. Pursuant to section 641(b), the taxable income of an estate or trust is computed in the same manner as in the case of an individual, with certain exceptions not here relevant. Accordingly, where an estate or trust engages in an activity or activities which are not for profit, the rules of section 183 and this section apply in computing the allowable deductions of such trust or estate. No inference is to be drawn from the provisions of section 183 and the regulations thereunder that any activity of a corporation (other than an electing small business corporation) is or is not a business or engaged in for profit. For rules relating to the deductions that may be taken into account by taxable membership organizations which are operated primarily to furnish services, facilities, or goods to members, see section 277 and the regulations thereunder. For the definition of an activity not engaged in for profit, see § 1.183-2. For rules relating to the election contained in section 183(e), see § 1.183-3.

(b) *Deductions allowable*—(1) *Manner and extent.* If an activity is not engaged in for profit, deductions are allowable under section 183(b) in the following order and only to the following extent:

(i) Amounts allowable as deductions during the taxable year under chapter 1 of the Code without regard to whether the activity giving rise to such amounts was engaged in for profit are allowable to the full extent allowed by the relevant sections of the Code, determined after taking into account any limitations or exceptions with respect to the allowability of such amounts. For example, the allowability-of-interest expenses incurred with respect to activities not engaged in for profit is limited by the rules contained in section 163(d).

(ii) Amounts otherwise allowable as deductions during the taxable year under chapter 1 of the Code, but only if such allowance does not result in an adjustment to the basis of property, determined as if the activity giving rise to such amounts was engaged in for profit, are allowed only to the extent the gross income attributable to such activity exceeds the deductions allowed or allowable under subdivision (i) of this subparagraph.

(iii) Amounts otherwise allowable as deductions for the taxable year under chapter 1 of the Code which result in (or if otherwise allowed would have resulted in) an adjustment to the basis of property, determined as if the activity

giving rise to such deductions was engaged in for profit, are allowed only to the extent the gross income attributable to such activity exceeds the deductions allowed or allowable under subdivisions (i) and (ii) of this subparagraph. Deductions falling within this subdivision include such items as depreciation, partial losses with respect to property, partially worthless debts, amortization, and amortizable bond premium.

(2) *Rule for deductions involving basis adjustments*—(i) *In general.* If deductions are allowed under subparagraph (1) (iii) of this paragraph, and such deductions are allowed with respect to more than one asset, the deduction allowed with respect to each asset shall be determined separately in accordance with the computation set forth in subdivision (ii) of this subparagraph.

(ii) *Basis adjustment fraction.* The deduction allowed under subparagraph (1) (iii) of this paragraph is computed by multiplying the amount which would have been allowed, had the activity been engaged in for profit, as a deduction with respect to each particular asset which involves a basis adjustment, by the basis adjustment fraction—

(a) The numerator of which is the total of deductions allowable under subparagraph (1) (iii) of this paragraph, and

(b) The denominator of which is the total of deductions which involve basis adjustments which would have been allowed with respect to the activity had the activity been engaged in for profit.

The amount resulting from this computation is the deduction allowed under subparagraph (1) (iii) of this paragraph with respect to the particular asset. The basis of such asset is adjusted only to the extent of such deduction.

(3) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

*Example (1).* A, an individual, maintains a herd of dairy cattle, which is an "activity not engaged in for profit" within the meaning of section 183(c). A sold milk for \$1,000 during the year. During the year A paid \$300 State taxes on gasoline used to transport the cows, milk, etc., and paid \$1,200 for feed for the cows. For the year A also had a casualty loss attributable to this activity of \$500. A determines the amount of his allowable deductions under section 183 as follows:

(i) First, A computes his deductions allowable under subparagraph (1) (i) of this paragraph as follows:

State gasoline taxes specifically allowed under section 164(a) (5) without regard to whether the activity is engaged in for profit.....	\$300
Casualty loss specifically allowed under section 165(c) (3) without regard to whether the activity is engaged in for profit (\$500 less \$100 limitation) ..	400
Deductions allowable under subparagraph (1) (i) of this paragraph.....	700

(ii) Second, A computes his deductions allowable under subparagraph (1) (ii) of this paragraph (deductions which would be allowed under chapter 1 of the Code if the activity were engaged in for profit and which do not involve basis adjustments) as follows:

Income from milk sales.....	\$1,000
Gross income from activity.....	1,000
Less: deductions allowable under subparagraph (1) (i) of this paragraph .....	700
Maximum amount of deductions allowable under subparagraph (1) (ii) of this paragraph.....	300

Feed for cows.....	1,200
Deduction allowed under subparagraph (1) (ii) of this paragraph.....	300

\$900 of the feed expense is not allowed as a deduction under section 183 because the total feed expense (\$1,200) exceeds the maximum amount of deductions allowable under subparagraph (1) (ii) of this paragraph (\$300). In view of these circumstances, it is not necessary to determine deductions allowable under subparagraph (1) (iii) of this paragraph which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which involve basis adjustment (the \$100 of casualty loss not allowable under subparagraph (1) (i) of this paragraph because of the limitation in section 165(c) (3)) because none of such amount will be allowed as a deduction under section 183.

*Example (2).* Assume the same facts as in example (1), except that A also had income from sales of hay grown on the farm of \$1,200 and that depreciation of \$750 with respect to a barn, and \$650 with respect to a tractor would have been allowed with respect to the activity had it been engaged in for profit. A determines the amount of his allowable deductions under section 183 as follows:

(i) First, A computes his deductions allowable under subparagraph (1) (i) of this paragraph as follows:

State gasoline taxes specifically allowed under section 164(a) (5) without regard to whether the activity is engaged in for profit.....	\$300
Casualty loss specifically allowed under section 165(c) (3) without regard to whether the activity is engaged in for profit (\$500 less \$100 limitation) .....	400

Deductions allowable under subparagraph (1) (i) of this paragraph .....	700
---	-----

(ii) Second, A computes his deductions allowable under subparagraph (1) (ii) of this paragraph (deductions which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which do not involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1) (ii) of this paragraph:

Income from milk sales.....	\$1,000
Income from hay sales.....	1,200

Gross income from activity.....	2,200
Less: deductions allowable under subparagraph (1) (i) of this paragraph .....	700

Maximum amount of deductions allowable under subparagraph (1) (ii) of this paragraph.....	1,500
---	-------

Feed for cows.....	1,200
--------------------	-------

The entire \$1,200 of expenses relating to feed for cows is allowable as a deduction under subparagraph (1) (ii) of this paragraph, since it does not exceed the maximum

amount of deductions allowable under such subparagraph.

(iii) Last, A computes the deductions allowable under subparagraph (1) (iii) of this paragraph (deductions which would be allowable under chapter 1 of the Code if the activity were engaged in for profit and which involve basis adjustments) as follows:

Maximum amount of deductions allowable under subparagraph (1) (iii) of this paragraph:

Gross income from farming.....	\$2,200
Less: Deductions allowed under subparagraph (1) (i) of this paragraph.....	700
Deductions allowed under subparagraph (1) (ii) of this paragraph .....	1,200
	1,900

Maximum amount of deductions allowable under subparagraph (1) (iii) of this paragraph .....	300
---	-----

(iv) Since the total of A's deductions under chapter 1 of the Code (determined as if the activity was engaged in for profit) which involve basis adjustments (\$750 with respect to barn, \$650 with respect to tractor, and \$100 with respect to limitation on casualty loss) exceeds the maximum amount of the deductions allowable under subparagraph (1) (iii) of this paragraph (\$300), A computes his allowable deductions with respect to such assets as follows:

A first computes his basis adjustment fraction under subparagraph (2) (ii) of this paragraph as follows:

The numerator of the fraction is the maximum of deductions allowable under subparagraph (1) (iii) of this paragraph which involve basis adjustments..... \$300

The denominator of the fraction is the total of deductions that involve basis adjustments which would have been allowed with respect to the activity had the activity been engaged in for profit..... \$1,500

The basis adjustment fraction is then applied to the amount of each deduction which would have been allowable if the activity were engaged in for profit and which involves a basis adjustment as follows:

Depreciation allowed with respect to barn (300/1,500×\$750).....	\$150
Depreciation allowed with respect to tractor (300/1,500×\$650).....	\$130
Deduction allowed with respect to limitation on casualty loss (300/1,500×\$100) .....	\$20

The basis of the barn and of the tractor are adjusted only by the amount of depreciation actually allowed under section 183 with respect to each (as determined by the above computation). The basis of the asset with regard to which the casualty loss was suffered is adjusted only to the extent of the amount of the casualty loss actually allowed as a deduction under subparagraph (1) (i) and (iii) of this paragraph.

(4) *Rule for capital gains and losses.*

(i) *In general.* For purposes of section 183 and the regulations thereunder, the gross income from any activity not engaged in for profit includes the total of all capital gains attributable to such activity determined without regard to the section 1202 deduction. Amounts attributable to an activity not engaged in for profit which would be allowable as a deduction under section 1202, without regard to section 183, shall be allowable as a deduction under section 183(b) (1)

in accordance with the rules stated in this subparagraph.

(ii) *Cases where deduction not allowed under section 183.* No deduction is allowable under section 183(b) (1) with respect to capital gains attributable to an activity not engaged in for profit if—

(a) Without regard to section 183 and the regulations thereunder, there is no excess of net long-term capital gain over net short-term capital loss for the year, or

(b) There is no excess of net long-term capital gain attributable to the activity over net short-term capital loss attributable to the activity.

(iii) *Allocation of deduction.* If there is—

(a) An excess of net long-term capital gain over net short-term capital loss attributable to an activity not engaged in for profit, and

(b) Such an excess attributable to all activities, determined without regard to section 183 and the regulations thereunder, the deduction allowable under section 183(b) (1) attributable to capital gains with respect to each activity not engaged in for profit (with respect to which there is an excess of net long-term capital gain over net short-term capital loss for the year) shall be an amount equal to the deduction allowable under section 1202 for the taxable year (determined without regard to section 183) multiplied by a fraction the numerator of which is the excess of the net long-term capital gain attributable to the activity over the net short-term capital loss attributable to the activity and the denominator of which is an amount equal to the total excess of net long-term capital gain over net short-term capital loss for all activities with respect to which there is such excess. The amount of the total section 1202 deduction allowable for the year shall be reduced by the amount determined to be allocable to activities not engaged in for profit and accordingly allowed as a deduction under section 183 (b) (1).

(iv) *Example.* The provisions of this subparagraph may be illustrated by the following example:

*Example.* A, an individual who uses the cash receipts and disbursement method of accounting and the calendar year as the taxable year, has three activities not engaged in for profit. For his taxable year ending on December 31, 1973, A has a \$200 net long-term capital gain from activity No. 1, a \$100 net short-term capital loss from activity No. 2, and a \$300 net long-term capital gain from activity No. 3. In addition, A has a \$500 net long-term capital gain from another activity which he engages in for profit. A computes his deductions for capital gains for calendar year 1973 as follows:

Section 1202 deduction without regard to section 183 is determined as follows:	
Net long-term capital gain from activity No. 1.....	\$200
Net long-term capital gain from activity No. 3.....	300
Net long-term capital gain from activity engaged in for profit.....	500
<b>Total net long-term capital gain from all activities.....</b>	<b>1,000</b>

Less: Net short-term capital loss attributable to activity No. 2.....	100
<b>Aggregate net long-term capital gain over net short-term capital loss from all activities.....</b>	<b>900</b>
Section 1202 deduction determined without regard to section 183 (one-half of \$900).....	\$450

Allocation of the total section 1202 deduction among A's various activities:

Portion allocable to activity No. 1 which is deductible under section 183(b) (1) (Excess net long-term capital gain attributable to activity No. 1 (\$200) over total excess net long-term capital gain attributable to all of A's activities with respect to which there is such an excess (\$1,000) times amount of section 1202 deduction (\$450)).....	90
Portion allocable to activity No. 3 which is deductible under section 183(b) (1) (Excess net long-term capital gain attributable to activity No. 3 (\$300) over total excess net long-term capital gain attributable to all of A's activities with respect to which there is such an excess (\$1,000) times amount of section 1202 deduction (\$450)).....	135
Portion allocable to all activities engaged in for profit (total section 1202 deduction (\$450) less section 1202 deduction allowable to activities Nos. 1 and 3 (\$225)).....	225
<b>Total section 1202 deduction deductible under sections 1202 and 183(b) (1).....</b>	<b>450</b>

(c) *Presumption that activity is engaged in for profit—*(1) *In general.* If for—

(i) Any 2 of 7 consecutive taxable years, in the case of an activity which consists in major part of the breeding, training, showing, or racing of horses, or

(ii) Any 2 of 5 consecutive taxable years, in the case of any other activity,

the gross income derived from an activity exceeds the deductions attributable to such activity which would be allowed or allowable if the activity were engaged in for profit, such activity is presumed, unless the Commissioner establishes to the contrary, to be engaged in for profit. For purposes of this determination the deduction permitted by section 1202 shall not be taken into account. Such presumption applies with respect to the second profit year and all years subsequent to the second profit year within the 5- or 7-year period beginning with the first profit year. This presumption arises only if the activity is substantially the same activity for each of the relevant taxable years, including the taxable year in question. If the taxpayer does not meet the requirements of section 183(d) and this paragraph, no inference that the activity is not engaged in for profit shall arise by reason of the provisions of section 183. For purposes of this paragraph, a net operating loss deduction is not taken into account as a deduction. For purposes of this subparagraph a short taxable year constitutes a taxable year.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples, in each of which it is assumed that the taxpayer has not elected, in accordance with section 183(e), to postpone determination of whether the presumption described in section 183(d) and this paragraph is applicable.

*Example (1).* For taxable years 1970-74, A, an individual who uses the cash receipts and disbursement method of accounting and the calendar year as the taxable year, is engaged in the activity of farming. In taxable years 1971, 1973, and 1974, A's deductible expenditures with respect to such activity exceed his gross income from the activity. In taxable years 1970 and 1972 A has income from the sale of farm produce of \$30,000 for each year. In each of such years A had expenses for feed for his livestock of \$10,000, depreciation of equipment of \$10,000, and fertilizer cost of \$5,000 which he elects to take as a deduction. A also has a net operating loss carryover to taxable year 1970 of \$6,000. A is presumed, for taxable years 1972, 1973, and 1974, to have engaged in the activity of farming for profit, since for 2 years of a 5-consecutive-year period the gross income from the activity (\$30,000 for each year) exceeded the deductions (computed without regard to the net operating loss) which are allowable in the case of the activity (\$25,000 for each year).

*Example (2).* For the taxable years 1970 and 1971, B, an individual who uses the cash receipts and disbursement method of accounting and the calendar year as the taxable year, engaged in raising pure-bred Charolais cattle for breeding purposes. The operation showed a loss during 1970. At the end of 1971, B sold a substantial portion of his herd and the cattle operation showed a profit for that year. For all subsequent relevant taxable years B continued to keep a few Charolais bulls at stud. In 1972, B started to raise Tennessee Walking Horses for breeding and show purposes, utilizing substantially the same pasture land, barns, and (with structural modifications) the same stalls. The Walking Horse operations showed a small profit in 1973 and losses in 1972 and 1974 through 1976.

(i) Assuming that under paragraph (d) (1) of this section the raising of cattle and raising of horses are determined to be separate activities, no presumption that the Walking Horse operation was carried on for profit arises under section 183(d) and this paragraph since this activity was not the same activity that generated the profit in 1971 and there are not, therefore, 2 profit years attributable to the horse activity.

(ii) Assuming the same facts as in (i) above, if there were no stud fees received in 1972 with respect to Charolais bulls, but for 1973 stud fees with respect to such bulls exceed deductions attributable to maintenance of the bulls in that year, the presumption will arise under section 183(d) and this paragraph with respect to the activity of raising and maintaining Charolais cattle for 1973 and for all subsequent years within the 5-year period beginning with taxable year 1971, since the activity of raising and maintaining Charolais cattle is the same activity in 1971 and in 1973, although carried on by B on a much reduced basis and in a different manner. Since it has been assumed that the horse and cattle operations are separate activities, no presumption will arise with respect to the Walking Horse operation because there are not 2 profit years attributable to such horse operation during the period in question.

(iii) Assuming, alternatively, that the raising of cattle and raising of horses would

be considered a single activity under paragraph (d)(1) of this section, B would receive the benefit of the presumption beginning in 1973 with respect to both the cattle and horses since there were profits in 1971 and 1973. The presumption would be effective through 1977 (and longer if there is an excess of income over deductions in this activity in 1974, 1975, 1976, or 1977 which would extend the presumption) if, under section 183(d) and subparagraph (3) of this paragraph, it was determined that the activity consists in major part of the breeding, training, showing, or racing of horses. Otherwise, the presumption would be effective only through 1975 (assuming no excess of income over deductions in this activity in 1974 or 1975 which would extend the presumption).

(3) *Activity which consists in major part of the breeding, training, showing, or racing of horses.* For purposes of this paragraph an activity consists in major part of the breeding, training, showing, or racing of horses for the taxable year if the average of the portion of expenditures attributable to breeding, training, showing, and racing of horses for the 3 taxable years preceding the taxable year (or, in the case of an activity which has not been conducted by the taxpayer for 3 years, for so long as it has been carried on by him) was at least 50 percent of the total expenditures attributable to the activity for such prior taxable years.

(4) *Transitional rule.* In applying the presumption described in section 183(d) and this paragraph, only taxable years beginning after December 31, 1969, shall be taken into account. Accordingly, in the case of an activity referred to in subparagraph (1) (i) or (ii) of this paragraph, section 183(d) does not apply prior to the second profitable taxable year beginning after December 31, 1969, since taxable years prior to such date are not taken into account.

(5) *Cross reference.* For rules relating to section 183(e) which permits a taxpayer to elect to postpone determination of whether any activity shall be presumed to be "an activity engaged in for profit" by operation of the presumption described in section 183(d) and this paragraph until after the close of the fourth taxable year (sixth taxable year, in the case of activity which consists in major part of breeding, training, showing, or racing of horses) following the taxable year in which the taxpayer first engages in the activity, see § 1.183-3.

(d) *Activity defined—(1) Ascertainment of activity.* In order to determine whether, and to what extent, section 183 and the regulations thereunder apply, the activity or activities of the taxpayer must be ascertained. For instance, where the taxpayer is engaged in several undertakings, each of these may be a separate activity, or several undertakings may constitute one activity. In ascertaining the activity or activities of the taxpayer, all the facts and circumstances of the case must be taken into account. Generally, the most significant facts and circumstances in making this determination are the degree of organizational and economic interrelationship of various undertakings, the business purpose which is (or might be) served by carrying on the

various undertakings separately or together in a trade or business or in an investment setting, and the similarity of various undertakings. Generally, the Commissioner will accept the characterization by the taxpayer of several undertakings either as a single activity or as separate activities. The taxpayer's characterization will not be accepted, however, when it appears that his characterization is artificial and cannot be reasonably supported under the facts and circumstances of the case. If the taxpayer engages in two or more separate activities, deductions and income from each separate activity are not aggregated either in determining whether a particular activity is engaged in for profit or in applying section 183. Where land is purchased or held primarily with the intent to profit from increase in its value, and the taxpayer also engages in farming on such land, the farming and the holding of the land will ordinarily be considered a single activity only if the farming activity reduces the net cost of carrying the land for its appreciation in value. Thus, the farming and holding of the land will be considered a single activity only if the income derived from farming exceeds the deductions attributable to the farming activity which are not directly attributable to the holding of the land (that is, deductions other than those directly attributable to the holding of the land such as interest on a mortgage secured by the land, annual property taxes attributable to the land and improvements, and depreciation of improvements to the land).

(2) *Rules for allocation of expenses.* If the taxpayer is engaged in more than one activity, an item of deduction or income may be allocated between two or more of these activities. Where property is used in several activities, and one or more of such activities is determined not to be engaged in for profit, deductions relating to such property must be allocated between the various activities on a reasonable and consistently applied basis.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

*Example.* (1) A, an individual, owns a small house located near the beach in a resort community. Visitors come to the area for recreational purposes during only 3 months of the year. During the remaining 9 months of the year houses such as A's are not rented. Customarily, A arranges that the house will be leased for 2 months of 3-month recreational season to vacationers and reserves the house for his own vacation during the remaining month of the recreational season. In 1971, A leases the house for 2 months for \$1,000 per month and actually uses the house for his own vacation during the other month of the recreational season. For 1971, the expenses attributable to the house are \$1,200 interest, \$600 real estate taxes, \$600 maintenance, \$300 utilities, and \$1,200 which would have been allowed as depreciation had the activity been engaged in for profit. Under these facts and circumstances, A is engaged in a single activity, holding the beach house primarily for personal purposes, which is an "activity not engaged in for profit" within the meaning of

section 183(c). See paragraph (b)(9) of § 1.183-2.

(11) Since the \$1,200 of interest and the \$600 of real estate taxes are specifically allowable as deductions under sections 163 and 164(a) without regard to whether the beach house activity is engaged in for profit, no allocation of these expenses between the uses of the beach house is necessary. However, since section 262 specifically disallows personal, living, and family expenses as deductions, the maintenance and utilities expenses and the depreciation from the activity must be allocated between the rental use and the personal use of the beach house. Under the particular facts and circumstances,  $\frac{2}{3}$  (2 months of rental use over 3 months of total use) of each of these expenses are allocated to the rental use, and  $\frac{1}{3}$  (1 month of personal use over 3 months of total use) of each of these expenses are allocated to the personal use as follows:

	Rental use $\frac{2}{3}$ -expenses allocable to section 183(b)(2)	Personal use $\frac{1}{3}$ -expenses allocable to section 262
Maintenance expense \$600	\$400	\$200
Utilities expense \$300	200	100
Depreciation \$1,200	800	400
Total	1,400	700

The \$700 of expenses and depreciation allocated to the personal use of the beach house are disallowed as a deduction under section 262. In addition, the allowability of each of the expenses and the depreciation allocated to section 183(b)(2) is determined under paragraph (b)(1) (II) and (III) of this section. Thus, the maximum amount allowable as a deduction under section 183(b)(2) is \$200 (\$2,000 gross income from activity, less \$1,800 deductions under section 183(b)(1)). Since the amounts described in section 183(b)(2) (\$1,400) exceed the maximum amount allowable (\$200), and since the amounts described in paragraph (b)(1) (II) of this section (\$600) exceed such maximum amount allowable (\$200), none of the depreciation (an amount described in paragraph (b)(1) (III) of this section) is allowable as a deduction.

(e) *Gross income from activity not engaged in for profit defined.* For purposes of section 183 and the regulations thereunder, gross income derived from an activity not engaged in for profit includes the total of all gains from the sale, exchange, or other disposition of property, and all other gross receipts derived from such activity. Such gross income shall include, for instance, capital gains, and rents received for the use of property which is held in connection with the activity. The taxpayer may determine gross income from any activity by subtracting the cost of goods sold from the gross receipts so long as he consistently does so and follows generally accepted methods of accounting in determining such gross income.

(f) *Rule for electing small business corporations.* Section 183 and this section shall be applied at the corporate level in determining the allowable deductions of an electing small business corporation. § 1.183-2 Activity not engaged in for profit defined.

(a) *In general.* For purposes of section 183 and the regulations thereunder, the

term "activity not engaged in for profit" means any activity other than one with respect to which deductions are allowable for the taxable year under section 162 or under paragraph (1) or (2) of section 212. Deductions are allowable under section 162 for expenses of carrying on activities which constitute a trade or business of the taxpayer and under section 212 for expenses incurred in connection with activities engaged in for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income. Except as provided in section 183 and § 1.183-1, no deductions are allowable for expenses incurred in connection with activities which are not engaged in for profit. Thus, for example, deductions are not allowable under section 162 or 212 for activities which are carried on primarily as a sport, hobby, or for recreation. The determination whether an activity is engaged in for profit is to be made by reference to objective standards, taking into account all of the facts and circumstances of each case. Although a reasonable expectation of profit is not required, the facts and circumstances must indicate that the taxpayer entered into the activity, or continued the activity, with the objective of making a profit. In determining whether such an objective exists, it may be sufficient that there is a small chance of making a large profit. Thus it may be found that an investor in a wildcat oil well who incurs very substantial expenditures is in the venture for profit even though the expectation of a profit might be considered unreasonable. In determining whether an activity is engaged in for profit, greater weight is given to objective facts than to the taxpayer's mere statement of his intent.

(b) *Relevant factors.* In determining whether an activity is engaged in for profit, all facts and circumstances with respect to the activity are to be taken into account. No one factor is determinative in making this determination. In addition, it is not intended that only the factors described in this paragraph are to be taken into account in making the determination, or that a determination is to be made on the basis that the number of factors (whether or not listed in this paragraph) indicating a lack of profit objective exceeds the number of factors indicating a profit objective, or vice versa. Among the factors which should normally be taken into account are the following:

(1) *Manner in which the taxpayer carries on the activity.* The fact that the taxpayer carries on the activity in a businesslike manner and maintains complete and accurate books and records may indicate that the activity is engaged in for profit. Similarly, where an activity is carried on in a manner substantially similar to other activities of the same nature which are profitable, a profit motive may be indicated. A change of operating methods, adoption of new techniques or abandonment of unprofitable methods in a manner consistent with an intent

to improve profitability may also indicate a profit motive.

(2) *The expertise of the taxpayer or his advisors.* Preparation for the activity by extensive study of its accepted business, economic, and scientific practices, or consultation with those who are expert therein, may indicate that the taxpayer has a profit motive where the taxpayer carries on the activity in accordance with such practices. Where a taxpayer has such preparation or procures such expert advice, but does not carry on the activity in accordance with such practices, a lack of intent to derive profit may be indicated unless it appears that the taxpayer is attempting to develop new or superior techniques which may result in profits from the activity.

(3) *The time and effort expended by the taxpayer in carrying on the activity.* The fact that the taxpayer devotes much of his personal time and effort to carrying on an activity, particularly if the activity does not have substantial personal or recreational aspects, may indicate an intention to derive a profit. A taxpayer's withdrawal from another occupation to devote most of his energies to the activity may also be evidence that the activity is engaged in for profit. The fact that the taxpayer devotes a limited amount of time to an activity does not necessarily indicate a lack of profit motive where the taxpayer employs competent and qualified persons to carry on such activity.

(4) *Expectation that assets used in activity may appreciate in value.* The term "profit" encompasses appreciation in the value of assets, such as land, used in the activity. Thus, the taxpayer may intend to derive a profit from the operation of the activity, and may also intend that, even if no profit from current operations is derived, an overall profit will result when appreciation in the value of land used in the activity is realized since income from the activity together with the appreciation of land will exceed expenses of operation. See, however, paragraph (d) of § 1.183-1 for definition of an activity in this connection.

(5) *The success of the taxpayer in carrying on other similar or dissimilar activities.* The fact that the taxpayer has engaged in similar activities in the past and converted them from unprofitable to profitable enterprises may indicate that he is engaged in the present activity for profit, even though the activity is presently unprofitable.

(6) *The taxpayer's history of income or losses with respect to the activity.* A series of losses during the initial or start-up stage of an activity may not necessarily be an indication that the activity is not engaged in for profit. However, where losses continue to be sustained beyond the period which customarily is necessary to bring the operation to profitable status such continued losses, if not explainable, as due to customary business risks or reverses, may be indicative that the activity is not being en-

gaged in for profit. If losses are sustained because of unforeseen or fortuitous circumstances which are beyond the control of the taxpayer, such as drought, disease, fire, theft, weather damages, other involuntary conversions, or depressed market conditions, such losses would not be an indication that the activity is not engaged in for profit. A series of years in which net income was realized would of course be strong evidence that the activity is engaged in for profit.

(7) *The amount of occasional profits, if any, which are earned.* The amount of profits in relation to the amount of losses incurred, and in relation to the amount of the taxpayer's investment and the value of the assets used in the activity, may provide useful criteria in determining the taxpayer's intent. An occasional small profit from an activity generating large losses, or from an activity in which the taxpayer has made a large investment, would not generally be determinative that the activity is engaged in for profit. However, substantial profit, though only occasional, would generally be indicative that an activity is engaged in for profit, where the investment or losses are comparatively small. Moreover, an opportunity to earn a substantial ultimate profit in a highly speculative venture is ordinarily sufficient to indicate that the activity is engaged in for profit even though losses or only occasional small profits are actually generated.

(8) *The financial status of the taxpayer.* The fact that the taxpayer does not have substantial income or capital from sources other than the activity may indicate that an activity is engaged in for profit. Substantial income from sources other than the activity (particularly if the losses from the activity generate substantial tax benefits) may indicate that the activity is not engaged in for profit especially if there are personal or recreational elements involved.

(9) *Elements of personal pleasure or recreation.* The presence of personal motives in carrying on of an activity may indicate that the activity is not engaged in for profit, especially where there are recreational or personal elements involved. On the other hand, a profit motivation may be indicated where an activity lacks any appeal other than profit. It is not, however, necessary that an activity be engaged in with the exclusive intention of deriving a profit or with the intention of maximizing profits. For example, the availability of other investments which would yield a higher return, or which would be more likely to be profitable, is not evidence that an activity is not engaged in for profit. An activity will not be treated as not engaged in for profit merely because the taxpayer has purposes or motivations other than solely to make a profit. Also, the fact that the taxpayer derives personal pleasure from engaging in the activity is not sufficient to cause the activity to be classified as not engaged in for profit if the activity is in fact engaged in for profit as evidenced by other factors whether or not listed in this paragraph.

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

*Example (1).* The taxpayer inherited a farm from her husband in an area which was becoming largely residential, and is now nearly all so. The farm had never made a profit before the taxpayer inherited it, and the farm has since had substantial losses in each year. The decedent from whom the taxpayer inherited the farm was a stockbroker, and he also left the taxpayer substantial stock holdings which yield large income from dividends. The taxpayer lives on an area of the farm which is set aside exclusively for living purposes. A farm manager is employed to operate the farm, but modern methods are not used in operating the farm. The taxpayer was born and raised on a farm, and expresses a strong preference for living on a farm. The taxpayer's activity of farming, based on all the facts and circumstances, could be found not to be engaged in for profit.

*Example (2).* The taxpayer is a wealthy individual who is greatly interested in philosophy. During the past 30 years he has written and published at his own expense several pamphlets, and he has engaged in extensive lecturing activity, advocating and disseminating his ideas. He has made a profit from these activities in only occasional years, and the profits in those years were small in relation to the amounts of the losses in all other years. The taxpayer has very sizable income from securities (dividends and capital gains) which constitutes the principal source of his livelihood. The activity of lecturing, publishing pamphlets, and disseminating his ideas is not an activity engaged in by the taxpayer for profit.

*Example (3).* The taxpayer, very successful in the business of retailing soft drinks, raise dogs and horses. He began raising a particular breed of dogs many years ago in the belief that the breed was in danger of declining, and he has raised and sold the dogs in each year since. The taxpayer recently began raising and racing thoroughbred horses. The losses from the taxpayer's dog and horse activities have increased in magnitude over the years, and he has not made a profit on these operations during any of the last 15 years. The taxpayer generally sells the dogs only to friends, does not advertise the dogs for sale, and shows the dogs only infrequently. The taxpayer races his horses only at the "prestige" tracks at which he combines his racing activities with social and recreational activities. The horse and dog operations are conducted at a large residential property on which the taxpayer also lives, which includes substantial living quarters and attractive recreational facilities for the taxpayer and his family. Since (i) the activity of raising dogs and horses and racing the horses is of a sporting and recreational nature, (ii) the taxpayer has substantial income from his business activities of retailing soft drinks, (iii) the horse and dog operations are not conducted in a businesslike manner, and (iv) such operations have a continuous record of losses, it could be determined that the horse and dog activities of the taxpayer are not engaged in for profit.

*Example (4).* The taxpayer inherited a farm of 65 acres from his parents when they died 6 years ago. The taxpayer moved to the farm from his house in a small nearby town, and he operates it in the same manner as his parents operated the farm before they died. The taxpayer is employed as a skilled machine operator in a nearby factory, for which he is paid approximately \$8,500 per year. The farm has not been profitable for

the past 15 years because of rising costs of operating farms in general, and because of the decline in the price of the produce of this farm in particular. The taxpayer consults the local agent of the State agricultural service from time-to-time, and the suggestions of the agent have generally been followed. The manner in which the farm is operated by the taxpayer is substantially similar to the manner in which farms of similar size, and which grow similar crops in the area are operated. Many of these other farms do not make profits. The taxpayer does much of the required labor around the farm himself, such as fixing fences, planting, crops, etc. The activity of farming could be found, based on all the facts and circumstances, to be engaged in by the taxpayer for profit.

*Example (5).* A, an independent oil and gas operator, frequently engages in the activity of searching for oil on undeveloped and unexplored land which is not near proven fields. He does so in a manner substantially similar to that of others who engage in the same activity. The chances, based on the experience of A and others who engaged in this activity, are strong that A will not find a commercially profitable oil deposit when he drills on land not established geologically to be proven oil bearing land. However, on the rare occasions that these activities do result in discovering a well, the operator generally realizes a very large return from such activity. Thus, there is a small chance that A will make a large profit from his oil exploration activity. Under these circumstances, A is engaged in the activity of oil drilling for profit.

*Example (6).* C, a chemist, is employed by a large chemical company and is engaged in a wide variety of basic research projects for his employer. Although he does no work for his employer with respect to the development of new plastics, he has always been interested in such development and has outfitted a workshop in his home at his own expense which he uses to experiment in the field. He has patented several developments at his own expense but as yet has realized no income from his inventions or from such patents. C conducts his research on a regular, systematic basis, incurs fees to secure consultation on his projects from time to time, and makes extensive efforts to "market" his developments. C has devoted substantial time and expense in an effort to develop a plastic sufficiently hard, durable, and malleable that it could be used in lieu of sheet steel in many major applications, such as automobile bodies. Although there may be only a small chance that C will invent new plastics, the return from any such development would be so large that it induces C to incur the costs of his experimental work. C is sufficiently qualified by his background that there is some reasonable basis for his experimental activities. C's experimental work does not involve substantial personal or recreational aspects and is conducted in an effort to find practical applications for his work. Under these circumstances, C may be found to be engaged in the experimental activities for profit.

§ 1.183-3 Election to postpone determination with respect to the presumption described in section 183 (d). [Reserved]

§ 1.183-4 Taxable years affected.

The provisions of section 183 and the regulations thereunder shall apply only with respect to taxable years beginning after December 31, 1969. For provisions applicable to prior taxable years, see section 270 and § 1.270-1.

PAR. 3. § 1.212-1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.212-1 Nontrade or nonbusiness expenses.

(c) In the case of taxable years beginning before January 1, 1970, expenses of carrying on transactions which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses. The question whether or not a transaction is carried on primarily for the production of income or for the management, conservation, or maintenance of property held for the production or collection of income, rather than primarily as a sport, hobby, or recreation, is not to be determined solely from the intention of the taxpayer but rather from all the circumstances of the case. For example, consideration will be given to the record of prior gain or loss of the taxpayer in the activity, the relation between the type of activity and the principal occupation of the taxpayer, and the uses to which the property or what it produces is put by the taxpayer. For provisions relating to activities not engaged in for profit applicable to taxable years beginning after December 31, 1969, see section 183 and the regulations thereunder.

PAR. 4. Section 1.270 is amended by adding an historical note. Such new provision reads as follows:

§ 1.270 Statutory provisions; limitation on deductions allowable to individuals in certain cases.

[Sec. 270 as repealed by sec. 213, Tax Reform Act 1969 (83 Stat. 572)]

PAR. 5. § 1.270-1 is amended by adding at the end thereof a new paragraph (f). Such new paragraph reads as follows:

§ 1.270-1 Limitation on deductions allowable to individuals in certain cases.

(f) *Effective date; cross reference.* The provisions of section 270 and this section apply to taxable years beginning before January 1, 1970. Thus, for instance, if the taxpayer had a profit of \$2,000 attributable to a trade or business in 1965, section 270 and this section would not apply to the taxable years 1966 through 1970, even though he had losses of more than \$50,000 in each of the 5 years ending with 1970. For provisions relating to activities not engaged in for profit applicable to taxable years beginning after December 31, 1969, see section 183 and the regulations thereunder.

[FR Doc.72-10692 Filed 7-12-72;8:45 am]

[T.D. 7196]

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

**SUBCHAPTER F—PROCEDURE AND ADMINISTRATION**

**PART 301—PROCEDURE AND ADMINISTRATION**

**Income Averaging**

On February 17, 1972, notice of proposed rule making, with respect to amendments of the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 1301, 1302, 1303, 1304, and 6511(d)(2)(B) of the Internal Revenue Code of 1954 to conform such regulations to changes made by section 232(d) of the Revenue Act of 1964 (78 Stat. 111) and sections 311, 515(c)(4), 802(c)(5), and 803(d)(8) of the Tax Reform Act of 1969 (83 Stat. 586, 646, 678, 684), and to otherwise clarify such regulations, was published in the FEDERAL REGISTER (37 F.R. 3530). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below.

**PARAGRAPH 1.** Section 1.1301-0, as set forth in paragraph 2 of the notice of proposed rule making, is revised as set forth below.

**PAR. 2.** Section 1304(c)(1)(A)(i) and the historical note following § 1.1304, as set forth in paragraph 12 of the notice of proposed rule making, are revised as set forth below.

**PAR. 3.** Paragraph (a)(5) of § 1.1304-2, as set forth in paragraph 14 of the notice of proposed rule making, is revised as set forth below.

**PAR. 4.** Section 1.1304-3, as set forth in paragraph 15 of the notice of proposed rule making, is further amended by revising paragraphs (a)(1), (d), and (f) thereof, as set forth below.

**PAR. 5.** Paragraph (a)(5) of § 1.1304-5, as set forth in paragraph 17 of the notice of proposed rule making, is revised as set forth below.

**PAR. 6.** Section 1.1304-6, as set forth in paragraph 19 of the notice of proposed rule making, is further amended by revising paragraph (b) thereof, as set forth below.

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

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

Approved: July 5, 1972.

**FREDERIC W. HICKMAN,**  
*Acting Assistant Secretary  
of the Treasury.*

**PARAGRAPH 1.** Section 1.1301 is amended by revising such section and the historical note to read as follows:

**§ 1.1301 Statutory provisions; limitation on tax.**

**Sec. 1301. Limitation on tax.** If an eligible individual has averagable income for the

computation year, and if the amount of such income exceeds \$3,000, then the tax imposed by section 1 for the computation year which is attributable to averagable income shall be 5 times the increase in tax under such section which would result from adding 20 percent of such income to 120 percent of average base period income.

(Sec. 1301 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(a), Tax Reform Act 1969 (83 Stat. 586))

**PAR. 2.** There is inserted immediately after § 1.1301 the following new section:

**§ 1.1301-0 Taxable years affected.**

The provisions of § 1.1301 through § 1.1305 apply to computation years beginning after December 31, 1969, and to base period years applicable thereto. See section 1302(c)(1) and § 1.1302-3(a) for the definition of "computation year". See section 1302(c)(3) and § 1.1302-3(c) for the definition of "base period year". See 26 CFR § 1.1301 through § 1.1305 (rev. as of Jan. 1, 1972) for the provisions applying to computation years beginning before January 1, 1970, and to base period years applicable thereto.

**PAR. 3.** Section 1.1301-1 is amended to read as follows:

**§ 1.1301-1 Limitation on tax.**

If, for a computation year beginning after December 31, 1969, an eligible individual has averagable income for such computation year, and if the amount of his averagable income for such year exceeds \$3,000, then such individual may choose (pursuant to the provisions of section 1304(a) and § 1.1304-1) to compute the tax attributable to his averagable income under section 1301. The tax imposed by section 1 which is attributable to an individual's averagable income for the computation year is the amount of the tax equal to five times the increase in tax under section 1 which would result from adding 20 percent of such income to 120 percent of average base period income. See section 1303 and § 1.1303-1 for the definition of "eligible individual". See section 1302(a) and § 1.1302-1 for the definition of "averagable income." See section 1302(b) and § 1.1302-3(a) for the definition of "average base period income."

**PAR. 4.** Section 1.1302 is amended by revising section 1302 and the historical note to read as follows:

**§ 1.1302 Statutory provisions; definition of averagable income; related definitions.**

**SEC. 1302. Definition of averagable income; related definitions—(a) Averagable income—**

(1) *In general.* For purposes of this part, the term "averagable income" means the amount by which taxable income for the computation year (reduced as provided in paragraph (2)) exceeds 120 percent of average base period income.

(2) *Reductions.* The taxable income for the computation year shall be reduced by—  
(A) the amount (if any) to which section 72(m)(5) applies, and

(B) the amounts included in the income of a beneficiary of a trust under section 668(a).

(b) *Average base period income.* For purposes of this part—

(1) *In general.* The term "average base period income" means one-fourth of the sum

of the base period incomes for the base period.

(2) *Base period income.* The base period income for any taxable year is the taxable income for such year—

(A) increased by an amount equal to the excess of—

(i) the amount excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States), over

(ii) the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income; and

(B) decreased by the amounts included in the income of a beneficiary of a trust under section 668(a).

(c) *Other related definitions.* For purposes of this part—

(1) *Computation year.* The term "computation year" means the taxable year for which the taxpayer chooses the benefits of this part.

(2) *Base period.* The term "base period" means the 4 taxable years immediately preceding the computation year.

(3) *Base period year.* The term "base period year" means any of the 4 taxable years immediately preceding the computation year.

(4) *Joint return.* The term "joint return" means the return of a husband and wife made under section 6013.

(Sec. 1302 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(b), Tax Reform Act 1969 (83 Stat. 586))

**PAR. 5.** Section 1.1302-1 is amended to read as follows:

**§ 1.1302-1 Definition of averagable income.**

(a) *In general.* The term "averagable income" means the amount (if any) by which taxable income for the computation year as modified in accordance with section 1302(a)(2) and section 1304(c)(3)(B) exceeds 120 percent of average base period income (as defined in section 1302(b) and § 1.1302-3(a)).

(b) *Modifications.* For purposes of paragraph (a) of this section, taxable income for the computation year shall be reduced by—

(1) Any amount described in section 72(m)(5)(A), to which a penalty under section 72(m)(5) and § 1.72-17(e) is applicable,

(2) Any amount which is included in the income of a beneficiary of a trust under section 668(a), and

(3) The excess (if any) of amounts includible in a separate return made by a married taxpayer for the computation year which constitutes earned income (within the meaning of section 911(b)) and is community income under community property laws over the amount of such income which would have been includible if such earned income did not constitute community income.

(c) *Example.* Paragraph (b)(3) of this section may be illustrated by the following example:

*Example.* The total income of a husband and wife for the computation year consists of \$80,000 of community income attributable to personal services, \$40,000 of which is earned by H. W. makes a separate return for such year and reports gross income of \$30,000, her share of the community income.

W chooses the benefits of income averaging for such year. In determining her averageable taxable income for such year, W's taxable income must be reduced by \$10,000, the excess of the community income attributable to personal services includible in her return (\$30,000) over the amount of such income from personal services which would have been reportable by her if such income did not constitute community income (\$20,000). The additional \$10,000 of W's income for such year (which results from the application of local community property laws) is not subject to income averaging. For tax on such amounts, see paragraph (a) (3) and example 3 of § 1.1304-5(c).

§ 1.1302-2 [Deleted]

PAR. 6. Section 1.1302-2 is deleted.

PAR. 7. Section 1.1302-3 is redesignated as § 1.1302-2, and such redesignated section is amended by revising paragraph (b) (1) and (2) and paragraph (c) to read as follows:

§ 1.1302-2 Average base period income.

(b) *Base period income*—(1) *Definition*. Except as otherwise provided in subparagraph (3) of this paragraph, the term "base period income" means taxable income for any base period year first increased in accordance with section 1302(b) (2) (A) and paragraph (c) (1) of this section, and then decreased in accordance with section 1302(b) (2) (B) and paragraph (c) (2) of this section. Base period income for any taxable year may never be less than zero.

(2) *Base period income with respect to a computation year*. Base period income for each base period year must be determined in a manner consistent with the return for the computation year. The base period income with respect to a computation year for which an individual makes a separate return is the separate base period income of such individual. The base period income with respect to a computation year for which a husband and wife make a joint return is the sum of the base period incomes of both the husband and wife. Thus, if A and B, who are not married for the taxable years 1967-70 and made separate returns for such years, marry in 1971 and make a joint return for the computation year 1971, their base period income for each of the taxable years 1967-70 is the sum of the base period incomes for each such year of A (computed on the basis of his taxable income for each such year) and of B (similarly computed). If, however, they were married and made joint returns with each other for any of the base period years, their base period income for any such year may be computed on the basis of their aggregate taxable income. The base period income with respect to a computation year for which an individual makes a return as a surviving spouse (as defined in section 2(a) and § 1.2-2) is the sum of the base period incomes of the surviving spouse and the decedent with respect to whom such return is made.

(c) *Adjustments to taxable income*—(1) *Foreign and possessions income*. In determining base-period income for any

taxable year, taxable income for such year shall be increased by an amount equal to the excess of the amount of income which was excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States) over the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income.

(2) *Certain trust income*. In determining base-period income for any taxable year, taxable income for such year shall be decreased by any amount which is included in the income of a beneficiary of a trust under section 668(a).

§ 1.1302-4 [Deleted]

PAR. 8. Section 1.1302-4 is deleted.

PAR. 9. Section 1.302-5 is redesignated as § 1.1302-3, and such redesignated section is amended by revising paragraph (b) to read as follows:

§ 1.1302-3 Other related definitions.

(b) *Base period*. See paragraph (a) of § 1.1302-2 for definition of the term "base period".

PAR. 10. Section 1.1303 is amended by revising section 1303(c) (2) (B) and the historical note to read as follows:

§ 1.1303 Statutory provisions; eligible individual.

(c) *Individuals receiving support from others*—

(2) *Exemptions*. . . .

(B) More than one-half of the individual's taxable income for the computation year is attributable to work performed by him in substantial part during two or more of the base period years, or

[Sec. 1303 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(d), Tax Reform Act 1969 (83 Stat. 587)]

PAR. 11. Section 1.1303-1 is amended by revising paragraph (b), and paragraph (c) (1), (3), and (4) (i) to read as follows

§ 1.1303-1 Eligible individuals.

(b) *Nonresident alien individuals*. An individual is not an eligible individual for the computation year if, at any time during such year or his base period, he was a nonresident alien. The determination that an individual is a nonresident alien is made in accordance with § 1.871-2 through § 1.871-4. For example, if H, a U.S. citizen living abroad, married W, an alien, during 1967 and returned with her to live in the United States on December 31, 1969, they may not choose the benefits of income averaging if they file a joint return for the taxable year 1971 since W was a nonresident alien for 3-base-period years (1967-69). H, however, may make a separate return and may, if

he is otherwise qualified, choose the benefits of income averaging.

(c) *Individuals receiving support from others*—(1) *Self-support rule*. Except as provided in section 1303(c) (2) and subparagraphs (2), (3), and (4) of this paragraph, to be an eligible individual for the computation year under this paragraph, an individual must, together with his spouse, have furnished 50 percent or more of his support during each of his 4-base-period years. For example, H and W are married for the computation year and the 4-base-period years. If H and W have provided more than 50 percent of their support during each of the 4-base-period years, both H and W are eligible individuals for the computation year.

(3) *Major accomplishment rule*. Notwithstanding the general rule contained in section 1303(c) (1) and subparagraph (1) of this paragraph, an individual may be an eligible individual for a computation year if more than 50 percent of his taxable income for the computation year is attributable to work performed by him in substantial part during two or more of his 4-base-period years. It is not necessary that the individual perform any of the work in his computation year.

(4) *Spouse supported by others*. (1) Notwithstanding the general rule contained in section 1303(c) (1) and subparagraph (1) of this paragraph, an individual may be an eligible individual for a computation year if—

(a) Such individual makes a joint return under section 6013 for such year, and

(b) Not more than 25 percent of the aggregate adjusted gross income of such individual and his spouse for such year is attributable to such individual.

For example, H and W, who are United States citizens and calendar year taxpayers, were married in August 1970. H supported himself from 1967 to 1971. W's parents furnished more than 50 percent of her support for each year prior to her marriage. For the taxable year 1971, H and W filed a joint return showing an aggregate adjusted gross income of \$10,000, all of which is attributable to H. If H and W are otherwise qualified, they may choose the benefits of income averaging for 1971.

PAR. 12. Section 1.1304 is amended by revising such section and the historical note to read as follows:

§ 1.1304 Statutory provisions; special rules.

Sec. 1304. *Special rules*—(a) *Taxpayer must choose benefits*. This part shall apply to the taxable year only if the taxpayer chooses to have the benefits of this part for such taxable year. Such choice may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year.

(b) *Certain provisions inapplicable*. If the taxpayer chooses the benefits of this part for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 3 (relating to optional tax),  
 (2) Section 72(n) (2) (relating to limitation of tax in case of total distribution),  
 (3) Section 911 (relating to earned income from sources without the United States),

(4) Subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States),

(5) Section 1201(b) (relating to alternative capital gains tax), and

(6) Section 1348 (relating to 50-percent maximum rate on earned income).

(c) *Failure of certain married individuals to make joint return, etc.*—(1) *Application of subsection.* Paragraphs (2) and (3) of this subsection shall apply in the case of any individual who was married for any base period year or the computation year; except that—

(A) such paragraphs shall not apply in respect of a base period year if—

(1) Such individual and his spouse make a joint return, or such individual makes a return as a surviving spouse (as defined in section 2(b) [(a)]), for the computation year, and

(2) Such individual was not married to any other spouse for such base period year, and

(B) Paragraph (3) shall not apply in respect of the computation year if the individual and his spouse make a joint return for such year.

(2) *Minimum base period income.* For purposes of this part, the base period income of an individual for any base period year shall not be less than 50 percent of the base period income which would result from combining his income and deductions for such year—

(A) With the income and deductions for such year of the individual who is his spouse for the computation year, or

(B) If greater, with the income and deductions for such year of the individual who was his spouse for such base period year.

(3) *Community income attributable to services.* In the case of amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income—

(A) The amount taken into account for any base period year for purposes of determining base period income shall not be less than the amount which would be taken into account if such amounts did not constitute community income, and

(B) The amount taken into account for purposes of determining taxable income for the computation year shall not exceed the amount which would be taken into account if such amounts did not constitute community income.

(4) *Marital status.* For purposes of this subsection, section 143(a) shall apply in determining whether an individual is married for any taxable year.

(d) *Dollar limitations in case of joint returns.* In the case of a joint return, the \$3,000 figure contained in section 1301 shall be applied to the aggregate averagable income.

(e) *Treatment of certain other items*—

(1) *Section 72(m) (5).* Section 72(m) (5) (relating to penalties applicable to certain amounts received by owner-employees) shall be applied as if this part had not been enacted.

(2) *Other items.* Except as otherwise provided in this part, the order and manner in which items of income or limitations on tax shall be taken into account in computing the tax imposed by this chapter on the income of any eligible individual to whom section 1301 applies for any computation year shall be determined under regulations prescribed by the Secretary or his delegate.

(f) *Short taxable years.* In the case of any computation year or base period year which is a short taxable year, this part shall be applied in the manner provided in regulations prescribed by the Secretary or his delegate.

[Sec. 1304 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); secs. 311 (c) and (d), 515(c) (4), 802(c) (5), and 803(d) (8), Tax Reform Act 1969 (83 Stat. 537, 646, 678, 684)]

PAR. 13. Paragraphs (b) and (c) of § 1.1304-1 are amended to read as follows:

§ 1.1304-1 Choice of income averaging by taxpayer.

(b) *Subsequent qualification.* A taxpayer who was not qualified to choose the benefits of income averaging for a taxable year may subsequently become qualified for such taxable year. For example, if a taxpayer was not qualified to choose the benefits of income averaging for 1971 incurs a net operating loss in 1972, and the carryback of such loss reduces his income for 1969 and 1970 so that he is no longer ineligible under section 1301 to choose the benefits of income averaging for 1971, the taxpayer may recompute the tax imposed by chapter 1 of the Code on his income for 1971 as if he had originally chosen the benefits of income averaging.

(c) *Subsequent disqualification.* A taxpayer who has chosen the benefits of income averaging for a taxable year may subsequently become disqualified for such benefits for such taxable year. For example, if a taxpayer who chose the benefits of income averaging for 1971 incurs a net operating loss for 1972 and the carryback of such loss reduces his income for 1971 so that he is no longer qualified under section 1301 to choose the benefits of income averaging for that year, the taxpayer must recompute the tax imposed by chapter 1 of the Code on his income for 1971 as if he had not originally chosen the benefits of income averaging.

PAR. 14. Section 1.1304-2 is amended by adding at the end of paragraph (a) (4) the following new subparagraphs:

§ 1.1304-2 Provisions inapplicable if income averaging is chosen.

(a) *Provisions inapplicable.* \* \* \*

(5) *Section 1201(b) (relating to alternative capital gains tax).* A taxpayer may not, therefore, make use of the alternative tax imposed by section 1201(b) for any taxable year beginning after December 31, 1969, for which he chooses the benefits of income averaging.

(6) *Section 1348 (relating to 50 percent maximum rate on earned income).* A taxpayer may not, therefore, make use of the 50 percent maximum rate of tax contained in section 1348 for any taxable year for which he chooses the benefits of income averaging.

PAR. 15. Section 1.1304-3 is amended by revising paragraphs (b), (c) (1), (d), and (e), by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f). Such revised and redesignated paragraphs shall read as follows:

§ 1.1304-3 Special rules for computing base period income.

(a) *Applicability.* \* \* \*

(1) For the computation year, such individual and his spouse make a joint return, or he makes a return as a surviving spouse (as defined in section 2(a) and § 1.2-2), and

(b) *Minimum separate base period income.* In any case in which section 1304(c) and this section apply, the separate base period income of an individual for a base period year is the greatest of the following amounts:

(1) The individual's separate income and deductions (increased in accordance with section 1304(c) (3) (A), relating to community income) adjusted in accordance with § 1.1302-2(c);

(2) 50 percent of the base period income resulting from adjusting, in accordance with § 1.1302-2(c), the sum of the individual's separate income and deductions for the base period year (increased in accordance with section 1304(c) (3) (A), relating to community income) and the separate income and deductions for such year of the individual who is his spouse for the computation year; or

(3) 50 percent of the base period income resulting from adjusting, in accordance with § 1.1302-2(c), the sum of the individual's separate income and deductions for the base period year and the separate income and deductions of the individual who is his spouse for such base period year.

However, subparagraph (2) of this paragraph shall not apply in respect of a base period year if an individual and his spouse make a joint return for the computation year.

(c) *Separate income and deductions*—

(1) *Definition.* The term "separate income and deductions" for a base period year means the excess of an individual's gross income over his allowable separate deductions. The separate income and deductions of an individual may never be less than zero.

(d) *Community income attributable to services.* Under section 1304(c) (3) (A), in any case in which paragraph (b) (2) or (3) of this section applies, an individual's separate income and deductions (as defined in paragraph (c) of this section), shall be increased to take into account, in the case of amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income, not less than the net amount of such earned income which would be taken into account if such amounts of earned income did not constitute community income.

(e) *Example.* The provisions of this section may be illustrated by the following example.

*Example.* H and W are calendar year taxpayers who were married, residents of a common law State, and otherwise eligible to choose the benefits of income averaging for the taxable year 1970. They made a joint

return for 1970. W, however, was married to and made a joint return with A for the taxable year 1966. H was unmarried for 1966. H, A, and W had taxable income for 1966 indicated in the table below. H and W compute their base period income for 1966 in the following manner:

	A	W	A and W joint return	H
Salary	\$11,500	\$3,000	\$14,500	\$3,000
Dividends	500	1,000	1,500	1,000
Adjusted gross income	12,000	4,000	16,000	4,000
Total deductions allowable in computing taxable income			4,000	1,500
Amount of total deductions allowable in computing separate income and deductions	3,000	1,000		1,500
Net of separate income and deductions	9,000	3,000	12,000	2,500
Foreign income excluded under section 911	10,000			
Separate base period income in accordance with paragraph (b)(1)	19,000	3,000		2,500

Separate base period income in accordance with paragraph (b):

(1) Net of W's separate income and deductions under paragraph (b)(1) ----- \$3,000

(2) Net of W's separate base period income under paragraph (b)(3):

(a) W and A's taxable income for 1966 ----- \$12,000

(b) Adjustment under § 1.1302-2 ----- 10,000

(c) ----- 22,000

(c) 50 percent of combined base period income ----- 11,000

W must take \$11,000 into account as her separate base period income for 1966. Since H made a joint return with W in the computation year and was not married to another spouse in 1966, section 1304(c) and § 1.1304-3 do not apply to him for 1966. Therefore, his separate base period income for 1966 is \$2,500. H and W's base period income, on a joint return basis, for 1966 is \$13,500.

(f) *Marital status.* For purposes of section 1304(c) and this section, the rules of section 143(a) (relating to determination of marital status) and the regulations thereunder apply in determining whether an individual is married for any taxable year.

PAR. 16. Section 1.1304-4 is amended by revising such section to read as follows:

§ 1.1304-4 Dollar limitations in case of joint returns.

Under section 1301 an eligible individual may choose the benefits of income averaging only if his averagable income for the computation year exceeds \$3,000. In the case of a joint return, the \$3,000 limitation applies to the aggregate

averagable income of the husband and wife making the joint return.

PAR. 17. Section 1.1304-5 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.1304-5 Determination of total tax for the computation year.

(a) *Total tax.* The total amount of tax imposed by section 1 for the computation year on the income of an individual who chooses the benefits of income averaging for that year is the sum of the following amounts of tax:

(1) The tax imposed on the amount of income equal to 120 percent of average base period income,

(2) Five times the increase in tax resulting from adding 20 percent of averageable income to 120 percent of average base period income,

(3) The increase in tax resulting from adding the amount (if any) described in § 1.1302-1(b)(3) (relating to community income with respect to services) to the sum of 120 percent of average base period income plus 20 percent of averageable income,

(4) The partial tax (if any) provided by section 668(a) (2) and (3) on certain accumulation distributions from a trust, and

(5) The tax on the amount (if any) of income to which section 72(m) (5), relating to certain distributions to owner-employees which are subject to penalties, applies, computed in accordance with the rules of paragraph (b) of this section.

(b) *Treatment of certain amounts received by owner-employees.* The amount of tax imposed by section 1 for the computation year attributable to amounts described in section 72(m) (5) (A), to which a penalty is applicable under section 72(m) (5) and paragraph (e) of § 1.72-17, is computed by determining the increase in tax which results under section 1 from the inclusion of such amounts in income without the use of the income averaging provisions.

(d) *Examples.* The application of the rules described in this section may be illustrated by the following examples:

*Example (1).* A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable years 1967 through 1970 all of his taxable income is from salary and capital gain. A's qualification to choose the benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year:	Taxable income
1967	\$2,000
1968	4,000
1969	3,500
1970	2,500
1971	41,000

(1) Average base period income for years 1967-70 (the base period years):

(a) 1967	\$2,000
1968	4,000
1969	3,500
1970	2,500
Total	12,000

(b) Average base period income (\$12,000 ÷ 4) ----- 3,000

(2) Averagable income for 1971:

(a) Taxable income ----- 41,000

LESS:

(b) 120 percent of average base period income (120% × \$3,000) ----- 3,600

(c) Averagable income ----- 37,400

Since A's averagable income exceeds \$3,000, the entire amount (\$37,400) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to nearest dollar):

(1) Tax on 120 percent of average base period income:

(a) 120 percent of the average base period income ----- 3,600

(b) Tax on \$3,600 ----- 614

(2) Tax attributable to averagable income:

(a) 120 percent of the average base period income ----- 3,600

(b) 20 percent of the averagable income (20% of \$37,400) ----- 7,480

(c) Total ----- 11,030

(d) Tax on \$3,600 ----- 614

(e) Tax on \$11,030 (\$3,600 + \$7,480) ----- 2,382

(f) Increase in tax (\$2,382 - \$614) ----- 1,768

(g) Tax attributable to averagable income (5 × \$1,768) ----- 8,840

(3) Total tax for 1971:

(a) Tax on 120 percent of the average base period income (line (1)) ----- 614

(b) above ----- 614

(b) Tax attributable to averagable income (line (2)(g) above) ----- 8,840

Total tax ----- 9,454

*Example (2).* A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable year 1971, A's income includes \$10,000 of income as a beneficiary of a trust which results in an additional tax of \$268 under section 663(a). A's qualification to choose benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year	Salary and 1/2 of net long-term capital gain	Section 663(a) income	Total
1967	\$4,000		\$4,000
1968	3,000	\$5,000	8,000
1969	3,500		3,500
1970	5,000		5,000
1971	29,000	10,000	39,000

(1) Average base period income for years 1967-70 (the base period years):

(a) 1967	\$4,500
1968	3,000
1969	3,500
1970	5,000
Total	16,000

(b) Average base period income (\$16,000 ÷ 4) ----- 4,000

**RULES AND REGULATIONS**

(2) Averagable income for 1971:

(a) Taxable income reduced by amount included in income under section 668(a) ----- 20,000

Less:

(b) 120 percent of average base period income (120% × \$4,000) -- 4,800

(c) Averagable income ----- 15,200

Since A's averagable income exceeds \$3,000, the entire amount (\$15,200) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to the nearest dollar):

(1) Tax on 120 percent of average base period income:

(a) 120 percent of average base period income ----- \$4,800

(b) Tax on \$4,800 ----- 858

(2) Tax attributable to averagable income:

(a) 120 percent of average base period income ----- 4,800

(b) 20 percent of averagable income (20% × \$15,200) ----- 3,040

(c) Total ----- 7,840

(d) Tax on \$4,800 ----- 858

(e) Tax on \$7,840 ----- 1,552

(f) Increase in tax (\$1,552 - \$858) -- 694

(g) Tax attributable to averagable income (5 × \$694) ----- 3,470

(3) Partial tax on amount included in income under section 668(a) (2) -- 866

(4) Total tax for 1971:

(a) Tax on 120 percent of average base period income (line (1) (b) above) ----- 858

(b) Tax attributable to averagable income (line (2) (g) above) ----- 3,470

(c) Partial tax on amount included in income under section 668(a) (2) ----- 866

Total tax ----- 5,194

*Example (3).* H and W were married during 1971, are calendar year taxpayers, and reside in a community property state for the taxable year 1971. The total income of H and W for the computation year consists of \$60,000 of community income attributable to personal services, \$40,000 of which is earned by H. W was not married to any other spouse for taxable years 1967 through 1970, and elects to choose the benefits of income averaging for taxable year 1971. W elects to file a separate return. Even though under the applicable State community property laws \$30,000, one-half of the total community income, belongs to W, only \$20,000 of W's \$30,000 of taxable income for 1971 is subject to averaging under § 1.1302-1(b) and the remaining \$10,000 is not. See § 1.1302-1(c). W's qualification to choose the benefits of income averaging and the amount of her averagable income for 1971 are determined in the following manner:

Year:	Taxable income
1967 -----	\$2,000
1968 -----	1,500
1969 -----	3,800
1970 -----	2,700
1971 -----	30,000

(1) Average base period income for years 1967 through 1970 (the base period years):

(a) 1967 ----- \$2,000

1968 ----- 1,500

1969 ----- 3,800

1970 ----- 2,700

----- 10,000

(b) Average base period income (\$10,000 ÷ 4) ----- 2,500

(2) Averagable income for 1971:

(a) Taxable income subject to averaging ----- 20,000

Less:

(b) 120 percent of average base period income (120% × \$2,500) --- 3,000

(c) Averagable income ----- 17,000

Since W's averagable income exceeds \$3,000, the entire amount (\$17,000) of her averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to nearest dollar):

(1) Tax on 120 percent of average base period income:

(a) 120 percent of the average base period income ----- \$3,000

(b) Tax on \$3,000 ----- 500

(2) Tax attributable to averagable income:

(a) 120 percent of the average base period income ----- 3,000

(b) 20 percent of the averagable income (20% × \$17,000) ----- 3,400

(c) Total ----- 6,400

(d) Tax on \$3,000 ----- 500

(e) Tax on \$6,400 (\$3,000 + \$3,400) -- 1,230

(f) Increase in tax (\$1,230 - \$500) -- 730

(g) Tax attributable to averagable income (5 × \$730) ----- 3,650

(3) Tax on community income not subject to averaging:

(a) Sum of 120 percent of average base period income and 20 percent of averagable income ----- 6,400

(b) Community income not subject to averaging ----- 10,000

(c) Total ----- 16,400

(d) Tax on \$6,400 ----- 1,230

(e) Tax on \$16,400 (\$6,400 + \$10,000) ----- 4,498

(f) Increase in tax \$4,498 - \$1,230) -- 3,268

(4) Total tax for 1971:

(a) Tax on 120 percent of base period income (line (1) (b) above) ----- 500

(b) Tax attributable to averagable income (line (2) (g) above) ----- 3,650

(c) Tax on community income not subject to averaging ----- 3,268

Total tax ----- 7,418

**§ 1.1304-6 [Deleted]**

Par. 18. Section 1.1304-6 is deleted.

Par. 19. Section 1.1304-7 is redesignated as § 1.1304-6 and such redesignated section is amended by revising subparagraph (4) of paragraph (a) and (b) to read as follows:

**§ 1.1304-6 Short taxable years.**

(a) *Change of annual accounting period.* \* \* \*

(4) The application of the rules described in subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* A, an unmarried, eligible individual who had been a calendar year taxpayer, was allowed in 1971 to change his annual accounting period to a taxable year beginning on April 1, 1971. A made a return for the short period from January 1 to March 31, 1971. His taxable income for the taxable years 1967 to 1971 is as indicated in the table below. For the taxable years 1967 through 1970, all of A's income is ordinary income from salary. A's eligibility to choose

the benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year:	Taxable income
1967 -----	\$12,000
1968 -----	14,000
1969 -----	17,500
1970 -----	16,500
1971 (3 months) -----	16,000

(1) Taxable income for 1971 on annual basis ((15,000 × 12) ÷ 3) ----- 60,000

(2) Average base period income for years (1967-70) (the base period years):

(a) 1967 ----- 12,000

1968 ----- 14,000

1969 ----- 17,500

1970 ----- 16,500

----- 60,000

(b) Average base period income (\$60,000 ÷ 4) ----- 15,000

(3) Averagable income for 1971:

(a) Taxable income ----- 60,000

Less:

(b) 120 percent of average base period income (120% × \$15,000) -- 18,000

(c) Averagable income ----- 42,000

Since A's averagable income exceeds \$3,000, the entire amount (\$42,000) of his averagable income is subject to averaging.

Computation of total tax due for computation year (1971) (rounded to the nearest dollar):

(1) Tax on 120 percent of the average base period income on annual basis:

(a) 120 percent of the average base period income ----- \$18,000

(b) Tax on \$18,000 ----- 4,510

(2) Tax attributable to averagable income on annual basis:

(a) 120 percent of average base period income ----- 18,000

(b) 20 percent of the averagable income (20% × \$42,000) ----- 8,400

(c) Total ----- 26,400

(d) Tax on \$18,000 ----- 4,510

(e) Tax on \$26,400 (\$18,000 + \$8,400) ----- 7,770

(f) Increase in tax (\$7,770 - \$4,510) ----- 3,260

(g) Tax attributable to averagable income (5 × \$3,260) ----- 10,300

(3) Total tax for 1971:

(a) Tax on 120 percent of the average base period income (line (1) (b) above) ----- 4,510

(b) Tax attributable to averagable income (line (2) (g) above) ----- 10,300

(c) Tax on annualized income --- 20,810

Total tax due (½ × \$20,810) -- 5,203

(b) *Taxpayer not in existence for entire taxable year.* If an individual is required under section 443(a) (2) and the regulations thereunder to make a return for a short period, such short period may be treated as a computation year or a base period year. The amount of such individual's taxable income (if such short period is a computation year) or

his base period income (if such short period is a base period year) is computed as if such short period were a taxable year of 12 months ending on the last day of the short period.

§§ 1.1301A—1.1307A-3 [Deleted]

PAR. 20. Sections 1.1301A through 1.1307A-3 are deleted.

PAR. 21. Section 301.6511(d)-2 is amended by revising paragraph (b) to read as follows:

§ 301.6511(d)-2 Overpayment of income tax on account of net operating loss carryback.

(b) *Barred overpayments.* (1) If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511(d) (2) (B) if a claim therefor is filed within the period provided by section 6511(d) (2) (A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. Similarly, if the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law (other than section 7122), such application, credit, or refund may be allowed or made if an application for a tentative carryback adjustment is filed within the period provided in section 6411(a). Thus, for example, even though the tax liability (not including the net operating loss deduction or the effect of such deduction) for a given taxable year has previously been litigated before the Tax Court, credit or refund of an overpayment may be allowed or made despite the provisions of section 6512(a), if claim for such credit or refund is filed within the period provided in section 6511(d) (2) (A) and paragraph (a) of this section. In the case of a claim for credit or refund of an overpayment attributable to a carryback, or in the case of an application for a tentative carryback adjustment, the determination of any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

(2) For purposes of the special period of limitation for filing a claim for credit or refund of an overpayment of tax with respect to a computation year (as defined in section 1302(c) (1)) by an individual who has chosen to compute his tax under sections 1301 through 1305 (relating to income averaging), such claim is determined to relate to an overpayment attributable to a net operating loss carryback when such carryback relates to any base period year (as defined in section 1302(c) (3)). Thus, if (i) an individual has a net

operating loss for a taxable year subsequent to a taxable year for which he had chosen the benefits of income averaging, and (ii) such net operating loss carryback is wholly utilized in any one or more of his base period years (which would result in an increased amount of averagable income for such computation year), the special period of limitation with respect to such individual's computation year applies and a timely claim for credit or refund with respect to the computation year may be filed.

[FR Doc.72-10631 Filed 7-12-72;8:45 am]

PART 601—STATEMENT OF PROCEDURAL RULES

Disclosure of Information

CROSS REFERENCE: For a document affecting this title, chapter and part, see F.R. Doc. 72-10730 under Title 27 appearing in this issue.

Title 27—ALCOHOL, TOBACCO PRODUCTS AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

SUBCHAPTER F—PROCEDURES AND PRACTICES

PART 71—STATEMENT OF PROCEDURAL RULES

Disclosure of Information

In order to establish procedures under which the Bureau of Alcohol, Tobacco and Firearms will administer the provisions of 5 U.S.C. 552 relating to the availability of information to the public, the following regulations are hereby prescribed as Part 71 of Title 27 of the Code of Federal Regulations:

*Preamble.* 1. The regulations in this part supersede Subpart G of 26 CFR Part 601 to the extent that it applied to alcohol, tobacco, firearms, and explosives records, formerly administered by the Internal Revenue Service and transferred to the Bureau of Alcohol, Tobacco and Firearms.

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on the date of publication in the FEDERAL REGISTER (7-13-72).

Subpart A—Scope

Sec. 71.1 General.

Subpart B—Definitions

71.11 Meaning of terms.

Subpart C—Records

71.21 Publicity of information.  
71.22 Publication and public inspection.

AUTHORITY: The provisions of this Part 71 issued under 5 U.S.C. 301 and 552, unless otherwise noted.

Subpart A—Scope

§ 71.1 General.

This part sets forth the procedural rules of the Bureau of Alcohol, Tobacco and Firearms, The Department of the Treasury, respecting matters of official record in the Bureau of Alcohol, Tobacco and Firearms and the extent to which records and documents are subject to publication or open to public inspection.

Subpart B—Definitions

§ 71.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

(a) *Bureau.* Bureau of Alcohol, Tobacco and Firearms, The Department of the Treasury.

(b) *Director.* The Director, Bureau of Alcohol, Tobacco and Firearms.

(c) *I.R.C.* The Internal Revenue Code of 1954, as amended.

(d) *Regional Director.* A Regional Director who is responsible to, and functions under, the direction and supervision of the Director, Bureau of Alcohol, Tobacco and Firearms.

(e) *Secretary.* The Secretary of the Treasury.

(f) *U.S.C.* The United States Code.

Subpart C—Records

§ 71.21 Publicity of information.

(a) *General.* The major categories for which the disclosure requirements of the Bureau are set forth in § 71.22 are as follows:

(1) Information required to be published in the FEDERAL REGISTER;

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale; and

(3) Information required to be made available to any member of the public upon specific request.

The provisions of 5 U.S.C. 552 regarding the publicizing of information by Federal agencies are intended to protect, subject to specified safeguards, the right of the public to information. Section 552 is not authority to withhold information from Congress.

(b) *Exemptions.*—(1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552 do not apply to certain matters described in specific exemptions, as follows:

(i) Matters specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Matters related solely to the internal personnel rules and practices of an agency, such as staff manuals or instructions, or parts thereof, which set

forth guidelines, operating rules, or other criteria for officers or employees in auditing or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances, or criteria for the defense, prosecution, or settlement of cases;

(iii) Matters specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial, financial, or other information which is privileged or confidential and thus would not customarily be made public by the person from whom it is obtained, such as business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments, personal correspondence, or matter which the agency has obligated listed in good faith not to disclose;

(v) Interagency or intraagency memorandums or letters which would not be available by law to a party in litigation with an agency, including communications (such as internal drafts, memorandums between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups) which the agency has received from another agency, or which the agency generates, in the process of issuing an order, decision, ruling, or regulation, drafting proposed legislation, or otherwise carrying out its functions and responsibilities, if such communications would not routinely be available to such party through use of the discovery process;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of any officer or employee of an agency or of any other person;

(vii) Investigatory files compiled for any law enforcement purpose, including files prepared in connection with related Government litigation and adjudicative proceedings, except to the extent available by law to a party other than an agency;

(viii) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(ix) Geological and geophysical information and data, including maps, concerning wells, such as seismic reports and other exploratory findings of oil companies; or

(x) Matters specifically exempt under section 7213, I.R.C., relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons.

A reference in this subparagraph to a provision of the Internal Revenue Code will be considered to be a reference also to any corresponding provisions of prior law and the regulations promulgated thereunder. See also 18 U.S.C. 1905, which provides penalties for the unlawful disclosure by Federal officers or em-

ployees of certain information coming to them in the course of their employment. See paragraph (d) of § 71.22 for special rules pertaining to the disclosure of information in the case of certain specified matters.

(2) *Application of exemptions.* Even though an exemption described in subparagraph (1) of this paragraph may be fully applicable to a matter in a particular case, the Bureau may, if not precluded by law, elect under the circumstances of that case not to apply the exemption to such matter. The fact that the exemption is not applied by the Bureau in that particular case has no precedential significance as to the application of the exemption to such matter in other cases but is merely an indication that in the particular case involved the Bureau finds no compelling necessity for applying the exemption to such matter.

#### § 71.22 Publication and public inspection.

(a) *Publication in the Federal Register*—(1) *Requirement.* Subject to the application of the exemptions described in paragraph (b) of § 71.21 and subject to the limitations provided in subparagraph (2) of this paragraph, the Bureau is required under 5 U.S.C. 552(a) (1) to separately state and currently publish in the FEDERAL REGISTER for the guidance of the public the following information:

(i) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submissions or requests, or obtain decisions, from the Bureau;

(ii) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures which are available;

(iii) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(iv) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Bureau; and

(v) Each amendment, revision, or repeal of matters referred to in subdivisions (i) through (iv) of this subparagraph.

Pursuant to the foregoing requirements, the Director publishes in the FEDERAL REGISTER from time to time a statement, which is not codified in this chapter, on the organization and functions of the Bureau, and such amendments as are needed to keep the statement on a current basis. In addition, there are published in the FEDERAL REGISTER the rules set forth in this part or 26 CFR Part 601, as applicable, as well as the regulations issued pursuant to the laws administered by the Bureau, such as the regulations in 26 CFR Part 178 (Commerce in Firearms and Ammunition), 26 CFR Part 181

(Commerce in Explosives), 26 CFR Part 200 (Rules of Practice in Permit Proceedings), 26 CFR Part 201 (Distilled Spirits Plants Regulations), and Part 4 of this chapter (Wine Labeling and Advertising). Whenever the Director grants relief to any person pursuant to 26 CFR Part 178 (Commerce in Firearms and Ammunition), the notice of such action, together with the reasons therefor, is published in the FEDERAL REGISTER.

(2) *Limitations*—(1) *Incorporation by reference in the Federal Register.* Matter which is reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of subparagraph (1) of this paragraph when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Bureau may not be incorporated by reference in the FEDERAL REGISTER. Matter may be incorporated by reference in the FEDERAL REGISTER only pursuant to the provisions of 5 U.S.C. 552(a) (1) and 1 CFR Part 20.

(ii) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the FEDERAL REGISTER, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (1) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.

(b) *Public inspection and copying*—(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 71.21, the Bureau is required under 5 U.S.C. 552(a) (2) to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the following information:

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases pursuant to 26 CFR 200.116 in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems, and 26 CFR 178.78 on administrative procedures relating to firearms licenses; and 26 CFR 181.79 on administrative procedures relating to explosives licenses and permits;

(ii) Those statements of policy and interpretations which have been adopted by the Bureau but are not published in the FEDERAL REGISTER; and

(iii) Its administrative staff manuals and instructions to staff that affect a member of the public.

The Bureau is also required by 5 U.S.C. 552(a) (2) to maintain and make available for public inspection and copying current indexes identifying any matter described in subdivisions (i) through (iii) of this subparagraph which is issued, adopted, or promulgated after July 4, 1967, and which is required to be made available for public inspection or published. No matter described in subdivisions (i) through (iii) of this subparagraph which is required by this subparagraph to be made available for public inspection or published may be relied upon, used, or cited as precedent by the Bureau against a party other than an agency unless such party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection, or published, as provided by this subparagraph. This subparagraph applies only to matters which have precedential significance. It does not apply, for example, to administrative manuals on property or fiscal accounting, vehicle maintenance, personnel administration, and similar proprietary functions of the Bureau. Nor does it apply to any ruling or advisory interpretation which is issued on a particular transaction or set of facts and applied only to that transaction or set of facts. This subparagraph does not apply to matters which have been made available pursuant to paragraph (a) of this section.

(2) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, the Bureau will, in accordance with 5 U.S.C. 552(a) (2), delete identifying details contained in any matter described in subparagraph (1) (i) through (iii) of this paragraph before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the justification for the deletion must be explained in writing. The written justification for deletion will be placed as a preamble to the document from which the identifying details have been deleted, except in the case of any matter which is published in the Internal Revenue Bulletin or other authorized publication, pursuant to publication of such authorization in the FEDERAL REGISTER. An introductory statement will be placed in each Internal Revenue Bulletin or other authorized publication providing that identifying details, including the names and addresses of persons involved, and information of a confidential nature are deleted to prevent unwarranted invasions of personal privacy and to comply with statutory provisions, such as section 7213, I.R.C., and 18 U.S.C. 1905, dealing with disclosure of information obtained from members of the public.

(3) *Availability of information—*(i) *In general.* The Bureau Headquarters and each regional office of the Bureau will make available the matters described in subparagraph (1) (i) through (iii) of this paragraph which are required by such subparagraph to be made available

for public inspection or published, and the current indexes to such matters, will be made available to the public for inspection and copying. Fees will not be charged for the use of the materials made available as provided in this paragraph, but fees will be charged for copying and certification services, as provided in subdivision (iii) of this subparagraph. The public will not be allowed to remove any records from the place of availability.

(ii) *Addresses where information may be obtained.* The addresses from which information may be obtained are as follows:

**BUREAU HEADQUARTERS**

Mail address: Director, Bureau of Alcohol, Tobacco, and Firearms, 1111 Constitution Avenue NW., Washington DC 20224.  
Location: Same as mail address.

**NORTH ATLANTIC REGION**

Mail address: Regional Director, 90 Church Street, New York, NY 10007.  
Location: Same as mail address.

**MID-ATLANTIC REGION**

Mail address: Regional Director, 2 Penn Center Plaza, Philadelphia, PA 19102.  
Location: Same as mail address.

**SOUTHEAST REGION**

Mail address: Regional Director, 275 Peachtree Street NE., Atlanta, GA 30303.  
Location: Same as mail address.

**MIDWEST REGION**

Mail address: Regional Director, 35 East Wacker Drive, Chicago, IL 60601.  
Location: Same as mail address.

**CENTRAL REGION**

Mail address: Regional Director, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.  
Location: Same as mail address.

**SOUTHWEST REGION**

Mail address: Regional Director, 1114 Commerce Street, Dallas, TX 75202.  
Location: Same as mail address.

**WESTERN REGION**

Mail address: Regional Director, 870 Market Street, San Francisco, CA 94102.  
Location: Same as mail address.

(iii) *Copying facilities.* The Bureau Headquarters and each regional office will provide facilities whereby a person may obtain copies of material made available as provided in this paragraph. Certification services with respect to copies will also be provided. The fees in respect of such material are as follows:

Photocopies; each page.....	\$0.25
Certification of photocopies by appropriate official; each certification....	1.00
Sale of unpriced printed material; each 25 pages or fraction thereof.....	.25
Minimum charge applicable when one or more of the above charges is assessed .....	1.00

While certain relevant publications which are available for sale through the Government Printing Office will be made available for inspection in the offices identified in subparagraph (3) of this paragraph, such publications will not be available for sale in those offices. Persons desiring to purchase such publications, for example, publications covering Bureau regulations, should con-

tact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications may be obtained in accordance with the schedule of fees set forth in this subdivision.

(iv) *Inability to visit offices.* If a person is unable or unwilling to visit an office where information described in this paragraph is available, in person, but wishes to inspect identifiable material, he may request permission to inspect such material at any office of the Bureau. To the extent that requested material is available for inspection at the office where the request is made, such material will promptly be made available for inspection at such office to the person making the request for inspection and, where facilities are available, for copying in accordance with the schedule of fees prescribed by subdivision (iii) of this subparagraph. Copies of the requested material may also be mailed to such person upon request.

(c) *Specific requests for other identifiable records—*(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 171.21, the Bureau is required under 5 U.S.C. 552(a) (3) to make identifiable records, other than those made available pursuant to paragraphs (a) and (b) of this section, promptly available to any person upon request. The request for records under section 552(a) (3) must be made in accordance with the rules set forth in this paragraph. This paragraph applies only to records in being which are in the possession or control of the Bureau. Where a record in the possession or control of the Bureau is the paramount or exclusive concern of another agency, the request for such record will be transferred to that agency, and the requester notified to that effect, to insure that the determination to disclose or withhold the record will be made by that agency. In applying this paragraph, the Bureau will not compile a record pursuant to a request, or procure a record from sources outside the Bureau.

(2) *Form of request.* The request for records must be in writing and signed by the person making the request. The request is required to identify the requested records in accordance with subparagraph (4) of this paragraph. The request must set forth the address where the person making the request desires to be notified of the determination by the Bureau as to whether the request will be granted. If the requester desires to make the inspection in an office other than the office to which the request is delivered or mailed, the request should designate the office of the Bureau where inspection is desired. Where the person making the request desires to have a copy of the requested records sent to him without first inspecting such records, his request should so state.

(3) *Time and place for making request.* The request for records may be made at any office of the Bureau. A request delivered to an office in person must be delivered during the regular office hours of that office. The person

making the request should allow a reasonable period of time for processing the request.

(4) *Identification of records.* The request for records must describe the records in reasonably sufficient detail to enable personnel of the Bureau to locate the records. While no specific formula for adequate identification of a record may be established, it will generally suffice if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, the person making the request is advised to furnish the Bureau with any additional information which will more clearly identify the requested records, since he has the burden of properly identifying them. The identification requirement will not be used by officers or employees of the Bureau as a device for improperly withholding records from the public.

(5) *Fees.* A schedule of fees for the services and costs required of the Bureau in locating, making available, copying, and certifying records pursuant to this paragraph is as follows:

Records search; each hour or fraction thereof	\$3.50
Photocopies; each page	.25
Certification of photocopies by appropriate official; each certification	1.00
Minimum charge with respect to photocopies	1.00

Such fees are intended to make any services performed with respect to the request self-sustaining to the extent possible. See title V, Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. (Supp. II) 483a). If the Bureau estimates that the total fees for costs incurred in complying with the request will amount to \$50 or more, the person making the request may be required to enter into a contract for the payment of actual fees with respect to the request before the Bureau will undertake actions necessary to comply with the request.

(6) *Processing a request*—(i) *In general.* The person making a request will be promptly advised in writing that the request has been received, that action is being taken thereon, and that he will be notified in writing of the determination as to whether the request is granted. If the request does not sufficiently identify a record, the person making the request will be promptly advised of such fact and notified that a more detailed description of the record is required by the Bureau in order to proceed with the request.

(ii) *Determination by Bureau headquarters.* Except in a case described in subdivision (iii) of this subparagraph, a request sufficiently identifying records will be immediately transmitted to the Assistant to the Director for Public Affairs for prompt consideration who will notify the requester in writing of his determination with respect to the request.

(iii) *Determination by a field office.* Where disclosure authorization with respect to the requested records has been delegated to an officer or employee of the Bureau other than the Assistant to the Director for Public Affairs, such other officer or employee will make the deter-

mination as to whether the request for records should be granted or denied and will notify the requester in writing of his determination with respect to the request.

(7) *Granting of request.* If it is determined that the request is to be granted, the person making the request will be notified in writing of the determination, of the fees involved in complying with the request, and of the locations where such fees are payable. Upon receipt by the Bureau of the fees stated in its reply, the person making the request will be promptly advised, in writing, of the time and place where inspection may be made; or, if he has requested that a copy of the records be sent to him without first inspecting the records or if it has been necessary to reproduce the records in order to provide for inspection, a copy of the records will be mailed to him for his retention. In the usual case, the records will be made available for inspection at the office of the Bureau where the request was made. However, if the person making the request has expressed a desire to inspect the records at an office of the Bureau other than the office where the request was made, every reasonable effort will be made to comply with the request. Records will be made available for inspection at such reasonable and proper times as not to interfere with their use by the Bureau or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the office where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished to him upon payment of the established fees prescribed by subparagraph (5) of this paragraph. Prepayment of fees is not required where the total fees with respect to the request are \$5 or less and the request is filled by mail.

(8) *Denial of request.* If it is determined that the request for records should be denied, the person making the request will be notified of such determination by mail. The letter of notification will specify the city or other location where the requested records are situated, contain a brief statement of the grounds for denial, and advise the requester of his right to appeal to the Director in accordance with subparagraph (9) of this paragraph.

(9) *Administrative appeal.* At any time within 30 days after the date of the letter of notification described in subparagraph (8) of this paragraph, the person making the request may file an appeal to the Director. The appeal must be in the form of a statement signed by the appellant and mailed to the Director, Bureau of Alcohol, Tobacco and Firearms, 1111 Constitution Avenue NW., Washington, DC 20224. The statement must contain the following information:

- (i) The appellant's name and address,
- (ii) The identification of the records requested,
- (iii) The date of the request and the date of the letter denying the request, and
- (iv) A request that the Director consider the denial.

The appeal will be promptly considered by the Director and the request either granted or denied by the Director or referred by him to the Secretary for determination. The appellant will be notified of the determination by mail, and such determination shall be final.

(10) *Judicial review.* If the request is denied upon appeal pursuant to subparagraph (9) of this paragraph, or if no determination is made on the appeal within 30 days after filing, the appellant may commence an action in a U.S. district court pursuant to 5 U.S.C. 552(a)(3). The statute authorizes an action only against the agency. With respect to records of the Bureau, the agency is the Bureau, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where provided in such rules, delivery of process upon the Bureau must be directed to the Director, Bureau of Alcohol, Tobacco and Firearms: Attention: Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224. The district court will determine the matter de novo, and the burden will be upon the Bureau to sustain its action in not making the requested records available.

(d) *Rules for disclosure of certain specified matters*—(1) *Accepted offers in compromise.* For each offer in compromise submitted and accepted pursuant to section 7122, I.R.C., in any case arising under subtitle E of the Internal Revenue Code (relating to alcohol, tobacco, and certain other excise taxes); pursuant to section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act; or in connection with property seized under title I of the Gun Control Act of 1968 (18 U.S.C., chapter 44), and title XI of the Organized Crime Control Act of 1970 (18 U.S.C. chapter 40), or a copy of the abstract and statement relating to the offer will be available for public inspection, for a period of 1 year from the date of acceptance, in—

(i) The office of the Regional Director who received the offer and in the office of the district director of internal revenue for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code, title I of the Gun Control Act of 1968, or title XI of the Organized Crime Control Act of 1970 (18 U.S.C. chapter 40), or

(ii) The office of the Regional Director who received the offer, in the case of offers accepted pursuant to the Federal Alcohol Administration Act.

Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(2) *Information regarding liquor permits*—(i) *Applications for permits*. Information with respect to the handling of applications for basic permits under the Federal Alcohol Administration Act (27 U.S.C. 204), operating permits under section 5171, I.R.C., and industrial use permits under section 5271, I.R.C., is maintained for public inspection in the offices of Regional Directions until the expiration of 1 year following final action on such applications. See section 1.59 of this chapter.

(ii) *Card index record of permits*. A current card index record for—

(a) All persons to whom industrial use permits have been issued pursuant to section 5271, I.R.C.

(b) All proprietors of distilled spirits plants to whom operating permits have been issued pursuant to section 5171, I.R.C., to cover distilling for industrial use, bonded warehousing of spirits for industrial use, or denaturing of spirits, and

(c) All applicants for such industrial use and operating permits.

Is available for public inspection in the offices of Regional Directors.

(3) *List of plants and permittees*. Upon request, the Regional Director will furnish a list of any type of qualified proprietor or permittee located in his region.

(4) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages*. Upon written request, the Director will furnish information as to the issuance, pursuant to section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and Part 4, 5, or 7 of this chapter, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. The request must identify the class and type and brand name of the product and the name and address of the bottler or importer thereof or of the person to whom certificate was issued. The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by paragraph (c) (5) of this section. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(5) *Information relating to the tax classification of a roll of tobacco wrapped in reconstituted tobacco*. Upon request the Director, Bureau of Alcohol, Tobacco and Firearms, 1111 Constitution Avenue NW., Washington, DC 20224, will furnish information as to Bureau determination of the tax classification of a roll of tobacco wrapped in any substance containing tobacco, that is, reconstituted tobacco. The request should

identify the brand name of the product and the name and address of the manufacturer or importer. Information will not be disclosed, however, concerning any trade secrets, processes, operations, apparatus, confidential data, or any other matter within the prohibition of 26 U.S.C. 7213 or 18 U.S.C. 1905.

(6) *State cases*. Regional Directors may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize special agents and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, firearms, and explosives cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided*, That such production or testimony will not divulge information contrary to section 7312, I.R.C., nor divulge information subject to the restrictions in section 5848, I.R.C. See also 26 CFR 301.9000-1(f) and 18 U.S.C. 1905.

(e) *Other disclosure procedures*. For procedure to be followed by officers and employees of the Bureau upon receipt of a request or demand for certain bureau records or information the disclosure procedure for which is not covered by this section, see 26 CFR 301.9000-1.

[SEAL] REX D. DAVIS,  
Acting Director.  
[FR Doc.72-10730 Filed 7-12-72;8:48 am]

## Title 28—JUDICIAL ADMINISTRATION

### Chapter I—Department of Justice

[Order 487-72]

#### PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

##### Subpart K—Criminal Division

###### DELEGATION OF AUTHORITY TO DESIGNATE ATTORNEYS TO PRESENT EVIDENCE TO GRAND JURIES

This order delegates to the Assistant Attorney General in charge of the Criminal Division the Attorney General's authority under 28 U.S.C. 515(a) to designate attorneys to present evidence to grand juries in criminal cases.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.60:

§ 0.60 Designation of attorneys to present evidence to grand juries.

The Assistant Attorney General in charge of the Criminal Division is authorized to designate attorneys to present evidence to grand juries in all cases assigned to, conducted, handled, or supervised by the Assistant Attorney

General in charge of the Criminal Division.

Dated: June 29, 1972.

RICHARD G. KLEINDIENST,  
Attorney General.

[FR Doc.72-10723 Filed 7-12-72;8:48 am]

## Title 40—PROTECTION OF ENVIRONMENT

### Chapter I—Environmental Protection Agency

#### SUBCHAPTER E—PESTICIDES PROGRAMS

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

###### Maneb

A petition (PP 2F1256) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that established tolerances (40 CFR Part 180) for residues of the fungicide maneb (manganous ethylenebisdithiocarbamate) be reduced in or on the raw agricultural commodities celery to 5 parts per million and cucumbers, melons, squash (summer and winter), and tomatoes to 4 parts per million.

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

1. The pesticide is useful for the purpose for which the reduced tolerances are being established.
2. The reduced tolerances established by this order will better protect the public health than the tolerances they are replacing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.110 is amended by deleting the word "celery" from the paragraph "10 parts per million \* \* \*" and the words "cucumbers," "melons," "summer squash," "tomatoes," and "winter squash" from the paragraph "7 parts per million \* \* \*" and by inserting two new paragraphs, as follows:

§ 180.110 Maneb; tolerances for residues.

- • • • •
- 5 parts per million in or on celery.
- 4 parts per million in or on cucumbers, melons, summer squash, tomatoes, and winter squash.
- 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, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (7-13-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 6, 1972.

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

[FR Doc.72-10775 Filed 7-12-72; 8:52 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration

#### PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

##### Subpart 5A-2.2—Solicitation of Bids

###### FORM 1246, GSA SUPPLEMENTAL PROVISIONS (AID PROCUREMENT)

Section 5A-2.201-70(e)(2) is revised as follows:

§ 5A-2.201-70 Forms to be used.

\* \* \*

(e) \* \* \*

(2) GSA Form 1246, March 1972, GSA Supplemental Provisions (AID Procurement), shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

GSA Form 1246, March 1972, GSA Supplemental Provisions (AID Procurement), receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

NOTE: Revised GSA Form 1246, March 1972, GSA Supplemental Provisions (AID Procurement), illustrated in § 5A-16.950-1246, is filed as a part of the original document.

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

*Effective date.* These regulations are effective 45 days from the date shown below but may be observed earlier.

Dated: June 26, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc.72-10739 Filed 7-12-72; 8:49 am]

### PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

#### Subpart 5A-72.1—Procurement of Stock Items

##### COPIES OF SOLICITATIONS

Section 5A-72.105-23(a)(3) is revised as follows:

§ 5A-72.105-23 Preparation and distribution of contractual information.

(a) \* \* \*

(3) To provide advance information, one copy of each solicitation for offers involving national or zone indefinite delivery type contracts shall be forwarded to each regional ordering activity at the time solicitations are distributed to prospective bidders as follows:

(i) Solicitation for stores items—to Director, Inventory Management Division, Attention: FXIN, and to the regional Supply Control Divisions (IFX-10FX) (Mailing list code 001); and

(ii) Solicitations for nonstores items—to the regional Procurement Divisions (IFP-10FP) (Mailing list code 002).

\* \* \* \* \*

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

*Effective date.* This regulation is effective on the date shown below.

Dated: June 29, 1972.

M. S. MEEKER,  
Commissioner,  
Federal Supply Service.

[FR Doc.72-10740 Filed 7-12-72; 8:49 am]

## Title 49—TRANSPORTATION

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

[Docket No. 70-8; Notice 7]

#### PART 567—CERTIFICATION

##### Gross Vehicle Weight Rating; Gross Axle Weight Rating

The purpose of this notice is to allow manufacturers to specify a tire size on their certification label when they provide only one gross vehicle weight rating, or one gross axle weight rating for each axle, and do not list other optional tire sizes. The provisions of the certification

regulations dealing with gross vehicle weight rating and gross axle weight rating were published April 14, 1971 (36 F.R. 7054), and were amended on October 8, 1971 (36 F.R. 19593) and December 10, 1971 (36 F.R. 23572). In addition, the definition of gross axle weight rating (49 CFR 571.3) was amended February 12, 1972 (37 F.R. 3185).

As issued on April 14, 1971, the certification regulations required each manufacturer (final-stage manufacturers in the case of multistage vehicles) to include on his certification label a gross vehicle weight rating, and a gross axle weight rating for each axle. The assigned rating was to be made without reference to particular tires or other components on which the value was based. The amendment of December 10, 1971, modified this result to some extent by allowing a manufacturer, at his option, to list different weight ratings for various tire sizes, with the appropriate tire size listed for each rating.

In response to inquiries by interested persons, the agency has decided not to limit this option to cases of multiple tire sizes. By the amendment issued herewith, manufacturers are allowed to list the appropriate tire size for both gross vehicle and axle weight ratings, even when only one rating is provided. With this information, subsequent manufacturers, distributors, dealers, and users who install or replace tires will be put on notice that the tires they mount on the vehicle might affect the weight ratings provided by the manufacturer.

This amendment also makes a minor correction in a paragraph reference in the regulations.

In light of the above, 49 CFR Part 567, "Certification," is amended as follows:

1. The following sentence is added at the end of the text and before the example in § 567.4(h):

§ 567.4 Requirements for manufacturers of motor vehicles.

\* \* \* \* \*

(h) \* \* \* A manufacturer may at his option list one or more tire sizes where only one set of weight ratings is provided.

2. Section 567.5 is amended by amending the first sentence of paragraph (a) and by revising paragraph (b) to read as follows:

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) Except as provided in paragraphs (c) and (d) of this section \* \* \*

(b) More than one set of figures for GVWR and GAWR, and one or more tire sizes, may be listed in satisfaction of the requirements of paragraphs (a) (5) and (6) of this section, as provided in § 567.4(h).

Effective date: July 13, 1972.

As this amendment provides an optional method of compliance and imposes no additional burdens, it is found for good cause shown that an effective date less than 30 days from the day of issuance is in the public interest.

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

Issued on July 6, 1972.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc.72-10699 Filed 7-12-72;8:46 am]

**Chapter X—Interstate Commerce Commission**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[S.O. 1102]

**PART 1033—CAR SERVICE**

**Delaware and Hudson Railway Co. and Penn Central Transportation Co.**

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of July 1972.

It appearing that the Albany Port District Commission, Albany, N.Y., in Docket No. AB-45, has requested authority of this Commission to abandon all of its railroad facilities, citing massive operating deficits as the cause; that it intends to institute substantial reductions in switching services pending disposition by the Commission of its application for abandonment; that such reductions in switching services, or abandonment if authorized, will deprive numerous shippers served by these railroad facilities of all access, by rail, to other shippers located throughout the country, resulting in great economic loss; that the Delaware and Hudson Railway Co. (D&H) in Finance Docket No. 27113 and the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees (PC), in Finance Docket No. 27118, have each filed application seeking authority, subject to suggested conditions to acquire and operate the railroad facilities of the Albany Port District Commission; that these railroads and the Albany Port District Commission have agreed upon a basis for transfer of supervisory authority over the railroad operations of the Albany Port District Commission jointly to the D&H and the PC; that operations of these railroad facilities under joint supervision of the D&H and PC will enable the uninterrupted operation of the railroad facilities of the Albany Port District Commission; that immediate joint supervision of the aforementioned tracks by the D&H and the PC is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

**§ 1033.1102 Service Order No. 1102.**

(a) *Delaware and Hudson Railway Co. and Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, N.Y.* The Delaware and Hudson Railway Co. and the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, be, and they are hereby, authorized to assume joint supervisory control over the railroad operations of the Albany Port District Commission, Albany, N.Y.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 10, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-10773 Filed 7-12-72;8:52 am]

**Title 7—AGRICULTURE**

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

[Grapefruit Reg. 71, Amdt. 5]

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges,

grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade limitations on domestic shipments of fresh grapefruit is consistent with the available supply of and current and prospective demand for such grapefruit by fresh market outlets. The recommended grade regulation is necessary to provide a supply of grapefruit to consumers and to improve overall returns to producers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

*Order.* 1. In § 905.535 (Grapefruit Regulation 71, 36 F.R. 20215, 22054, 24111, 37 F.R. 7582, 9756) the provisions of paragraph (a) (1), (2), (3), and (4) are amended to read as follows:

**§ 905.535 Grapefruit Regulation 71.**

(a) \* \* \*

(1) Any seeded grapefruit, grown in the production area, which does not grade at least U.S. No. 2 Russet;

(2) Any seeded grapefruit, grown in the production area, which are smaller than 3<sup>12</sup>/<sub>16</sub> inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida grapefruit;

(3) Any seedless grapefruit, grown in Regulation Area I, which does not grade at least U.S. No. 2 Russet;

(4) Any seedless grapefruit, grown in Regulation Area II, which does not grade at least U.S. No. 2 Russet; or

(Secs. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 7, 1972, to become effective July 10, 1972.

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

[FR Doc.72-10734 Filed 7-12-72;8:49 am]

[Orange Reg. 69, Amdt. 12]

[Export Reg. 20, Amdt. 2]

[Valencia Orange Reg. 400]

**PART 905—ORANGES, GRAPEFRUIT,  
TANGERINES, AND TANGELOS  
GROWN IN FLORIDA**

**PART 905—ORANGES, GRAPEFRUIT,  
TANGERINES, AND TANGELOS  
GROWN IN FLORIDA**

**PART 908—VALENCIA ORANGES  
GROWN IN ARIZONA AND DESIG-  
NATED PART OF CALIFORNIA**

**Limitation of Shipments**

**Limitation of Export Shipments**

**Limitation of Handling**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

**§ 908.700 Valencia Orange Regulation 400.**

(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 recommendation by the Growers Administrative Committee for less restrictive grade limitations on fresh shipments of oranges, other than Navel, Temple, and Murcott Honey oranges, is consistent with the external appearance and remaining supply of such oranges and the current and prospective demand for such fruit by fresh market outlets. The recommended grade regulation is necessary to insure a supply of good quality fruit to consumers and to improve returns to producers.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the exportation of oranges grown in Florida.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 11, 1972.

(3) 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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of varieties of oranges grown in Florida.

The recommendations by the Growers Administrative Committee for less restrictive grade limitations on the exportation of oranges is consistent with the available supply of and demand for such fruits by the major export market outlets. The recommended grade regulations are necessary to insure a continuous supply of good quality fruit and to promote expansion of the export markets.

*Order.* The provisions of paragraph (a) (1) of § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575, 25401; 37 F.R. 2660, 5813, 6729, 7582, 11966) are amended to read as follows:

*Order.* In paragraph (a) of § 905.539 (Export Regulation 20; 36 F.R. 20215; 37 F.R. 9756) the provisions of subparagraph (1) are revised to read as follows:

**§ 905.536 Orange Regulation 69.**

(a) \* \* \*

(1) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

(a) \* \* \*

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No 2 Russett;

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

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

Dated July 7, 1972, to become effective July 10, 1972.

Dated July 7, 1972, to become effective July 10, 1972.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[FR Doc.72-10736 Filed 7-12-72;8:49 am]

[FR Doc.72-10735 Filed 7-12-72;8:49 am]

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona

and designated part of California which may be handled during the period July 14, 1972, through July 20, 1972, are hereby fixed as follows:

- (i) District 1: 247,000 Cartons;
- (ii) District 2: 299,000 Cartons;
- (iii) District 3: 104,000 Cartons.

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

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

Dated: July 12, 1972.

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

[FR Doc.72-10865 Filed 7-12-72;11:36 am]

[Grapefruit Reg. 12, Amdt. 3]

**PART 944—FRUITS; IMPORT REGULATIONS**

**Grapefruit Imports**

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) preceding subparagraph (1) thereof and paragraph (a)(1) of Grapefruit Regulation 12 (§ 944.108, 36 F.R. 20883; 37 F.R. 7687, 9983) are hereby amended to read as follows:

**§ 944.108 Grapefruit Regulation 12.**

(a) On and after July 10, 1972, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 1/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the

shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 71 (§ 905.535); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, July 7, 1972, to become effective July 10, 1972.

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

[FR Doc.72-10768 Filed 7-12-72;8:51 am]

**PART 946—IRISH POTATOES GROWN IN WASHINGTON**

**Limitation of Shipments Regulation**

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), both as amended (37 F.R. 10915), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER June 29, 1972 (37 F.R. 12850). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than 7 days after its publication. Within the specified time, comments were filed by the State of Washington Potato Committee requesting minor revisions in safeguard requirements for shipments to special purpose outlets. Such revisions are considered necessary to insure that special purpose shipments are used only for authorized purposes and are incorporated herein.

*Findings.* After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1972 crop of Washington potatoes and of the marketing prospects for this season. Harvesting of new crop potatoes from the production area is expected to begin about mid-July.

The grade, size, cleanliness, and maturity requirements provided herein, which are the same as those currently in effect (36 F.R. 12969) through July 15, 1972, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality

of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements: *Provided*, That safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oreg., for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially on occasions, from domestic market requirements. Such shipments to export tend to increase prices to producers which thereby tends to effectuate the declared policy of the act. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1972 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation, which are similar to those currently in effect, has been made available to producers and handlers in the production area since June 14, 1972, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

**§ 946.327 Limitation of shipments.**

During the period July 16, 1972, through July 31, 1973, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), and (g) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

- (a) *Minimum quality requirements—*
- (1) *Grade.* All varieties—U.S. No. 2, or better grade.
- (2) *Size.* (1) Round varieties—1 1/8 inches minimum diameter.

(ii) Long varieties—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least “fairly clean.”

(b) *Minimum maturity requirements*—(1) *Round and White Rose varieties.* Not more than “moderately skinned.”

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than “slightly skinned.”

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (1) Livestock feed;
- (2) Charity;
- (3) Export;
- (4) Seed;
- (5) Prepeeling;
- (6) Canning, freezing, and “other processing” as hereinafter defined; or
- (7) Grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in subparagraphs (1), (2), (4), (5), (6), and (7) of this paragraph shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in (1), (2), (4), and (6) shall be exempt from assessment requirements specified in § 946.41: *Provided*, That shipments pursuant to subparagraph (7) of this paragraph shall comply with inspection requirements pursuant to paragraph (d) (2) of this section.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for export, prepeeling, canning, freezing, or “other processing” pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment; and

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the

committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments pursuant to paragraph (c) (7) of this section shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for fresh market purposes, each handler desiring to make reshipment of potatoes which have been graded or stored in Morrow or Umatilla Counties, Oreg., shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, and maturity requirements specified in paragraphs (a) and (b) of this section.

(iii) If reshipment is for any of the purposes specified in subparagraphs (1) through (6) of paragraph (c) of this section, each handler making reshipment of potatoes which have been graded or stored in Morrow or Umatilla Counties, Oreg., shall do so in accordance with the applicable safeguard requirements specified in this paragraph (d) or paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington, and (2) for canning, freezing, dehydration, potato chipping, or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* No handler may handle any potatoes regulated hereunder (except pursuant to paragraphs (c) (1), (2), (4), (5), (6), and (7) or (f) of this section) unless an appropriate inspection certificate has been

issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms “U.S. No. 2,” “fairly clean,” “slightly skinned,” and “moderately skinned” shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title as amended February 5, 1972 (37 F.R. 2745)), including the tolerances set forth therein. The term “prepeeling” means potatoes which are clean, sound fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.-2421–52.2433 of this title). The term “other processing” has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoe-strings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute “other processing.” Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to Section 608e-1 of the act and § 980.1 “Import regulations” (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality, and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

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

Dated July 10, 1972, to become effective July 16, 1972.

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

[FR Doc.72-10733 Filed 7-12-72;8146 am]

## PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

### Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, was published in the June 30, 1972, issue of the FEDERAL REGISTER (37 F.R. 12065).

This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than seven days following its publication in the FEDERAL REGISTER. None was filed.

*Findings.* After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1972 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season. Harvesting of early transplant onions is expected to begin about mid-July and of the late summer crop of seeded onions 2 to 3 weeks later.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments may be made to certain special purpose outlets without regard to the grade, size, quality and inspection requirements: *Provided*, That safeguards are met to prevent such onions from reaching unauthorized outlets.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous season, has been made available to producers and handlers in the production area, (4) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date, and (5) notice of the proposed regulation was published in the FEDERAL REGISTER of June 30, 1972.

§ 958.317 Limitation of shipments.

During the period July 17, 1972, through April 30, 1973, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements*—(1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) and (e) of this section.

(c) *Special purpose shipments.* The minimum grade, size, quality and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

- (1) Planting;
- (2) Livestock feed;
- (3) Charity;
- (4) Dehydration;
- (5) Canning; and
- (6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as when used in the "U.S. Standards for Grades of Onions," as amended (§§ 51.2830-51.2854 of this title; 36 F.R. 19243). The term "moderately cured"

means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated July 11, 1972, to become effective July 17, 1972.

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

[FR Doc. 72-10841 Filed 7-12-72; 8:52 am]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onion Imports

Notice of rule making regarding proposed requirements on the importation of onions into the United States to be made effective under section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), was published in the July 1, 1972, FEDERAL REGISTER (37 F.R. 13109).

The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the seventh day after publication. None was filed.

Section 8e-1 of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality, and maturity provisions of such order. The provisions hereinafter set forth comply with those which will become effective July 17, 1972, under Marketing Order No. 958 for onions grown in Idaho and Malheur County, Ore. It is not contemplated that any other marketing order will have concurrent grade, size, quality, and maturity provisions in effect regulating onions until the spring of 1973.

*Findings.* (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality, and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and Malheur County, Ore. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e-1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the July 1, 1972, FEDERAL REGISTER (37 F.R. 13109), and such notice is determined to be reasonable.

## § 980.111 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 17, 1972, and continuing through April 30, 1973, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size, and maturity requirements*—(1) *Yellow varieties*. U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties*. U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties*. At least "moderately cured."

(b) *Condition*. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity*. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine*. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service*. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates*. (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must

give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone 512-385-5385 or 5336).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602-287-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone 213-622-8768).	3 days.
All Hawaii points.	Stevenson Ching, Post Office Box 5425, Pawaia Substation, 1428 South King St., Honolulu, HI 96814 (Phone 808-941-3071).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-931-7663 or 7669).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone 504-527-6741 or 6742).	Do.
All other points.	D. S. Matheson Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the certificate;
- (v) The principal identifying marks on the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation*. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions*. For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned and frozen onions,

onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated July 11, 1972, to become effective July 17, 1972.

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

[FR Doc.72-10842 Filed 7-12-72;8:52 am]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCO Grain Price Support Regs., 1972 Crop Grain Sorghum Supp.]

## PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

### Subpart—1972 Crop Grain Sorghum Loan and Purchase Program

#### Correction

In F.R. Doc. 72-9153 appearing at page 12138 of the issue for Tuesday, June 20, 1972, the penultimate entry under "California" in § 1421.239(a) should read "Yolo" instead of "Yoko".

## Chapter XVIII—Farmers Home Administration, Department of Agriculture

### SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.1, AL-900(451)]

## PART 1861—ROUTINE

### Subpart A—Account Servicing Policies

On Tuesday, November 30, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22766) to revise 7 CFR, Subpart A of Part 1861 to remove all references for the account servicing of participation loans and the proration of regular and extra payments; to redefine the term "refunds" as used in Form FHA 441-1, "Promissory Note"; and to authorize employees receiving collections to make exceptions to the provisions of § 1861.4(a) (1), (2), and (5) when it is necessary to apply a part of a payment to delinquent accounts to prevent the Federal Statute of Limitations from being asserted as a defense in suits on FHA claims. Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. No comments have been received; however, a few minor editorial changes have been made.

In accordance with the above, the regulations as amended, are hereby adopted effective on the date of their publication in the FEDERAL REGISTER (7-13-72).

- Sec.  
 1861.1 General.  
 1861.2 Definitions of types of payments on all loan accounts.  
 1861.3 Distribution of payments when a borrower owes both real estate and other loans to the FHA.  
 1861.4 Application of payments on operating (OL), emergency (EM), economic opportunity (EO) loans to individuals, soil and water conservation (SW) coded "24," and other production-type loan accounts.  
 1861.5 Application of payments on farm ownership (FO), SW (except SW loans coded "24," but including SW loan accounts coded "64"), rural housing (RH), labor housing (LH), senior citizen rental housing (SCH), rural rehabilitation (RR), and resettlement projects (RP) cooperative association, and other real estate (ORE) accounts.  
 1861.6 Changes in the application of loan payments.  
 1861.7 Overpayments and refunds.  
 1861.8 Return of paid-in-full or satisfied notes to borrowers.  
 1861.9 Definitions and other information on FO, SW, ORE, RH, LH, and SCH accounts.  
 1861.10 Servicing of interest credits for section 502 RH borrowers.

**AUTHORITY:** The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 497, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764.

**Subpart A—Account Servicing Policies**

**§ 1861.1 General.**

Borrowers will be required to pay their debts to the Farmers Home Administration (FHA) in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interest of the borrower and the Government. County Supervisors will be responsible for servicing all FHA accounts as prescribed by this subpart and under the general guidance and supervision of State Office personnel. Full use will be made of the County Office Management System in account servicing.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound farm and home planning or budgeting, including plans for debt payments supplemented by effective followup supervision. Account servicing, therefore, must begin with initial planning and must be an integral part of yearend analysis and subsequent planning, as well as followup supervision when required.

(b) *Accounts of collection-only borrowers.* (1) Collection-only borrowers are

expected to discharge debts owed by them to FHA in accordance with their ability to pay. Efforts to collect such debts including effective use of collection letters and account servicing visits, must be coordinated with other program activities. If these borrowers are unable to pay in full, established debt settlement policies should be applied in appropriate cases.

(2) When a collection-only borrower who is employed by the Federal Government has the ability to pay all or a part of the debt owed by him to FHA but refuses to do so, the employing agency, including the military establishment or the Coast Guard, will be contacted by the County Supervisor. The purpose of such contact will be to arrange for the orderly retirement of the debt by allotment or otherwise. This procedure is authorized by 4 CFR 102.5 of Chapter II of the Joint Regulations issued by the General Accounting Office and the Department of Justice pursuant to section 3 of the Federal Claims Collection Act of 1966. If the efforts to collect the debt through this means fail, the County Supervisor will submit the case to the State Director in accordance with the provisions of § 1871.41(c) of this chapter.

(3) Envelopes addressed to collection-only borrowers will bear the legend "Do Not Forward" in order to determine borrower moves at the earliest date. When such envelopes are returned indicating the borrower has moved, appropriate steps will be taken to determine the borrower's correct address.

(4) Present County Office personnel will be expected to service adequately the collection-only caseload in areas where it is moderate. State Directors will assign additional personnel to County Offices having large collection-only caseloads when necessary to service such cases to a conclusion within a reasonable period. State Directors also will inform the National Office of the need for employing special collection personnel in urban areas having large collection-only caseloads when personnel is not available to assign to such areas to service them adequately.

(5) The following actions will be taken in servicing accounts owed by collection-only borrowers:

(i) District Supervisors will review all collection-only cases in each County Office with the County Supervisor as early in each fiscal year as this can be calendared. They will jointly agree on the actions to be taken and will document for each borrower the information requested on Form FHA 451-27, "Review of Collection-Only Accounts."

(ii) District Supervisors will establish with County Supervisors a systematic plan for collecting in full all accounts that can be collected, and initiating appropriate debt settlement actions for eligible cases during the current fiscal year.

(iii) County Supervisors will include in their monthly calendars plans for servicing to a conclusion each month a reasonable part of the cases eligible for

settlement and collecting from those able to pay in full with the goal of achieving the objective in subdivision (ii) of this subparagraph by the end of the current fiscal year.

(iv) On each visit to a County Office, District Supervisors will review the progress being made by County Supervisors to insure that goals will be reached and report the results of such review to the State Director who will maintain such controls as are necessary to accomplish the objective outlined in subparagraph (5) of this paragraph.

(v) District Supervisors will submit Form FHA 451-28, "District Supervisor's Summary," to State Offices as soon as the collection-only review prescribed in subdivision (i) of this subparagraph has been completed but not later than December 31. Form FHA 451-28 will be prepared in an original and one copy. The original will be submitted to the State Office and the copy will be retained by the District Supervisor.

(vi) State Directors will submit a report on Form FHA 493-7, "Collection-Only Borrower Activity Report," to the National Office as of December 31 and June 30. Form FHA 493-7 will be prepared in an original and one copy. The original will be submitted to the National Office and the copy will be retained by the State Office.

(c) *Notifying FHA borrowers of payments.* County Supervisors are responsible for notifying borrowers of the dates and amounts of payments that have been agreed upon for all types of accounts. Form FHA 451-3, "Reminder of Payment to be Made," or similar form, approved by the State Director, will be used for this purpose. These notices will be timed to reach borrowers immediately prior to the receipt of the income from which the payments should be made, or prior to the installment due date on the not as appropriate. Such notices need not be sent, however, when frequent payments are scheduled and the borrower customarily makes his payments when due. The County Supervisor may include on Form FHA 451-3 other pertinent information, such as a reference to agreements reached during the year and sources of income from which the payment was planned.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. Form FHA 451-32, "Notice of Payment Due," may be used to notify borrowers, who make payments directly to the Finance Office, that their payment has not been received. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the

Government's security interest in accordance with applicable FHA requirements. Followup actions for subsequent servicing will be noted on Form FHA 405-1, "Management System Card—Individual," or Form FHA 405-5, "Management System Card—Individual (Rural Housing Only—Monthly Payment)."

**§ 1861.2 Definitions of types of payments on all loan accounts.**

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income, but not including proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as Agricultural Conservation Program (ACP) payments (other than those referred to in paragraph (b) of this section), off-farm income, inheritances, life insurance, and normal income as defined in § 1872.7(b) of this chapter, including income from leases or bonuses. Regular payments in the case of a section 502 RH loan to an applicant involved in an authorized mutual self-help project will include loan funds advanced for the payment of any part of the first and second installments. All payments sent direct to Finance Office by a direct payment borrower are considered regular payments.

(b) *Extra payments.* Extra payments will be payments derived from sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature; refinancing of the real estate debt; mineral royalties; cash proceeds of real property insurance as provided in § 1806.5(b) of this chapter; a sale pursuant to a condition of loan approval, of real estate not mortgaged to the Government; ACP payments as provided in § 1821.53(e), § 1831.12(a)(8), and § 1821.7(c) of this chapter, and transactions of a similar nature.

(c) *Refunds.* Refunds will be payments derived from the return of unused loan or grant funds, except that the term "refunds" as used in Form FHA 441-1, "Promissory Note," will be construed to mean the return of funds advanced for capital goods.

**§ 1861.3 Distribution of payments when a borrower owes both real estate and other loans to the FHA.**

(a) *Distribution of regular payments.* When a borrower owes both FHA real estate loans and other FHA loans, payment received from each crop year's income as regular payments will be distributed in accordance with the following principles, except that when the County Supervisor determines that it is reasonable to expect that the income which will be available for payment on FHA debts will be sufficient to pay the installments scheduled for the year under the first and second priorities, collections may be distributed so as to avoid unnecessary delinquencies, and regular payments derived from rental or lease of real estate security after approval of

foreclosure or voluntary conveyance will be distributed to the real estate lien of the highest priority.

(1) First, to other than real estate loans an amount equal to any advances for the year's operating expenses.

(2) Second, to the real estate and other FHA loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year on other than real estate loans, deduct an amount equal to any advances for the year's operating expenses.

(3) To the real estate and other FHA loans in proportion to the delinquencies existing on each.

(4) To the real estate and other FHA loans for making advance payments. In making such distribution, take into consideration the principal balance outstanding on each, the relative security position of each type of loan, the borrower's wishes, and related circumstances. In individual cases in which the accounts are out of balance because of improper distribution of payments in the past or in which the interest of the Government cannot be properly protected by distribution of payments as provided above, distribution will be made so as to correct such improper distribution or to protect the Government's interest.

(b) *Distribution of extra payments.* Extra payments will be distributed first to the FHA loan having highest priority of lien on the security from which the payment was derived, except as otherwise provided in § 1872.3(e) of this chapter. When the payment is in excess of the unpaid balance of the FHA lien having the highest priority, the balance of such payment will be distributed to the FHA loan having the next highest priority.

(c) *Application of payments.* After the decision is reached as to the amount of each payment that is to be distributed to the real estate and other FHA loans, application of the payment will be governed by § 1861.4 or § 1861.5, as appropriate.

**§ 1861.4 Application of payments on operating (OL), emergency (EM), economic opportunity (EO), loans to individuals, soil and water conservation (SW) coded "24," and other production-type loan accounts.**

Employees receiving payments on OL, EM, EO loans to individuals, SW coded "24" and other production-type loan accounts will select, in accordance with the provisions of this paragraph, the account or accounts to which such payment will be applied. Such employees will show the loan code of the account selected in the first column of Form FHA 451-1, "Receipt for Payment." The payment applicable to the loan code will be shown in the "Total" column. All payments on loans approved December 31, 1971, and prior will be credited by the Finance Office first to unpaid billed interest and then to principal. Employees receiving collections are authorized hereby to make exceptions to the policy of payments being applied to interest first when the unpaid billed in-

terest is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only. The notation "Interest not due" will be inserted on the Form FHA 451-1 in the application block. In general, however, borrowers should be encouraged to pay all billed interest first. All payments on loans approved January 1, 1972, and later will be credited first to interest to the date of the payment and then to principal.

(a) *Rules governing the selection of accounts.* The following rules will govern the selection of accounts and installments to which payments will be applied:

(1) Payments derived from the sale of mortgaged property representing normal farm income or from assignments of income will be applied first to accounts with small balances, including recoverable costs, for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations, except:

(a) When funds loaned for the purchase of capital goods were used to meet the current year's operating expenses (see § 1831.37 of this chapter), payments will be applied first to the final unpaid installments to the extent of the loan funds so used. Such payments will be treated as extra payments.

(b) When installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies to the oldest unpaid account, except that the amount available for payment on operating and emergency loan accounts will be prorated between the two accounts on the basis of the delinquent amount owed on each, or the total amount owed on each if there are no delinquencies.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to the principal will be applied to the final unpaid installment(s).

(3) On partial loan refunds, the amount to be applied to the principal will be applied to the final unpaid installment(s) on the note(s), which evidences such advance(s), except when such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the principal on the first unpaid installment on such note as a regular payment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the loan account(s) on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

(i) To accounts with small balances (including recoverable costs).

(ii) To accounts with the oldest unsecured note(s).

(iii) To accounts with the oldest delinquencies.

(iv) To accounts with the oldest secured note(s).

(6) Employees receiving collections are authorized to make exceptions to the provisions of subparagraphs (1), (2), and (5) of this paragraph when it is necessary to apply a part of a payment to delinquent account(s) to prevent the Federal Statute of Limitations from being asserted as a defense in suits on FHA claims.

(b) *Payments in full.* (1) When it is intended to pay one or more of a borrower's accounts in full, the collection official will collect all of the interest and principal shown on the latest Form(s) FHA 451-26, "Transaction Record," or Form FHA 451-31, "Borrower Transaction Record," for the account(s) to be paid in full plus interest on the account from the effective date of the Form FHA 451-26 or Form FHA 451-31 to the date of the collection.

(2) Errors of significant amount in computation or collection will be called to the attention of the official making the collection by the Finance Office and the borrower's note will not be returned until the balance on the loan account is paid in full. Claims by or on behalf of the borrowers that the amounts owed have been computed incorrectly will be referred to the Finance Office.

§ 1861.5 Application of payments on farm ownership (FO), SW (except SW loans coded "24" but including SW loan accounts coded "64"), rural housing (RH), labor housing (LH), senior citizen rental housing (SCH), rural rehabilitation (RR), and resettlement projects (RP) cooperative association, and other real estate (ORE) accounts.

(a) *Regular payments.* If a borrower owes more than one type of real estate loan, or has received initial and subsequent loans on which separate accounts are maintained, payments on such accounts should be applied so as to maintain the note accounts approximately in balance at the end of the year with respect to installments due on the notes and other charges. For example, to the extent feasible, payments should not be applied so that at the end of year installments of one account are prepaid while an installment due on another account remains unpaid or delinquent.

(1) *Direct loan accounts.* All regular payments on direct loan accounts will be applied first to interest accrued to the

date of the receipt of payment, and then to principal.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account (see § 1861.9(a)(2)(ii)), including unpaid interest on any advances from the insurance fund which is shown on the statement of account, and second to interest accrued on the note as of the date of the receipt of payment. Any remainder will be applied to the principal balance on the note.

(b) *Refunds and extra payments.* (1) Refunds will be applied to the note representing the loan from which the advance was made.

(2) Extra payments will be applied to the note secured by the earliest mortgage on the property from which the extra payment was obtained.

(3) Refunds and extra payments will be applied first to interest accrued on the note and the remainder to the principal balance on the note. Extra payments and refunds will not affect the schedule status of a borrower except indirectly in connection with the reamortization of a direct loan pursuant to § 1861.9(e).

(4) Funds remaining from an RH grant or a combination loan and a grant, after completion of development, will be refunded. If the borrower received a combination loan and grant, the remaining funds up to the amount of the grant are considered to be grant funds.

(c) *County Office actions.*—(1) *Preparation of receipt.* The collection official will complete Form FHA 451-1 in accordance with appropriate requirements.

(2) *Notifying borrowers of application of payments.* (i) Except for ORE loans, Form FHA 451-31 will be sent to the borrower, with copy to the County Office, to show the distribution of any payment applied after January 1, 1972.

(ii) When Form FHA 451-26 is received from the Finance Office showing that an advance has been made for the account of the borrower out of the insurance fund, those borrowers who desire to be notified of the application may be notified by letter of the amount and date of the advance and the application of the advance to interest and principal.

(iii) If the payment received from the borrower is to reimburse the insurance fund for a payment made on the borrower's note account, County Office personnel should be prepared to explain to the borrower the amount of the payment reflected on the receipt that represents the amount of interest that was advanced from the insurance fund in making the payment on the note account.

(iv) When a facsimile of Form FHA 451-1 is received from the Finance Office on ORE borrowers to show the distribution of a payment, the County Office may indicate the distribution on the County Office copy of the form and forward it to the borrower.

(d) *Finance Office handling.*—(1) *Regular payments.*—(i) *Direct loan accounts.* Amounts paid on direct loan accounts will be credited to the borrower's account as of the date of Form FHA 451-1, or for direct payments the date

payment is received in the Finance Office, and will be applied first to interest accrued to the date of the receipt and second to principal.

(ii) *Insured loan accounts.* Amounts paid on insured loan accounts will be credited to the borrower's account as of the date of Form FHA 451-1 or for direct payments the date payment is received in the Finance Office, and will be applied in the following order:

(a) Billed interest on advances from the insurance fund as shown on the latest annual statement of account. (If the collection is intended for final payment of the loan, or to pay the insurance account in connection with an assumption agreement, the collection will be applied first to the interest accrued on the advance to the date of the payment.)

(b) Principal of advance from the insurance fund.

(c) Unpaid loan insurance charges, including the current year's charge, when applicable.

(d) Accrued interest to the date of the payment on the note account and then to the principal balance of the note account.

(2) *Extra payments and refunds.* Extra payments and refunds will be credited to the borrower's note account as of the date of Form FHA 451-1 and will be applied first to interest accrued to the date of the receipt and second to principal. Extra payments and refunds will not affect the schedule status of a borrower except indirectly in connection with the amortization of a direct loan pursuant to § 1861.9(e).

(3) *Notice of applications.* A copy of Form FHA 451-31 will be sent to the County Office showing the application for all loans, except ORE. A facsimile of the receipt will be sent on ORE loans.

(4) *Remittances to lender.* The Finance Office will remit final payments promptly. Other collections (regular, extra, and refunds) applied to a borrower's insured note will be accumulated until the annual installment due date, and will be remitted along with any advances from the insurance fund to the lender within 30 days after the installment due date. All payments to a lender will be credited first to interest to the date of the Treasury check and then to principal. Since the application of a payment to a borrower's account with the Government and the Government's account with a lender is as of a different effective date, the balance owed by a borrower to the Government and by the Government to a lender ordinarily will not be the same. When the bond of an insured SW association loan provides semiannual payments, remittances will be made on a semiannual basis.

§ 1861.6 Changes in the application of loan payments.

(a) *Authority to State Directors.* State Directors are hereby authorized to approve requests for changes in the application of payments between a borrower's real estate and other loan accounts when payments have been applied in error and such requests conform to the policies expressed in this subpart. However, no

change in the application of payments will be made if the payment applied in error resulted in the payment in full of any FHA loan of the borrower and the canceled note(s) has been returned to him.

(b) *Authority to County Supervisors.* County Supervisors are hereby authorized to approve requests for changes in the application of payments within and between OL, EM, SL, SW coded 24, and other production-type loan accounts and within and between real estate accounts, when payments have been applied in error and such requests conform to the rules of application set forth in this subpart. In areas in which the number of requests for reapplication appear to be excessive, the Finance Office will furnish the State Director with the number, by counties, of such requests. State Directors will be responsible for correcting such conditions.

(c) *Form FHA 451-7, "Request for Change in Application."* Requests for changes in application of payments will be made on Form FHA 451-7 which will be prepared by the County Supervisor in an original and one copy.

(d) *Changes made by the Finance Office in application of remittances.* (1) When reapplication of collections is initiated and made by the Finance Office because of renewal notes or because of erroneous application made by that office, it will be accomplished by means of Form FHA 451-8, "Journal Voucher for Loan Account Adjustments." Form FHA 451-31 will be forwarded to show the reapplication.

(2) When it is necessary for the Finance Office to make any corrections in Form FHA 451-1 as prepared by the County Office, the Finance Office will notify the County Office by a footnote on Form FHA 451-31.

(e) *Notifying borrowers.* Borrowers will be notified by Form FHA 451-31 of any reapplication of payments on their loan(s).

#### § 1861.7 Overpayments and refunds.

(a) If, after all principal and interest indebtedness of a borrower has been repaid, there is an additional amount identifiable as "excess" for credit to the borrower, the Finance Office will refund the amount due the borrower. The refund check will be mailed to the borrower in care of the County Supervisor, who will examine his records to see that the refund is due before delivering the check.

(b) If a borrower believes he has made an overpayment and requests a refund, such a request must be in writing. County Supervisors will discourage borrowers from making requests for refunds in cases in which the County Office records show that a refund is not due, unless after being advised of what the County Office records show the borrower still believes he is entitled to a refund. In the latter event, the County Supervisor will forward the request to the Finance Office for further examination. When refunds are requested, Finance Office computations will control.

(c) Underpayments or overpayments of less than \$1 will not be collected or re-

funded (except as provided in paragraph (b) of this section) since the expense of processing the action would be more than the amount involved.

#### § 1861.8 Return of paid-in-full or satisfied notes to borrowers.

(a) *Return of notes after collection.* When a note (or loan-type account) evidencing an OL, EM, EO, SW, SW loan coded "24," or other production-type loans has been satisfied by payment in full, or otherwise, the Finance Office will attach such notes to the copy of Form FHA 451-31 and mail them to the County Office. The County Supervisor will examine the borrower's records in the County Office and determine that the account has been satisfied before delivering the note(s) to the borrower (refer to § 1871.13 of this chapter for the satisfaction of security instruments). The note(s) will be returned to the borrower immediately except that:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the note(s) will not be surrendered until 15 days after the date of final payment, and

(2) When notes are needed in making marginal releases or satisfactions of security instruments, the note will be held until the instruments are satisfied.

(b) *Surrender of notes to effect collection.* (1) In individual cases, County Supervisors are authorized to request the Finance Office in writing to furnish them with promissory notes, together with a statement of the amount due under such notes, when the surrender of the notes is necessary to effect final collection.

(2) County Supervisors are authorized to surrender notes to borrowers in such cases when final payments of the amount due are made in the form of currency and coin, Treasury check, cashier's check, certified check, postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company.

(c) *Lost notes.* If notes evidencing satisfied accounts cannot be found, the following statement will accompany the copy of Form FHA 451-31, "The note(s) in the principal amount(s) of \$----- (list principal amount of each note separately) evidencing the paid-in-full or satisfied account covered by this statement cannot be located." This statement will be signed by the Assistant Head, Communications and Records Management Section. State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes, in cases in which such affidavits are requested by borrowers. The form of such affidavits will be approved by the Office of the General Counsel (OGC).

(d) *Return of notes reduced to judgment.* Notes which have been reduced to judgment are a part of the court records

and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney. Such requests will be referred to OGC.

(e) *Debt settlement cases.* Refer to Part 1864 of this chapter for the handling of notes in debt settlement cases.

#### § 1861.9 Definitions and other information on FO, SW, ORE, RH, LH, and SCH accounts.

(a) *Installment on note and other charges—*(1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this subpart will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note(s).

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes, and insurance.

(2) *Insured loan accounts.* "Loan insurance charge" means a separate insurance charge applying to FO and SW insured loans evidenced by promissory note forms bearing a form date (or revision date) prior to January 8, 1959. For all insured loans evidenced by note forms bearing a form date (or revision date) of January 8, 1959, or later, the insurance charge is called "annual charge" and is included in the interest portion of the annual installment shown in the note. For a borrower with an insured loan, the term "installment on note and other charge" means the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Amounts owed the Agricultural Credit Insurance Fund. These amounts are covered by the general term "Insurance Account" and consist of the following:

(a) Unpaid loan insurance charges from prior years.

(b) Loan insurance charge for the current year. The loan insurance charge is computed on the basis of the amount of the unpaid principal obligation as of the installment due date and is due and payable on or before the next installment due date.

(c) Any unpaid balance on advances from the insurance fund, including any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(d) Any accrued interest on advances from the insurance fund as shown on the statement of account.

(iii) The amounts owed on the insurance account must be paid by regular payments each year whether or not the note account is ahead of schedule.

(b) *Schedule status.* For direct and insured loans, a borrower will be on schedule when the sum of his regular payments through the last preceding due date of the note equals the sum of "installments on his note and other charges" due through the same date. Such a borrower will be ahead of schedule or behind

schedule when the sum of such regular payments in larger or smaller, respectively, than the sum of such "installments on his note and other charges."

(c) *FO payments.* FO borrowers generally will be encouraged to establish a prepayment reserve by paying their FO indebtedness in accordance with the terms of agreements entered into and their ability to pay. The agreements of many borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note and other charges in good years and using the excess to reduce the amount to be paid in poor years. The prepayment reserve which can be established under this system contributes to the security of the borrower's farm ownership by serving as a cushion against the many hazards with which farmers are confronted. The borrower who pays in accordance with his agreements and his ability to pay, operates his farm efficiently, and acts in good faith with respect to other mortgage covenants will enjoy reasonable security in the ownership of his farm. The variation in payment requirements between borrowers resulting from the use of different forms of notes and other payment agreements, with the exception of borrowers required only to pay the fixed annual installments, does not make them inconsistent with the principles of these policies.

(1) *Payment requirements.* All borrowers may make payments ahead of schedule at any time.

(i) FO borrowers whose loans were approved prior to November 1, 1946, and are repaying their loans under variable payment agreement Forms FSA-LE-228 or FSA-550, will be required, subject to the terms of the agreement, to pay each year the amount determined by the County Supervisor to be within their ability to pay.

(ii) Any borrower whose agreement calls only for fixed payments will be encouraged to make additional payments in accordance with his ability.

(iii) Other FO borrowers whose promissory note or supplementary agreement calls for variable payments will be required to pay one installment on note and other charges each year plus any amount the borrower is behind schedule plus any additional sums agreed to by the borrower and the County Supervisor. However, any borrower who is ahead of schedule and whose income for the year is determined to be below normal will be required to pay at least an amount sufficient to keep him on schedule as of the next due date.

(a) The County Supervisor will make a determination as to whether or not a borrower's income for the year was below normal only when requested to do so by a borrower who is ahead of schedule and has not paid an amount equal to the installment on note and other charges for the year. The County Supervisor will advise such a borrower by letter as to whether or not his income for the year has been determined to be below normal and whether he will need to pay

a full installment for the year or may pay less than a full installment.

(b) The borrower's income will be considered not below normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements within reasonable conformance with the farm and home plan, and pay installment on his note and other charges for the year. If the borrower is not receiving yearend analysis, the determination of whether the borrower had a below-normal income year will be made on the basis of an estimate of the borrower's income, based on the information concerning the borrower's production for the year as compared with the production of other borrowers in the area. The County Supervisor may take into consideration facts which probably would affect the borrower's income, such as drought, hail, or insects prevalent in the area and on the borrower's farm, the prevailing level of commodity prices compared with the costs which were probably encountered by the borrower in his particular type of farming, and any other relevant information acquired by the County Supervisor during the year from farm visits, personal interviews, or other reliable sources.

(iv) Any FO borrower whose loan is evidenced by a promissory note form bearing a form date (or revision date) of September 12, 1961, or later, may use ahead-of-schedule payments to forego subsequent payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(d) *RH, LH, RRH, and SW payments.*

(1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(2) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(e) *Reamortizing direct or insured FO, RH, or individual SW accounts.* (1) Such accounts may be reamortized when:

(i) Authorized under Subpart A or B of Part 1821 of this chapter, in connection with making the borrower an additional loan, or

(ii) The borrower has made extra payments or refunds or both totaling 10 percent or more of the loan being reamortized and the State Director determines that the borrower cannot reasonably be expected to meet his obligations unless the account is reamortized to substantially reduce the annual installments. The County Supervisor will send to the State Director for consideration a com-

pleted Form FHA 451-21, "Request for Reamortization of Real Estate Loan," together with a statement of the borrower's extra payments and refunds based on a statement of account from the Finance Office. The date to be inserted on Form FHA 451-21 at the end of the amortization period will be the maturity date of the note to be reamortized. If the State Director makes such determination and approves the reamortization, he will indicate his approval on Form FHA 451-21.

(a) For an insured loan, a new promissory note in an original and one copy executed by the borrower together with an approved Form FHA 451-21 will be sent to the Finance Office. The note form to be used in the preparation of the new note will be the same form number and have the same revision date as the note being reamortized, and if the form is not available in existing stock it will be duplicated. If the loan is owned by a private holder, the Finance Office will have the note assigned to the insurance fund before processing the reamortization. The new note will renew the original note, will show as principal the total amount owed by the borrower as of the date of reamortization, and will show the new annual installment as indicated in subparagraph (2) of this paragraph. This new note will be dated as of the date of reamortization and will be modified as follows:

(1) In the final installment provision (which is usually at the end of the second sentence of the note), the printed language will be changed to read substantially as follows:

except that the final installment of the entire indebtedness evidenced hereby, if not sooner paid, shall be due and payable \_\_\_\_\_, 19\_\_\_\_\_.

The due date of the final installment will be inserted in the blank space. The change in the printed language will be initialed by the borrower in the margin alongside the change.

(2) At the end of the note, above the borrower's signature, insert the following:

This note is given in renewal, but not in satisfaction, of a note from borrower to Government dated \_\_\_\_\_, 19\_\_\_\_\_, in the principal sum of \$\_\_\_\_\_.

The date and face amount of the original note will be inserted in the blank spaces.

(3) On the back of the original of the note being reamortized, below all signatures and endorsements, the Finance Office will insert the following:

A renewal note dated \_\_\_\_\_, 19\_\_\_\_\_, in the principal sum of \$\_\_\_\_\_ has been given in renewal but not in satisfaction of this note.

(4) The legend in (a) (3) of this subdivision will be inserted on the back of the copy of the note by the County Supervisor and such copy will be retained in his files. The date and amount of the renewal note will be inserted in the blank spaces in the legend provided for in (a) (3) of this subdivision.

(5) If the borrower has an assumption agreement and the State Director approves reamortization, the State Director will forward the case file to the National Office for instructions.

(b) For a direct loan, the State Director will send only an approved Form FHA 451-21 to the Finance Office, requesting that the Finance Office reamortize the account within the remaining period of the note or assumption agreement.

(2) For an insured loan, a revised amortization schedule will be calculated in accordance with the following principles:

(i) The total amount (interest and principal and any amount owed the insurance fund) owed on the account as of the date of reamortization will be reamortized as indicated below.

(a) First installment. After considering the debt-paying ability of the borrower, the first installment will be determined as follows:

(1) It may be less but not more than the regular annual installment.

(2) It may not be less than the amount equal to interest from the date of reamortization to February 1 or May 1 of the year following the calendar year in which the loan is reamortized. When a note bearing a March 31 due date is reamortized, the installment date will be changed to January 1.

(b) Regular installment. Regular installments will be calculated in accordance with the appropriate amortization schedule available from any FHA County or State Office, or from its National Office at 14th and Independence Avenue SW., Washington, D.C. 20250, for the remaining number of years of the original note.

(c) The annual installment due dates will be January 1 on the reamortized note.

(3) For a direct loan, when the reamortization schedule has been calculated and processed, the Finance Office will notify the County Supervisor by use of Form FHA 451-26, of such reamortization and will make a notation of the amount of the new annual installment on the back of the reamortized note or assumption agreement, and advise by memorandum of the amount of the new annual installment. The County Supervisor will appropriately change his records to reflect the amount of the new annual installment on the copy of the note or assumption agreement, and will notify the borrower of the change. A new direct loan note or assumption agreement will not be obtained, and no change will be made in the existing note or assumption agreement, except for a direct rural housing loan which has been sold as an insured loan, the reamortization will be handled as an insured loan and a new promissory note is required.

(4) For an insured loan, the Director of the Finance Office may sell the new note in the same manner as other notes owned by the fund. The original copy of the note being reamortized will be attached to the Finance Office copy of the new note and will be retained by the FHA until the account is paid in full or is otherwise liquidated.

#### § 1861.10 Servicing of interest credits for section 502 RH borrowers.

(a) *Purpose.* This section outlines the policies and conditions under which interest credits will be allowed on section 502 rural housing (RH) loans.

(b) *Definitions.* As used in this section:

(1) "Borrower" means an RH borrower who has a low or moderate income and is indebted for a section 502 insured loan that was approved on or after August 1, 1968.

(2) "Interest Credit Agreement" means an agreement between FHA and the borrower executed on Form FHA 444-6, "Interest Credit Agreement (section 502 RH loans)," which provides for interest credits on his loan.

(3) "Review period" means only the months of November and December.

(4) "Substantial change" means a change in a borrower's circumstances that warrants a review of his situation during the next review period. Such a change occurs when—

(i) Either his current family income has been significantly reduced by causes such as death, physical, or mental impairment, or loss of employment; or his family size has increased; and

(ii) As a result of subdivision (i) of this subparagraph, the annual interest credit to which he would be entitled has been increased by at least \$100. "Substantial change" does not apply to circumstances that warrant cancellation of an agreement in accordance with paragraph (d) (1) of this section.

(c) *Determination of interest credits for existing loans.* (1) Review of outstanding interest credit agreements expiring December 31 of the current calendar year. For a borrower in this category a new interest credit agreement may be executed during the review period provided the following conditions can be met:

(i) The borrower meets the eligibility requirements outlined in § 1822.7(n) (1) of this chapter.

(ii) Current and accurate information is obtained about the borrower's family income and net worth.

(a) Complete either the front page of Form FHA 431-3, "Family Budget," or items 1-4 and 15-18 of Form FHA 410-4, "Application for Rural Housing Loans (Nonfarm Tract)," as appropriate.

(b) The County Supervisor will take whatever steps he considers necessary to verify the information obtained on Form FHA 431-3.

(iii) None of the conditions outlined in paragraph (d) (1) of this section exist.

(2) Substantial change or subsequent loan during first year of interest credit agreement. For a borrower who has experienced a substantial change or a borrower who has an initial loan interest credit agreement which will expire December 31 of the succeeding calendar year and a subsequent loan not now subject to an interest credit agreement, a new agreement may, at his request, be executed during the review period in accordance with the conditions outlined in subparagraph (1) of this paragraph. The old agreement will be canceled as of

December 31 of the current calendar year.

(3) Execution of interest credit agreement by borrowers who do not now have such an agreement. For a borrower who does not now have an interest credit agreement because he was ineligible at the time of receiving his initial loan or because his agreement was canceled but who is now eligible because of a substantial change, a new agreement may, at his request, be executed during the review period in accordance with the conditions outlined in subparagraph (1) of this paragraph.

(d) *Cancellation of existing interest credit agreements.* (1) An existing interest credit agreement will be canceled whenever:

(i) The borrower ceases to occupy the housing, or

(ii) Liquidation action is initiated against the borrower, or

(iii) The borrower sells or conveys title to the property.

(2) The effective date of cancellation will be the last day of the month in which the action occurs which causes the cancellation.

(3) The County Supervisor will determine the date of cancellation and notify the Finance Office. The Finance Office will credit the borrower's account with pro rata amount of the interest credit. For example, if an agreement was canceled on June 30 for a borrower entitled to a \$240 annual interest credit, the Finance Office would credit his account for six-twelfths of \$240 or \$120.

(e) *Instruction for completing Form FHA 444-6.* (1) Form FHA 444-6 will be completed in accordance with the guide available in all FHA offices for preparation of this form.

(2) The agreement will be effective for 2 installment years unless the borrower experiences a substantial change or the agreement is canceled in accordance with paragraph (d) of this section.

(3) The signed original of Form FHA 444-6 should be received by the Finance Office not later than December 31 of the current calendar year.

Dated: July 7, 1972.

JOSEPH H. LINSLEY,  
Chief, Organization and Direc-  
tives Management Branch,  
Farmers Home Administration.

[FR Doc.72-10737 Filed 7-12-72;8:49 am]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

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

#### PART 301—ESTABLISHMENT AND ORGANIZATION

##### Economic Development Regional Offices; Locations

Part 301, Subpart C of Chapter III, Title 13 of the Code of Federal Regulations (31 F.R. 16670; 32 F.R. 10836) is

amended to reflect a change in regional office responsibility for all EDA Indian activity.

Section 301.31, paragraph (e) is revised and paragraph (h) is added. As amended, § 301.31 reads as follows:

§ 301.31 Economic Development Regional Offices: Locations.

(e) Rocky Mountain: Suite 505 Title Building, 909 17th Street, Denver, CO 80202. Serving Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

(h) All EDA Indian activity will be the responsibility of the regional office in which the headquarters of the reservation is located.

Effective date of publication (7-13-72).

ROBERT A. PODESTA,  
Assistant Secretary  
for Economic Development.

JULY 5, 1972.

[FR Doc.72-10702 Filed 7-12-72;8:46 am]

## Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12032; Amdt. 39-1479]

### PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Model 542-4, -4K, -10, -10J, and -10K Engines

Correction

In F.R. Doc. 72-10027 appearing at page 13084 of the issue for Saturday, July 1, 1972, "or (c) (2)" should be deleted from the eighth line of paragraph (b) of the directive.

[Docket No. 11409, Amdt. 39-1486]

### PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley de Havilland Model DH-114 Series 2 Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), an amendment to AD 72-7-3 (37 F.R. 5488), Amendment 39-1408 was adopted on May 31, 1972, and made effective immediately as to all known U.S. operators of Hawker Siddeley de Havilland Model DH-114 Series 2 "Heron" airplanes. The amendment provided for the extension of the date for compliance of AD 72-7-3 because of a shortage of replacement parts and the FAA's determination that an extension of the AD's compliance date from June 1, 1972, to September 1,

1972, would provide operators an opportunity to obtain replacement parts and would not adversely affect safety.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and good cause existed for making the amendment effective immediately as to all known U.S. operators of Hawker Siddeley de Havilland Model DH-114 Series 2 "Heron" airplanes by individual telegrams dated May 31, 1972. These conditions still exist, and the amendment is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, Amendment 39-1408 (37 F.R. 5488), AD 72-7-3, is amended by amending the compliance statement to read as follows:

Compliance is required on or before September 1, 1972.

This amendment is effective upon publication in the FEDERAL REGISTER (7-13-72) as to all persons except those persons to whom it was made immediately effective by telegram dated May 31, 1972, which contained this amendment.

(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 Washington, D.C., on July 3, 1972.

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

[FR Doc.72-10696 Filed 7-12-72;8:45 am]

[Airspace Docket No. 72-AL-6]

### PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On April 14, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 7410) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 that would designate a temporary restricted area at the Fort Heiden, Alaska, airport.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Gulf Oil Co. expressed objection to the proposal for the following reasons: The proposed area would cause the airport to be closed, during active use of the area; thus, could preclude normal transportation of their personnel and supplies by air, and emergency air evacuation of personnel due to accident/illness. Alaska Air Service, Inc., also objected to the proposal because it would preclude use of the only airport in an isolated area having hard surface long runways within a 120-nautical-mile radius of Fort Heiden, during active use of the proposed area. No other comments were received.

In view of these comments, the center of the proposed area has been moved

eastward and the radius of the area has been reduced in size. Consequently, these changes will require that only Runway 5/23 be closed and thus permit Runway 13/31 to remain open during active use of the area. Further, the reduced area will not extend nearer than 3 miles from the shoreline; thus, permitting a VFR flyway along the shoreline free of detours around an area as previously proposed. Also, both the number of days the area will be in effect and the daily hours of use have been reduced to shorten the impact effect of this temporary area.

The scientific tests, related to the area's use, are important to advances in the field of very low frequency communications and navigation. In view of this and the time frame involved for conducting the tests, good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (7-13-72), as hereinafter set forth.

Section 73.22 (37 F.R. 2334) is amended by adding the following:

R-2209 FORT HEIDEN, ALASKA

Boundaries: Within a 6,000-foot radius of lat. 58°57'45" N., long. 158°36'00" W.  
Designated altitudes: Surface to 8,000 feet MSL.

Time of designation: 9 p.m. to 6 a.m. local time, August 1 to October 1, 1972, as activated in advance by NOTAM.

Controlling agency: Federal Aviation Administration, Anchorage Air Route Traffic Control Center, Anchorage, Alaska.

Using Agency: Aerospace Corp., Los Angeles, Calif.

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

Issued in Washington, D.C., on July 6, 1972.

PAUL W. ROBINSON,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.72-10695 Filed 7-12-72;8:45 am]

## Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8852]

### PART 13—PROHIBITED TRADE PRACTICES

Associated-East Mortgage Co.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623-95 *Truth in Lending Act*; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823-20 *Truth in Lending Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 *Truth in Lending Act*; § 13.1905 *Terms and conditions*: 13.1905-60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Associated-East Mortgage Co., Camden, N.J., Docket No. 8852, June 12, 1972]

*In the Matter of Associated-East Mortgage Co., a Corporation*

Consent order requiring a Camden, N.J., mortgage loan company to cease requiring mortgage loan applicants to grant respondent the exclusive right to process their loans and to cease failing to make all disclosures to customers required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent Associated-East Mortgage Co., a corporation, its successors and assigns, its officers, agents and representatives and employees, directly or through any corporate or other device, in connection with any extension or arrangement of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

Requiring mortgage loan applicants to grant respondent the exclusive right to process their loans and be required to pay a service charge to respondent upon receipt of a firm mortgage loan commitment conforming to the terms set forth in the loan application, or creating a contractual relationship between respondent and loan applicant within the meaning of § 226.2(cc) of Regulation Z, prior to making the necessary disclosures required by the Truth in Lending Act and Regulation Z.

*It is further ordered*, That respondent, at the time of and in conjunction with issuance of its firm mortgage loan commitment make all disclosures required to be made by § 226.8 of Regulation Z, in the manner and form required by Regulation Z.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions or departments, and that respondent secure from each person in charge of such divisions or departments a signed statement acknowledging receipt of said order.

*It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in

which it has complied with the order to cease and desist contained herein.

Issued: June 12, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-10710 Filed 7-12-72;8:46 am]

[Docket C-2231]

### PART 13—PROHIBITED TRADE PRACTICES

#### Cranson Cars, Inc., and Michael J. Cranson

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*: 13.73-92 Truth in Lending Act; § 13.155 *Prices*: 13.155-95 *Terms and conditions*; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions*: 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Cranson Cars, Inc., et al., Pompano Beach, Fla., Docket No. C-2231, June 7, 1972]

*In the Matter of Cranson Cars, Inc., a Corporation, and Michael J. Cranson, Individually and as an Officer of Said Corporation*

Consent order requiring a Pompano Beach, Fla., retail seller and distributor of used cars to cease violating the Truth in Lending Act by failing to disclose to customers the annual percentage rate, the total number of payments, the deferred payment price, the amount financed, and other disclosures required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Cranson Cars, Inc., a corporation, and its officers, and Michael J. Cranson, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents

offer in the regular course of business to sell for cash the property which is the subject of the credit sale, as required by § 226.8(c) (1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the amount of any downpayment in money made in connection with any credit sale, as required by § 226.8(c) (2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the amount of any downpayment in property made in connection with any credit sale, as required by § 226.8(c) (2) of Regulation Z.

4. Failing to disclose the sum of the "cash downpayment" and the "trade-in", and to describe that sum as the "total downpayment," as required by § 226.8(c) (2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c) (7) of Regulation Z.

7. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (i) of Regulation Z.

8. Failing to disclose the "annual percentage rate" determined in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

9. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

10. Failing to describe the type of any security interest in property held, or to be retained in connection with any extension of credit, as required by § 226.8(b) (5) of Regulation Z.

11. Stating, in any advertisement, the amount of the downpayment required and the amount of monthly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates, or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

12. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

*It is further ordered,* That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution; assignment, or sale, resulting in the emergence of a successor corporation; the creation or dissolution of subsidiaries; or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 7, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-10711 Filed 7-12-72;8:46 am]

[Docket No. 8680]

**PART 13—PROHIBITED TRADE PRACTICES**

**Lehigh Portland Cement Co.**

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, Lehigh Portland Cement Co., Allentown, Pa., Docket No. 8680, June 7, 1972]

*In the Matter of Lehigh Portland Cement Co., a Corporation*

Consent order requiring the third largest manufacturer of portland cement with headquarters in Allentown, Pa., to divest itself of 11 plants in Virginia, 6 plants in Florida, and 22 once acquired—but no longer owned—plants in Florida, Kentucky, and Virginia, if respondent regains ownership or control. As for the ready-mixed concrete plants the order requires that they be kept in operating condition prior to divestiture, that respondent for 2 years after divestiture not sell or deliver ready-mixed concrete within 6 miles of a divested plant, and that respondent not add other ready-mixed concrete plants for 2 years in any county where acquired plants are to be divested. The order also prohibits acquisition of other ready-mixed concrete and concrete products industries for a period of 10 years without prior Federal Trade Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That should respondent regain ownership or control of any ready-mixed concrete plant at the below-listed locations which were acquired by respondent as a result of its acquisitions of Fall City Concrete & Stone Co., Inc., Materials Service Corp., Acme Concrete Corp., Virginia Concrete Co., Inc., or of respondent's own construction, and which respondent no longer owns, such ownership or control shall be divested as provided in Paragraph V herein:

South Jacksonville, Duval County, Fla.  
West Jacksonville, Duval County, Fla.  
South Bayard, Duval County, Fla.  
Pine Castle, Orange County, Fla.  
Orange Blossom Trail, Orange County, Fla.  
Maitland, Seminole County, Fla.  
Titusville, Brevard County, Fla.  
Cocoa, Brevard County, Fla.  
Cocoa Beach, Brevard County, Fla.  
Merritt Island, Brevard County, Fla.  
Eau Gallie, Brevard County, Fla.  
Hialeah, Dade County, Fla.  
Hypoluxo, Broward County, Fla.  
Versailles, Woodford County, Ky.  
Prospect, Jefferson County, Ky.  
Fern Creek, Jefferson County, Ky.  
Outer Loop, Jefferson County, Ky.  
Frankfort, Franklin County, Ky.  
Lexington, Fayette County, Ky.  
Newington, Fairfax County, Va.  
Telegraph Road, city of Alexandria, Va.  
Van Dorn Street, Fairfax County, Va.

II. *It is further ordered,* That respondent Lehigh Portland Cement Co. and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within 48 months from the date this order is accepted by the Federal Trade Commission, shall divest, absolutely, subject to the approval of the Federal Trade Commission, the following ready-mixed concrete plants located in the State of Virginia and acquired by respondent as a result of its acquisition of Virginia Concrete Co., Inc., or of respondent's own construction, together with such land on which they are located and all equipment and trucks, or their normal replacements, as are used for such plants to operate as producers, sellers, and distributors of ready-mixed concrete as of the date this order is accepted by the Federal Trade Commission:

Woodbridge, Prince William County.  
Gainesville, Prince William County.<sup>1</sup>  
Manassas, Prince William County.<sup>2</sup>  
Chantilly, Loudoun County.<sup>3</sup>  
Sterling, Loudoun County.  
Fairfax Station, Fairfax County.  
Edsall Road, Fairfax County.<sup>3</sup>  
Vienna, Fairfax County.  
Falls Church, Fairfax County.  
South Strand Street, city of Alexandria.<sup>3</sup>  
South Shirlington Road, Arlington County.

<sup>1</sup> These plants were not operated in 1970. While respondent would divest the plants and equipment located at these sites, no trucks are used in connection with the plants and are therefore not available for divestiture.

<sup>2</sup> These plants are located on leased land and respondent will assign its interest in such land insofar as possible.

<sup>3</sup> At this location, respondent shall have the option of providing leased land on which the plant is located.

III. a. *It is further ordered,* That respondent Lehigh Portland Cement Co., and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within 48 months from the date this order is accepted by the Federal Trade Commission, shall divest, absolutely, subject to the approval of the Federal Trade Commission, the following ready-mixed concrete plants located in the State of Florida and acquired by respondent as a result of its acquisitions of Materials Service Corp. and Acme Concrete Corp. or of respondent's own construction, together with such land on which they are located and all equipment and trucks, or their normal replacements, as are used for such plants to operate as producers, sellers, and distributors of ready-mixed concrete as of the date of this order is accepted by the Federal Trade Commission:

Daytona, Volusia County.  
Indian River City, Brevard County.<sup>4</sup>  
Pompano Beach, Broward County.  
South Miami, Dade County.<sup>5</sup>  
Fort Lauderdale, Broward County.  
North Miami, Dade County.

b. Notwithstanding the requirements of Paragraph III(a) and in lieu of the divestiture required therein, respondent may elect, within 2 years from the date this order is accepted by the Federal Trade Commission, to divest, subject to the approval of the Federal Trade Commission, the portland cement manufacturing plant owned by respondent and located in Dade County, Fla., together with respondent's distribution terminal facilities located in the State of Florida, provided, however, that such divestitures may be made singly or in a group, and, further provided that if the respondent, notwithstanding good faith efforts to divest, shall be unable to divest its terminal located at Orlando, Fla., within 2 years after divestiture of its cement plant, respondent may retain such terminal for its own use. The election in accordance with this Paragraph III(b) shall be accomplished by a formal written notification to the Federal Trade Commission, and once made, will be irrevocable. Divestiture in accordance with this Paragraph III(b) shall be accomplished within 36 months from the date the notification of election is made to the Federal Trade Commission. In the event respondent elects to divest such cement plant, the provisions of paragraph VI, VII, VIII, and IX herein shall not thereafter be deemed applicable insofar as they relate to the State of Florida.

IV. *It is further ordered,* That, in the aforesaid divestitures, none of the stock and/or assets be sold or transferred, directly or indirectly, to any person who

<sup>4</sup> This plant was not operated in 1970. While respondent would divest the plant and equipment located at this site, no trucks are used in connection with this plant and are therefore not available for divestiture.

<sup>5</sup> This plant is located on leased land and respondent will assign its interest insofar as possible.

is at the time of divestiture an officer, director, employee, or agent of, or under the control or direction of, Lehigh or any of its subsidiaries or affiliates, or to any person who owns or controls directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Lehigh or any of its subsidiaries or affiliates.

V. *It is further ordered*, That with respect to the divestitures provided in Paragraphs II and III herein, nothing in this order shall be deemed to prohibit respondent from accepting consideration which is not entirely cash and from accepting and enforcing a loan, mortgage, pledge, deed of trust, or other security interest for the purpose of securing to respondent full payment of the price, with interest, received by respondent in connection with such divestitures: *Provided however*, That should respondent by enforcement of such security interest, or for any other reason, regain direct or indirect ownership or control of any of the divested plants, land, and equipment, said ownership or control shall be red-vested subject to the provisions of this order, within such reasonable period as is granted by the Federal Trade Commission for this purpose, but in no event in excess of 1 year from the date of reacquisition.

VI. *It is further ordered*, That pending divestiture, respondent shall not make any changes in the plants specified in Paragraphs II and III(a) herein or in the trucks and other equipment presently used by them which shall impair their present capacity for the production, sale, and distribution of ready-mixed concrete or their market value.

VII. *It is further ordered*, That for a period of 2 years from the date of divestiture of any ready-mixed concrete plant or group of plants described in Paragraphs II and III(a) herein, respondent shall not sell or deliver ready-mixed concrete within a distance of 6 miles of the divested plant or group of plants: *Provided, however*, That this paragraph shall not be applicable to those plants in Dade County, Fla., known as the North Miami and South Miami plants.

VIII. *It is further ordered*, That either (1) for a period of 2 years from the date of divestiture of any ready-mixed concrete plant or group of plants described in Paragraphs II and III(a) herein, or (2) for so long as respondent retains a bona fide lien, mortgage, deed of trust, or other security interest in any such plant or group of plants divested for the purpose of securing payment of the price at which said plant or group of plants were transferred, whichever is longer, respondent may provide no more portland cement to that plant or group of plants than an amount, in barrels, equal to seventy-five (75) percent of the portland cement consumed by that plant or group of plants during the calendar year immediately preceding that in which divestiture is made: *Provided, however*, That this provision may be waived in regard to a particular purchaser should the Commission find upon the application of the purchaser that such a re-

striction would not be in the public interest. Such determination shall be solely at the discretion of the Commission.

IX. *It is further ordered*, That respondent shall not install or operate any additional ready-mixed concrete plants in any county where acquired plants are to be divested for a period beginning with the date this order is accepted by the Federal Trade Commission and continuing until 2 years from the date of divestiture of the last plant required to be divested in that county: *Provided however*, That this provision may be waived in regard to a particular county should the Commission find upon a showing of changed competitive circumstances that such a restriction would not be in the public interest. Such determination shall be solely at the discretion of the Commission.

X. *It is further ordered*, That in the event the respondent elects to divest the cement plant and distribution terminals pursuant to Paragraph III(b) of this order, respondent shall not install or operate any additional cement plants in the State of Florida for a period beginning with the date this order is accepted by the Federal Trade Commission and continuing until 2 years from the date of the divestiture required by Paragraph III(b) of this order.

XI. *It is further ordered*, That commencing upon the date this order is accepted by the Commission and continuing for a period of 10 years from and after the date of completing the divestiture required by this order, respondent shall cease and desist from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or any interest in any domestic concern which in any of the 5 years preceding the proposed acquisition was either engaged in the production or sale of ready-mixed concrete or concrete products within respondent's marketing area for portland cement at the time of such proposed acquisition, or purchased in excess of 50,000 barrels of portland cement within such marketing area, or of any capital assets of such domestic concern pertaining to such concrete production or sale or cement purchases.

XII. *It is further ordered*, That respondent within sixty (60) days from the date of service of this order, and every one hundred eighty (180) days thereafter, or at such other times as may be required but not more frequently than ninety (90) days, until it has fully complied with the provisions of this order, shall submit in writing to the Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall include, among other things which may from time to time be required, a summary of all contacts and negotiations with all persons who are contacted by or who express to respondent a possible interest in acquiring ownership or control over the assets, properties, rights, or privileges to be divested under this order, the identity of all such persons,

copies of any proposed or executed sales contracts, copies of any internal corporate documents discussing such divestiture, and copies of all written communications from and to such potential purchasers.

Respondent shall also submit to the Commission within ninety (90) days of the close of each calendar year a full report of all facts required by the Commission to determine whether respondent is complying with Paragraphs VII, VIII, and XI of this order.

XIII. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of the order, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries, and that this order shall be binding on any such successor.

XIV. *It is further ordered*, That respondent provide a copy of this order to each purchaser of plants divested pursuant to this order at or before the time of purchase.

Issued: June 7, 1972.

By the Commission.

[SEAL]

CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-10709 Filed 7-12-72;8:40 am]

## Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,  
Department of the Treasury

[T.D. 72-187]

### PART 16—LIQUIDATION OF DUTIES Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the period January 1972 through May 1972 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period January 1972 through May 1972 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS		Net amount of bounty per 2,240 lbs. of sugar content
Month		
January 1972	-----	Aus. \$31.10.
February 1972	-----	NIL.
March 1972	-----	NIL.
April 1972	-----	NIL.
May 1972	-----	NIL.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 70-225 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

§ 16.24 Countervailing duties.

Country	Commodity	Treasury Decision	Action
Australia	Sugar content of certain articles.	71-276 72-61 72-187	New rate. New rate. New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: June 30, 1972.

EUGENE T. ROSSIDES,  
*Assistant Secretary  
of the Treasury.*

[FR Doc.72-10732 Filed 7-12-72;8:48 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 D—Food Additives Permitted in Food for Human Consumption

MODIFIED COTTONSEED PRODUCTS

The Commissioner of Food and Drugs having evaluated data in a petition (FAP OA2518) filed jointly by U.S. Department of Agriculture, Agricultural Research Service, Southern Utilization Research and Development Division (presently Southern Marketing and Nutrition Research Division), 1100 Robert E. Lee Boulevard, New Orleans, La. 70179, and by Dorr-Oliver, Inc., 77 Havemeyer Lane, Stamford, Conn. 06904, and other relevant material, concludes that the food additive regulations should be amended

as set forth below to provide for the safe use of an extracted, deglanced cottonseed flour for human consumption.

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), § 121.1019 is amended by revising the section heading and text as follows:

§ 121.1019 Modified cottonseed products intended for human consumption.

The food additive modified cottonseed products may be used for human consumption in accordance with the following prescribed conditions:

(a) The additive is derived from:

(1) Decorticated, partially defatted, cooked, ground cottonseed kernels; or

(2) Decorticated, ground cottonseed kernels, in a process that utilizes *n*-hexane as an extracting solvent in such a way that not more than 60 parts per million of *n*-hexane residues remain in the finished product.

(b) The additive is prepared to meet the following specifications:

(1) Free gossypol content not to exceed 450 parts per million.

(2) It contains no added arsenic compound and therefore may not exceed a maximum natural background level of 0.2 part per million total arsenic, calculated as As.

(c) To insure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the Act, the name of the additive, "partially defatted, cooked cottonseed flour" or "extracted, deglanced cottonseed flour," as applicable.

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 (7-13-72).

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

Dated: June 29, 1972.

SAM D. FINE,  
*Associate Commissioner  
for Compliance.*

[FR Doc. 72-10712 Filed 7-12-72;8:47 am]

**Title 50—WILDLIFE AND FISHERIES**

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

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-13-72).

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

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kans., is permitted from October 1 through November 30, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

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

KEITH S. HANSEN,  
*Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.*

JULY 3, 1972.

[FR Doc.72-10710 Filed 7-12-72;8:47 am]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-13-72).

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

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge,

N. Mex., is permitted from December 2 through December 3, 1972, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State, Federal, and military regulations, subject to the following special conditions.

(1) Hunters must check in and out in person at the check station located on the Jornada Road near U.S. 70. The check station will be open 24 hours a day. Hunt-

ers may check in during the afternoon of December 1, 1972. Time of entry to the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 3, 1972.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of the officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one

area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 3, 1972.

JOHN H. KIGER,  
Refuge Manager, San Andres  
National Wildlife Refuge, Las  
Cruces, N. Mex.

JUNE 14, 1972.

[FR Doc.72-10718 Filed 7-12-72;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. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program. The entry reads as follows:

#### § 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Contra Costa	Lafayette	I 08 013 1779 09 through I 08 013 1779 14	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802.	Office of the City Manager, City of Lafayette, 975 Oakland St., Lafayette, CA. 94519.	Feb. 17, 1971. Emergency. June 23, 1972. Regular.
Colorado	Jefferson	Arvada	I 08 059 0080 01 through I 08 059 0080 05	California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103. Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Office of the City Engineer, City of Arvada, 8101 Ralson Road, Arvada, CO 80002.	May 1, 1971. Emergency. June 23, 1972. Regular.
Massachusetts	Essex	Salem				June 23, 1972. Emergency.
New Jersey	Burlington	Evesham Township				Do.
Do	Cumberland	Fairfield Township				Do.
Do	Union	Garwood Borough				Do.
Do	Essex	Montclair				Do.
Do	Morris	Mount Olive Township				Do.
Do	do	Randolph Township				Do.
New York	Cattaraugus and Erie	Gowanda				Do.
North Carolina	New Hanover	Unincorporated areas				Do.
Pennsylvania	Cumberland	Lower Allen Township				Do.
Rhode Island	Washington	Charlestown	I 44 009 0045 02 through I 44 009 0045 00	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Town Clerk's Office, Town Hall, South County Trail, Charlestown, R.I. 02913.	Oct. 29, 1970. Emergency. June 23, 1972. Regular.
Do	do	South Kingstown	I 44 009 0205 05 through I 44 009 0205 16		Town Hall, 66 High St., Wakefield, RI 02879.	Sept. 9, 1970. Emergency. June 23, 1972. Regular.
Texas	Cameron	Harlingen	I 48 061 3030 03 through I 48 061 3030 26	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	City Hall, 118 East Tyler, Harlingen, TX 78550.	Nov. 9, 1970. Emergency. June 23, 1972. Regular.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Texas	Johnson	Cleburne	I 48 251 1370 01 through I 48 251 1370 03	Texas Insurance Department, 1100 San Jacinto St., Austin, TX 78701.	City Engineer's Office, 302 West Henderson St., Cleburne, TX 76031.	Apr. 2, 1971. Emergency. June 23, 1972. Regular. June 23, 1972. Emergency. Do.
Washington	Clark	Unincorporated areas.				
Do.	Cowlitz	Woodland				

(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) (designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: July 10, 1972.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.72-10753 Filed 7-12-72;8:52 am]

**PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS**

**List of Communities With Special Hazard Areas**

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

**§ 1915.3 List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Contra Costa	Lafayette	H 06 013 1779 09 through H 06 013 1779 14	Department of Water Resources, Post Office Box 888, Sacramento, CA 9582.	Office of the City Manager, City of Lafayette, 975 Oakland St., Lafayette, CA 94512.	Feb. 17, 1971.
Colorado	Jefferson	Arvada	H 08 059 0050 01 through H 08 059 0050 05	Colorado Water Conservation Board, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, City of Arvada, 8101 Ralston Road, Arvada, CO 80002.	May 1, 1971.
Massachusetts	Essex	Salem				June 23, 1972.
New Jersey	Burlington	Bvesham Township.				Do.
Do.	Cumberland	Fairfield Township.				Do.
Do.	Union	Garwood Borough.				Do.
Do.	Essex	Montclair.				Do.
Do.	Morris	Mount Olive Township.				Do.
Do.	do	Randolph Township.				Do.
New York	Cattaraugus and Erie	Gowanda				June 23, 1972.
North Carolina	New Hanover	Unincorporated areas.				Do.
Pennsylvania	Cumberland	Lower Allen Township.				Do.
Rhode Island	Washington	Charlestown	H 44 009 0045 02 through H 44 009 0045 09	Rhode Island Statewide Planning Program, 235 Melrose St., Providence, RI 02907.	Town Clerk's Office, Town Hall, South County Trail, Charlestown, RI 02813.	Oct. 30, 1970.
Do.	do	South Kingstown	H 44 009 0205 05 through H 44 009 0205 16	Rhode Island Insurance Division, 109 Weybosset St., Providence, RI 02903.	Town Hall, 66 High St., Wakefield, RI 02879.	Sept. 9, 1970.
Texas	Cameron	Harlingen	H 48 061 3030 03 through H 48 061 3030 26	Texas Water Development Board Post Office Box 13067, Capitol Station, Austin, TX.	City Hall, 118 East Tyler, Harlingen, TX 78550.	Nov. 6, 1970.
Do.	Johnson	Cleburne	H 48 251 1370 01 through H 48 251 1370 03	Texas Insurance Department, 110 San Jacinto St., Austin, TX 76701.	City Engineer's Office, 302 West Henderson St., Cleburne, TX 76031.	Apr. 2, 1972.
Washington	Clark	Unincorporated areas.				June 23, 1972.
Do.	Cowlitz	Woodland				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) (designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: July 10, 1972.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.72-10754 Filed 7-12-72;8:52 am]

## Title 6—ECONOMIC STABILIZATION

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

#### Miscellaneous Amendments

The purpose of these amendments is to make several changes of a clarifying or informational nature to the price stabilization regulations of the Price Commission.

The definition of the word "manufacturer," in § 300.5, is amended to make it clear that the production of gas from wells is not included within the term. Producers of gas from wells are treated as a regulated public utilities under §§ 300.16 and 300.16a.

Section 300.18 is amended by adding a new sentence at the end of paragraph (c) to make it clear that the making of an application for an exception under subparagraph (2) thereof does not prevent the provider of health services from exercising its authority to increase its aggregate annual revenues, in accordance with the lower limitations in subparagraph (1), before the exception application is acted upon.

Section 300.31(e) is amended to clarify the Commission's intent with regard to the markup limitation applicable to retailers and wholesalers. The present language is unclear as to whether the 8 percent limitation applies to the customary initial markup or the markup in effect on the day before the firm elected to be subject to the section. It is the intent of the Commission to apply the limitation to the customary initial markup of the firm.

The heading and introductory clause of paragraph (a) of § 300.53, relating to actions which the Commission may take for failure to file certain "reports," is amended to make it clear that the section also applies to the filing of certain other documents, required by or under the listed sections of the regulations, which may not be formally designated as "reports."

Section 300.81(d)(2) is amended to ease the unintended restriction that, in certain cases, a price must have been in effect for at least 30 days before it could be considered to be a seasonal adjustment. It is the Commission's intention that, in cases such as the Mardi Gras in New Orleans and the Indian-

apolis "500" Mile auto race, the seasonal adjustment may be determined on the length of the actual season, if the other requirements of § 300.81 are met.

A new § 300.127 is added to state the general conditions under which requests for exceptions to the rules in Part 300 will be considered.

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective July 14, 1972.

Because the purpose of these amendments is to provide clarification of existing provisions and not to effect any substantive change, and to provide information concerning existing provisions, it is hereby found that notice and public procedure thereon is unnecessary and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 85 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

Issued in Washington, D.C., on July 11, 1972, by direction of the Commission.

W. DAVID SLAWSON,  
General Counsel, Price Commission.

#### § 300.5 [Amended]

(1) The definition of the word "manufacturer" in § 300.5 is amended by deleting the words "gas or".

2. Paragraph (c) of § 300.18 is amended by inserting the following new flush sentence at the end thereof:

§ 300.18 Institutional providers of health services.

(c) *Additional limitations.* \* \* \*

An application under subparagraph (2) of this paragraph for an exception does not prevent the provider from exercising his authority under subparagraph (1) of this paragraph to charge a price in excess of the base price before the request for an exception is acted upon.

#### § 300.31 [Amended]

3. The second sentence of paragraph (e) of § 300.31 is amended by deleting the words "in effect on the day before the day on which the firm elected to be sub-

ject to this section" and inserting the words "of such product" in place thereof.

4. The heading of § 300.53 and the introductory clause of paragraph (a) of § 300.53 as amended to read as follows:

§ 300.53 Effect of failure to file reports or other documents required by or under certain sections of this part.

(a) If a person who is required to file a report or other document with the Price Commission by or under §§ 300.16, 300.16a, 300.20, 300.31, 300.32, 300.51, 300.52, 300.54, or any other section of this part pertaining to the filing of reports or other documents, does not, within the time limits prescribed in or pursuant to that section, file the report (including any optional report) or other document which complies with that section or an order issued under that section—

5. Paragraph (d) of § 300.81 is amended to read as follows:

§ 300.81 Seasonal patterns.

(d) *Allowable price.* Subject to paragraph (e) of this section, if the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by the person concerned is the greater of the following:

(1) The base price determined under Subpart F of this part; or

(2) The price charged by that person during the first 30 days of the period following the seasonal price adjustment, or if the season was less than 30 days, during the period of that season.

For the purposes of subparagraph (2) of this paragraph, the price charged during that 30-day period, or the period of the season if less than 30 days, is the weighted average of the prices charged on all transactions during that period.

6. Subpart A of Part 300 is amended by adding the following new section at the end thereof:

§ 300.127 Exceptions.

(a) The Chairman of the Price Commission or any person to whom he delegates the authority may grant such exceptions from the regulations of this part as may be necessary to prevent or correct serious hardships or gross inequity.

(b) The procedures for exceptions requests are set forth in Subpart C of Part 305 of this title and Subpart D of Part 401 of this title.

[FR Doc.72-10840 Filed 7-12-72;8:52 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 111]

### CUSTOMHOUSE BROKERS

#### Retention of Brokers' Records; Use of Microfilm

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and sections 624 and 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1624, 1641), it is proposed to amend § 111.23 of the Customs Regulations (19 CFR 111.23), to allow customhouse brokers to microfilm their records at any time after the entry to which the documents pertain has been liquidated, and to set standards for such microfilming. It is also proposed that hard-copy reproductions of any or all microfilmed records be made available when required at the expense of the customhouse brokers.

Accordingly, it is proposed to amend § 111.23 by revising paragraph (b) and adding a new paragraph (c), to read as follows:

#### § 111.23 Retention of books and papers.

(b) *Microfilming of books and papers.* A broker, with the approval of the district director for the district in which he is licensed, may record on microfilm any books and papers, other than books of account or powers of attorney, required to be retained under the provisions of paragraph (a) of this section, at any time after the entry to which these books and papers pertain has been liquidated, upon the following conditions:

(1) *Approval of microfilming.* The broker shall submit to the district director for the district in which he is licensed a request for approval to microfilm records containing the following certification:

This certifies that the records for which this approval is requested shall be microfilmed in accordance with the standards set forth in § 111.23(c) of the Customs Regulations (19 CFR 111.23(c)).

(2) *Retention of microfilm records.* The broker shall retain and keep available an original and one reproduction of each microfilm for the period specified by paragraph (a) of this section.

(3) *Use of microfilm records.* The reproduction copy of the original negative

microfilm of books and papers may be used for reference purposes. However, the original negative microfilm shall not be used for reference purposes, and adequate measures shall be taken to keep the original negative clean and free from scratches.

(4) *Hard-copy reproductions.* Brokers microfilming their records shall use microfilm equipment having the capability of making direct hard-copy reproductions of the microfilmed records.

(5) *Expense of reproductions.* Brokers shall bear the expense of making hard-copy reproductions of any or all microfilmed records required by the director, field audit, the special agent in charge, or other proper official of the Bureau of Customs for the audit or inspection of books and records.

(c) *Standards required for microfilming.* Brokers microfilming their records shall maintain the integrity of the original records by insuring that the microfilm copies are true reproductions of the original records and serve the purpose for which such records were created. The following shall be observed in any microfilming:

(1) Copies shall contain all significant record detail shown on the original.

(2) Copies of the records, on either roll microfilm or unit microfilm systems, shall be so arranged, identified, and indexed that any individual document or component of the records can be located with reasonable facility.

(3) Any indexes, registers or other finding aids shall be microfilmed at the beginning of the records to which they relate.

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

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

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

Approved: June 30, 1972.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc.72-10731 Filed 7-12-72;8:48 am]

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection  
Service

[9 CFR Parts 317, 319]

### "COUNTRY" OR "COUNTRY STYLE" HAMS AND PORK SHOULDERS

#### Proposed Standards

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by sections 7 and 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 607, 621), proposes to amend the Federal meat inspection regulations (9 CFR, Chapter III, Subchapter A) to establish a standard of identity for products labeled "Country Ham," "Country Style Ham," "Country Pork Shoulder," and "Country Style Pork Shoulder."

*Statement of considerations.* On July 17, 1971, there appeared in the FEDERAL REGISTER (36 F.R. 13273) a notice of proposed rule making, pursuant to a request by a group of meat packers in North Carolina, to provide a standard to establish preparation practices and product characteristics for hams and pork shoulders labeled with the term "Country" or "Country Style." The comment period was extended for 30 days through a FEDERAL REGISTER notice on September 24 (36 F.R. 18959).

A total of 145 written comments were received on the proposed standard. Additional views were expressed orally. These were transcribed and included in the record. Although the comments differed considerably, general agreement was indicated on the following points:

1. A standard for hams and pork shoulders labeled "Country" or "Country Style" should be established.

2. The term "Country" should be considered as generic when used in the labeling of hams and pork shoulders, referring to product characteristics rather than the location of finished product production.

3. Hams and pork shoulders labeled with the term "Country" should be dry cured, have a salt content of at least 4 percent throughout and shrink during processing not less than 18 percent from the weight of the raw uncured meat from which prepared.

4. "Country" or "Country Style" hams and pork shoulders must be free of live trichinae.

5. The processing method should result in product capable of being distributed without refrigeration.

A significant number of the comments recommended that the standard be sufficiently flexible to permit processors to prepare products with the variable characteristics of flavor and texture or other unique properties that are familiar to and expected by their customers. It was suggested frequently that the standard should allow for the largest possible range of sweetening agents, spices, and flavorings to provide for products with differing taste properties.

The numerous recommendations made on the curing and salt equalization periods to be associated with the products lacked unanimity. They did generally agree, however, that the combination of the periods should not be less than 50 days.

The comments contained very little concurrence on the processing details that should be associated with the standard. They indicated, however, considerable agreement on the merits of including provisions to permit product preparation under natural atmospheric conditions.

It was apparent from the comments that processing operations used with "Country" hams and pork shoulders, after curing and salt equalization, have differed widely. Processors indicate drying practices have been employed that produce products with the characteristics of taste, texture, and appearance desired by their customers. Numerous requests were made that the standard include sufficient processing latitude to provide for the continued preparation of products with the distinctive properties that receive consumer favor.

A requirement for a maximum internal temperature for the cuts when heated during the drying period is necessary in order to prevent the destruction of natural enzymes needed for development of characteristic product flavors. The comments suggest that allowing a temperature in excess of 95° F. would not be consistent with processing practices that have been traditionally associated with hams and pork shoulders merchandised as "Country."

The proposed standard provides compositional and processing leeway to permit packers to prepare products that have gained consistent consumer acceptance in many areas of the country.

Because of the great interest in a standard for these important products and the wide range of views and comments submitted on the proposal of July 17, it is considered essential that a revised proposed standard be published which reflects full consideration of the additional information provided to the Department.

1. Subpart D of Part 319 would be amended by adding thereto a new § 319.106 to read:

§ 319.106 "Country Ham" and "Country Pork Shoulder."

(a) "Country Ham" (or "Country Style Ham") and "Country Pork Shoulder" (or "Country Style Pork

Shoulder") are the uncooked, cured, dried, smoked, or unsmoked meat food products made respectively from solid meat conforming to the definition of "ham" as specified in § 317.8(b)(13) of this subchapter or from solid meat from a pork shoulder. They are prepared in accordance with paragraph (b) of this section by the dry application of salt (NaCl), or salt (NaCl) and one or more of the optional ingredients as specified in paragraph (d) of this section.

(b)(1) The entire exterior of the ham or pork shoulder is coated by the dry application of salt or salt combined with other ingredients as permitted in paragraph (d) of this section. Additional salt or salt mixed with other ingredients, as permitted, is reapplied to the product if necessary to insure complete penetration of the cure. The temperature during the curing period shall not be higher than 42° F. nor lower than 36° F. At the end of the curing period, the temperature may be raised to 55° F. to allow for salt equalization. The combined periods for curing and salt equalization shall not be less than 50 days. The products may be held under natural atmospheric conditions for curing and salt equalization where the temperatures approximate those cited above. The product is then air dried under natural or controlled atmospheric conditions and may be smoked with or without heat. If heated, the internal temperature of the product shall not exceed 95° F. The products may also be cured by the application of the curing mixture at the rate of a minimum 4 pounds for each 100 pounds of meat and wrapped for curing, salt equalization, and aging.

(2) The product shall attain a minimum shrinkage of 18 percent below the weight of the raw meat from which prepared and have a salt content of not less than 4 percent.

(c) The required ingredients for the products defined in paragraph (a) of this section are:

(1) Ham or pork shoulder, as appropriate.

(2) Salt (NaCl).

(d) The optional ingredients for the products defined in paragraph (a) of this section are:

(1) One or more of the following sweetening agents:

(i) Sucrose.

(ii) Dextrose.

(iii) Honey.

(iv) Other sugars or products of sugars or products similar to sugar as approved by the Administrator in specific cases.

(2) One or more of the following in dry form:

(i) Black pepper.

(ii) Red pepper.

(iii) Other spices or flavorings as approved by the Administrator in specific cases.

(3) One or more of the following curing agents in dry form, used in accordance with § 318.7(c) of this subchapter.

(i) Sodium or potassium nitrate.

(ii) Sodium or potassium nitrite.

(e) The product must be treated for the destruction of possible live trichinae.

(f) The method of preparation must result in product capable of being distributed without refrigeration.

(g) Products prepared in compliance with this section shall bear an ingredient statement and other labeling information as prescribed in Part 317 of this subchapter.

#### § 317.8 [Amended]

2. In § 317.8(b), the following provision would be added at the end of the first sentence in subparagraph (2): "And provided further, That the provisions of this subparagraph shall not apply to products prepared in accordance with § 319.106 of this subchapter."

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Standards and Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 60-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views presented pursuant to this notice will be made available for public inspection in the office of the Hearing Clerk during regular hours of business unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise notice will be given of the denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 10, 1972.

RICHARD E. LYNG,  
Assistant Secretary.

[FR Doc.72-10770 Filed 7-12-72;8:53 am]

Federal Crop Insurance Corporation  
[ 7 CFR Part 401 ]

#### FEDERAL CROP INSURANCE

#### Good Faith Reliance on Misrepresentation

Pursuant to the statement of policy issued by the Secretary of Agriculture on

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 39 ]

[ Docket No. 12050 ]

### SIAI MARCHETTI MODELS S.205 AND S.208 AIRPLANES

#### Proposed Airworthiness Directive

July 20, 1971, and published in the FEDERAL REGISTER on July 24, 1971 (36 F.R. 13804), notice is hereby given that the Board of Directors of the Federal Crop Insurance Corporation is considering and tentatively approved at its meeting on June 19, 1972, an amendment to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, as amended (7 CFR 401.101 et seq.), issued pursuant to the Federal Crop Insurance Act, as amended 7 U.S.C. section 1501 et seq., to be effective beginning with the 1973 crop year, which would revise § 401.107 in its entirety to read as follows:

§ 401.107 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the insurance contract, whenever an insured person under any contract of crop insurance entered into under these regulations, or any other regulations in this chapter issued pursuant to the Federal Crop Insurance Act, as amended, has suffered a loss to a crop which is not insured, or for which he is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which he believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, because of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation and the Board of Directors of the Corporation finds (a) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (b) that said insured person relied thereon in good faith, and (c) that to deny said insured's claim for indemnity would not be fair and equitable, such insured person shall be entitled to such indemnity the same as if otherwise entitled thereto.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should send the same to Richard H. Aslakson, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be delivered or postmarked not later than the 30th day after publication of this notice in the FEDERAL REGISTER to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Manager during regular business hours (7 CFR 1.27(b)).

Dated: June 19, 1972.

[SEAL] LLOYD E. JONES,  
Secretary,  
Federal Crop Insurance Corporation.  
[FR Doc.72-10769 Filed 7-12-72;8:52 am]

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain SIAI Marchetti Models S.205 and S.208 airplanes. There have been reports of fraying of the aileron and flap control cables caused by contact between the cables and the metallic cup, P/N 205-1-156-11, at the passage area from the fuselage to the wings on certain SIAI Marchetti Models S.205 and S.208 airplanes which could result in a serious reduction in control effectiveness. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspections for frayed flap or aileron cables, and for contact between the cables and the metallic cup P/N 205-1-156-11. If frayed cables or contact with the metallic cup are found, the proposed AD would require the replacement of any frayed cables and the rework of the metallic cup, P/N 205-1-156-11, to eliminate the condition which causes the fraying on those SIAI Marchetti Models S.205 and S.208 airplanes covered by the proposed AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before August 14, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SIAI-MARCHETTI. Applies to SIAI Marchetti, Model S.205 airplanes, Serials Nos. 001 through 003, 101 through 393, 4-101 through 4-165, 4-167 through 4-215, 4-227, 4-232 through 4-252, 4-254, 4-267, 4-268, 4-270 4-271, 4-273, 4-274, 4-282, 4-285, 5-302, 5-303, 5-405; and Model S.208 airplanes, Serials Nos. 001 through 003, 1-03 through 1-15, 2-16 through 2-22, 2-27 through 2-50, 369, 3-100, 4-51, 4-231, 4-233, and 4-256 through 4-258.

Compliance required as indicated unless already accomplished.

To detect frayed or improperly aligned flap and aileron control cables at the passage of the cables from the fuselage to the wings, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, inspect the flap and aileron control cables in the area of passage from the fuselage to the wings for fraying or contact with the metallic cup, P/N 205-1-156-11, in accordance with SIAI Marchetti Service Bulletin No. 205B31 dated January 14, 1972, or FAA-approved equivalent.

(b) If frayed flap or aileron control cables or contact between the control cables and the metallic cup, P/N 205-1-156-11, are found during the inspection required by paragraph (a), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, replace any frayed cables and rework the metallic cup, P/N 205-1-156-11, in accordance with SIAI Marchetti Service Bulletin No. 205B31 dated January 14, 1972, or FAA-approved equivalent.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 3, 1972.

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

[FR Doc.72-10697 Filed 7-12-72;8:45 am]

[ 14 CFR Part 71 ]

[Alrapaca Docket No. 69-SW-12]

### FEDERAL AIRWAYS

#### Withdrawal of Proposed Designation

On August 1, 1969, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (34 F.R. 12594) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would remove the designated ceiling altitude of 9,000 feet MSL from the segment of VOR Federal airway No. 17 between McAllen, Tex., and Laredo, Tex., to accommodate the operation of scheduled air carrier jet aircraft.

On December 20, 1969, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19995) stating that the FAA was considering a west alternate segment to V-17

rather than changing the ceiling of the main airway for the operation of turbojet aircraft.

Because the requirement to accommodate turbojet aircraft on VOR Federal airway No. 17 has not materialized, the FAA has determined that rule-making action on the proposed amendment is not appropriate at the present time, and that the supplemental notice should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 69-SW-12 (34 F.R. 19995) is withdrawn.

This withdrawal of the notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 6, 1972.

PAUL W. ROBINSON,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[FR Doc.72-10694 Filed 7-12-72;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19518]

### PUBLIC INTEREST GROUPS AS CONSULTANTS TO BROADCASTERS

#### Proposed Reimbursement for Legitimate and Prudent Expenses; Extension of Time for Filing Comments

In the matter of reimbursement for legitimate and prudent expenses of a public interest group for a consultancy to a broadcaster in certain instances, Docket No. 19518.

1. The notice of inquiry and proposed rule making in the above-entitled pro-

ceeding, adopted June 1, 1972, and published in the FEDERAL REGISTER on June 9, 1972 (37 F.R. 11592), specified dates of July 14 and July 24, 1972, as the deadline dates for filing comments and reply comments.

2. On June 30, 1972, requests for extension of time for the filing of comments and reply comments were filed by Black Efforts for Soul in Television (BEST) and by the Office of Communication of the United Church of Christ (United Church of Christ). The former requested a 2-week extension and the latter, an extension to and including September 11, 1972. BEST supports its request by stating it is presently laboring under extraordinarily heavy workloads. United Church of Christ states that the subject matter of this rule making is of particular concern to citizens' organizations and other groups which do not regularly litigate before the Commission; that these groups' participation in Commission functions is merely occasional; that they do not regularly employ communications counsel on retainer; and since they generally have limited funds, it is not possible for such groups to prepare comments with the speed which the Commission might expect of licensees and others who frequently appear before the Commission.

3. We are of the view that the requested extensions of time are warranted and would serve the public interest: *Accordingly, it is ordered*, That the time for filing comments in the above docket is extended to and including September 11, and to October 1, 1972, for the filing of reply comments.

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

Adopted: July 6, 1972.

Released: July 7, 1972.

[SEAL] MARTIN I. LEVY,  
*Acting Chief, Broadcast Bureau.*

[FR Doc.72-10747 Filed 7-12-72;8:50 am]

[ 47 CFR Part 73 ]

[Docket No. 19511]

### TELEVISION BROADCAST STATIONS IN VALLEJO-FAIRFIELD AND SACRAMENTO, CALIF.

#### Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations (Vallejo-Fairfield and Sacramento, Calif.), Docket No. 19511, RM-1839, RM-1948.

1. The notice of proposed rule making in the above-entitled proceeding, adopted May 17, 1972, and published in the FEDERAL REGISTER on May 25, 1972, 37 F.R. 10582, specified dates of July 5 and July 17, 1972, as the deadlines for filing comments and reply comments, respectively.

2. On July 3, 1972, Camellia City Telecasters, Inc. (Camellia), licensee of Station KTXL, Sacramento, Calif., by its attorney, filed a request for an extension of time to and including July 19, 1972, in which to file comments. Counsel for Camellia states that the engineering statement will not be ready in time for filing on July 5, 1972, the current date on which comments are due in this proceeding. Counsel further states that because Station KTXL is the only operating nonnetwork station and the only operating UHF station in the Sacramento-Stockton market, it believes that its views will be of assistance to the Commission in this proceeding.

3. We are of the view that the requested extension of time is warranted and would serve the public interest: *Accordingly, it is ordered*, That the time for filing comments in the above docket, RM-1839 and RM-1948, is extended to and including July 19 and to July 31, 1972, for the filing of reply comments.

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

Adopted: July 5, 1972.

Released: July 6, 1972.

[SEAL] MARTIN I. LEVY,  
*Acting Chief, Broadcast Bureau.*

[FR Doc.72-10746 Filed 7-12-72;8:50 am]

# Notices

## DEPARTMENT OF THE INTERIOR Bonneville Power Administration CHIEF, BRANCH OF CONSTRUCTION Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 F.R. 9784) and amended on September 13, 1968 (33 F.R. 12974), February 21, 1969 (34 F.R. 2508), August 9, 1969 (34 F.R. 12955), September 18, 1969 (34 F.R. 14534), May 1, 1971 (36 F.R. 8266), June 8, 1971 (36 F.R. 11047), July 24, 1971 (36 F.R. 13799), November 27, 1971 (36 F.R. 22689), and May 6, 1972 (37 F.R. 9245), are further amended by revising section 10.11 to read as follows:

10.11 *Construction and clearing contracts.*

b. The Chief, Branch of Construction, may authorize changes, extra work, or adjustments necessary because of changed conditions, and appropriate time extensions therefor, and settle suspension of work claims, for transactions which are within the scope of the original contract and which do not exceed \$20,000.

H. R. RICHMOND,  
*Administrator.*

JUNE 29, 1972.

[FR Doc.72-10721 Filed 7-12-72;8:47 am]

Bureau of Land Management  
[Group 450]

ARIZONA

Notice of Filing of Plats of Survey

JULY 5, 1972.

1. Plats of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., on August 9, 1972:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 29 N., R. 19 W.,

Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Secs. 8, 9, 10, 11, 12, 13, 14, 15, and 16;  
Sec. 17, lots 1, 2, 3, 4, N $\frac{1}{2}$ S $\frac{1}{2}$ , and N $\frac{1}{2}$ ;  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ .

T. 29 N., R. 20 W.,

Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36.

T. 29 N., R. 21 W.,

Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Secs. 8, 9, 16, and 17;  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Secs. 20, 21, 28, and 29;  
Sec. 30, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , and E $\frac{1}{2}$ ;  
Secs. 32 and 33.

The areas described aggregate 44,154.33 acres of public land.

2. The lands described above vary from mountainous to low rolling hills with many small washes. The soil is rocky and gravelly loam. The vegetation consists of creosote bush, rabbit brush, yucca, cacti, and scattered Joshua trees. There are no settlers, and no water throughout the surveyed area. The land is used primarily for limited grazing of livestock.

3. All of the above-described lands are included in temporary withdrawal for classification, Executive Order 5339 dated April 25, 1930, which precludes entry under the public land laws except general mining laws and mineral leasing laws.

CHARLES G. BAZAN, Jr.,  
*Chief, Branch of Records  
and Data Management.*

[FR Doc.72-10720 Filed 7-12-72;8:47 am]

Fish and Wildlife Service

KLAMATH FOREST NATIONAL  
WILDLIFE REFUGE

Notice of Public Hearing Regarding  
Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on September 16, 1972, in the auditorium, Oregon Technical Institute, Klamath Falls, Klamath County, Oregon, on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Klamath Forest Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Klamath Forest National Wild-

life Refuge which is located in Klamath County, State of Oregon.

A brochure containing a map and information about the Klamath Forest wilderness study may be obtained from the Refuge Manager, Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tule Lake, Calif. 96134 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 16, 1972.

E. V. SCHMIDT,  
*Acting Director, Bureau of  
Sport Fisheries and Wildlife.*

JULY 7, 1972.

[FR Doc.72-10717 Filed 7-12-72;8:47 am]

Office of the Secretary

[INT FES 72-29]

PROPOSED CASCADE IRRIGATION  
DISTRICT REHABILITATION AND  
BETTERMENT PROGRAM, WASH-  
INGTON

Notice of Availability of Final  
Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the authorized Cascade Irrigation District Rehabilitation and Betterment Program, Washington. The environmental statement concerns rehabilitation of a water supply system and construction of fish passage facilities on the Yakima River, near Ellensburg, Wash.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20249, Telephone (202) 343-4391.

Division of Engineering Support, Technical Services Branch, E&R Center, Post Office Box 25007, Denver, CO 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 043, Boise, ID 83702, Telephone (203) 342-2711 extension 2109.

Yakima Project Office, Bureau of Reclamation, Post Office Box 1377, Yakima, WA 98901, Telephone (509) 248-4810.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the

Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, VA 22151. Please refer to the statement number above.

Dated: July 3, 1972.

WILLIAM W. LYONS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.72-10716 Filed 7-12-72;8:47 am]

## DEPARTMENT OF AGRICULTURE

### Packers and Stockyards Administration

#### FARMERS LIVESTOCK AUCTION, INC., ET AL.

##### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

*Facility number, name, and location of  
stockyard, and date of posting*

#### IOWA

IA-237 Farmers Livestock Auction, Inc.,  
Carroll, June 10, 1972.

#### MICHIGAN

MI-142 Michigan Live Stock Exchange,  
Manchester, June 20, 1972.

#### MISSOURI

MO-224 Interstate Producer's Livestock As-  
sociation, Cuba, June 19, 1972.

#### NEW YORK

NY-152 John Tyrrell & Sons, Bullville, May  
24, 1972.

#### PENNSYLVANIA

PA-147 Hoffman Sales Stables, Hummels-  
town, June 17, 1972.

#### WISCONSIN

WI-129 Equity Livestock Auction Market,  
Eau Claire, June 26, 1972.

Done at Washington, D.C., this 6th day  
of July, 1972.

EDWARD L. THOMPSON,  
Acting Chief Registrations,  
Bonds, and Reports Branch,  
Livestock Marketing Division.

[FR Doc.72-10738 Filed 7-12-72;8:49 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 6700]

#### CERTAIN OPHTHALMIC PREPARA- TIONS CONTAINING ANTIBIOTICS

##### Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice (DESI 6700) published in the FEDERAL REGISTER of June 8, 1971 (36 F.R. 11051), 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 ophthalmic preparations containing antibiotics:

1. Terramycin, Ophthalmic Solution containing oxytetracycline hydrochloride; Pfizer Laboratories Division, Chas. Pfizer Inc., 235 East 42d Street, New York, New York 10017 (NDA 61-014).

2. Myciguent Ophthalmic Ointment, containing neomycin sulfate; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 60-478).

3. Neomycin Sulfate Ophthalmic Ointment; Eli Lilly & Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 61-079).

4. Neomycin Ophthalmic Ointment, containing neomycin sulfate; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 60-074).

5. Polymyxin B Sulfate Ophthalmic Ointment; Pfizer Laboratories (NDA 8-217).

6. Bacitracin Ophthalmic Ointment; Eli Lilly & Co. (NDA 60-687).

7. Bacitracin Ophthalmic Ointment; Day-Baldwin, Inc. (NDA 61-076).

8. Bacitracin Ophthalmic Ointment; Chas. Pfizer & Co., Inc. (NDA 60-726).

9. Bacitracin Ophthalmic Ointment; Kasco Laboratories, Inc., Cantiague Road, Post Office Box 73, Hicksville, New York 11802 (NDA 61-212).

10. Bacitracin Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey (NDA 60-303).

11. Bacitracin Ophthalmic Ointment; Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, New York (NDA 60-330).

12. Ictycin Ophthalmic Ointment, containing erythromycin; Eli Lilly & Co. (NDA 50-368).

13. Chloromycetin Ophthalmic Ointment, containing chloramphenicol; Parke, Davis & Co., Joseph Campau at the River, Detroit, Michigan 48232 (NDA 50-156).

14. Chloromycetin Ophthalmic Solution, containing chloramphenicol; Parke, Davis & Co. (NDA 61-220).

The notice stated that the drugs were regarded as effective and possibly effective for the various labeled indications.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of these drugs has been submitted pursuant to the notice of June 8, 1971.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release or eligible for exemption from certification.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from 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 regulation 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: June 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-10714 Filed 7-12-72;8:47 am]

[DESI 6813, Docket No. FDC-D-416, NDA 6-812]

#### GEIGY CHEMICAL CORP.

##### Caramiphen Hydrochloride; Notice of Withdrawal of Approval of New- Drug Application

A notice was published in the FEDERAL REGISTER of February 10, 1972 (37 F.R. 3001), extending to Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502, 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(o) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 6-813 for Panparnit Tablets (caramiphen hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days 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 (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 that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, 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 new drug application No. 6-813 and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (7-13-72).

Dated: June 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-10713 Filed 7-12-72;8:47 am]

[Docket No. FDC-D-487; NDA No. 8-183]

#### WYETH LABORATORIES

#### Promethazine Hydrochloride for Dermatologic Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice (DESI 8183) published in the FEDERAL REGISTER of July 30, 1970 (35 F.R. 12233), 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 was regarded as possibly effective 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 8-183; Phenergan Cream containing 2 percent promethazine hydrochloride; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.

Therefore, notice is given to Wyeth Laboratories 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 the listed new-drug 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 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 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: June 30, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-10715 Filed 7-12-72;8:47 am]

Office of the Secretary

#### NATIONAL INSTITUTES OF HEALTH Statement of Organization, Functions, and Delegations of Authority; Part 8 Amendment

Part 8 (National Institutes of Health) of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare, as amended, is hereby amended as follows:

With regard to the section on organization and functions (section B), delete the title and functional statement for the National Institute of Arthritis and Metabolic Diseases (8L) and insert:

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES (8L)

Conducts, fosters, and supports basic and clinical research into the causes, prevention, diagnosis, and treatment of the various arthritic, metabolic, and digestive diseases, and covers the broad areas of arthritis, bone and skin diseases; diabetes, blood, endocrine and metabolic diseases; digestive diseases and nutrition; and kidney and urologic diseases (joined with the artificial kidney/chronic uremia program) through: (1) Research performed in its own laboratories and clinics; (2) research grants, training grants, and fellowships; (3) applied research and development programs through the contract mechanism; (4) field epidemiologic and clinical investigation studies on selected populations in the United States; (5) collection and dissemination of information on Institute programs.

Dated: June 23, 1972.

WAYNE M. WILSON,  
Acting Deputy Assistant  
Secretary for Management.

[FR Doc.72-10742 Filed 7-12-72;8:49 am]

**PUBLIC HEALTH SERVICE AND  
FOOD AND DRUG ADMINISTRATION**

**Statement of Organization, Functions,  
and Delegations of Authority**

Part 6 (Food and Drug Administration) of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970, as amended) is amended to reflect reorganization of the Bureau of Biologics. Section 6B is amended as follows:

**Sec. 6B Organization \* \* \***

(r) *Bureau of Biologics.* Administers regulation of biological products shipped in interstate and foreign commerce under the biological product control provisions of the Public Health Service Act.

Inspects manufacturers' facilities for compliance with standards, tests products submitted for release, establishes written and physical standards, and approves licensing of manufacturers to produce biological products. Plans and conducts research related to the development, manufacture, testing, and use of both new and old biological products to develop a scientific base for establishing standards designed to insure the continued safety, purity, potency, and efficacy of biological products.

Administers applicable provisions of the Federal Food, Drug, and Cosmetic Act as they pertain to human drugs that are biological products. In carrying out these functions, cooperates with other bureaus of FDA, other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, non-governmental laboratories, and manufacturers of biological products.

(r-1) *Immediate Office of the Director.* Promulgates, plans, administers, coordinates, and evaluates overall Bureau scientific, control, management, and regulatory programs, plans, and policies. Provides leadership and direction for all Bureau activities.

(r-2) *Office of the Associate Director for Regulatory and Administrative Management.* Plans and directs the Bureau's regulatory compliance programs to insure the safety, purity, potency, and efficacy of biological products. Reviews data for licensing manufacturers of biological products (including human blood and blood products) following determination that prescribed standards have been met.

Reviews data for licensing the manufacture and shipping of biological products following determination of their safety, purity, potency, and efficacy. Develops compliance and surveillance programs for investigation and inspection of biological product manufacturers, for the annual inspection of licensed blood banks, and for investigations of violations of the applicable sections of the Public Health Service Act and the Food, Drug, and Cosmetic Act.

Prepares standards for the manufacture and testing of biological products for publication in the FEDERAL REGISTER.

Coordinates and directs the Bureau's management, planning, and evaluation systems to insure optimum utilization of Bureau manpower, money, and facilities.

(r-3) *Division of Virology.* Plans and conducts direct research related to the development, manufacture, testing, and use of both new and old biological products of certain viral and rickettsial origins.

Plans and conducts research on the fundamental aspects of viral and rickettsial infections to obtain data and results bearing on the continued or increased safety, purity, potency, and efficacy of viral and rickettsial biological products.

Serves as a tissue culture source for the Bureau.

Conducts research with a variety of primary and established cell line cultures.

Assists in collaborative research (guiding of contract-supported activities) concerning viral and rickettsial biological products.

Reviews scientific data, such as license applications, for certain new viral and rickettsial products and license amendments for old products submitted to the Bureau in its capacity as a regulatory agency.

Evaluates certain viral and rickettsial products using both laboratory and clinical procedures.

Tests certain viral and rickettsial vaccines submitted for release and reviews manufacturers' protocols with respect to such tests.

Inspects manufacturers of biological products.

(r-4) *Division of Blood and Blood Products.* Plans and conducts research on the preparation, preservation, and safety of blood and blood products, the methods of testing safety, purity, potency, and efficacy of such products for therapeutic use, and the immunological problems concerned with products, testing, and use of diagnostic reagents employed in grouping and typing blood.

Tests such products to insure that required standards have been met.

Inspects manufacturers of blood and blood products.

Recommends eligibility of applicants and blood products for licenses.

Recommends standards for blood and blood products.

(r-5) *Division of Control Activities.* Plans and conducts chemical, sterility, general safety, pyrogen, residual moisture, and potency tests on biological products submitted for release or in support of license applications.

Plans and conducts research to provide a basis for the development and improvement of control tests and reference standards.

Receives, maintains in inventoried storage, and distributes within the Bureau samples of biological products received for testing.

Reviews manufacturers' protocols with respect to tests performed by the Division.

Establishes and distributes physical biological standards to licensed labora-

tories, health agencies, and other control groups.

Recommends requirements and standards pertaining to the development of physical and regulatory standards for new biological products.

Provides staff having appropriate expertise for the product under consideration to serve on licensing committees.

Inspects manufacturers of biological products.

Provides technical training for representatives of domestic and foreign biological establishments in relation to control testing techniques.

(r-6) *Division of Pathology.* Plans and conducts research on (a) the pathogenesis of infectious diseases caused by bacteria, rickettsia, viruses, and parasites, (b) immunologic processes which may lead to morphologic alterations, and (c) the interactions between cells in culture and single microorganisms or combinations of microorganisms using the methods and techniques of cytology, histology, and pathology.

Plans and conducts a developmental testing program of biological products such as vaccines, antiviral substances, and various cell substrates using such methods and techniques in order to develop standards designed to insure the safety, purity, potency, and efficacy of such products and to improve the existing test procedure.

Performs safety, neurovirulence and potency tests on biological products when such tests require the use of non-human primates and certain other animals and reviews manufacturers' protocols with respect to such tests.

Removes various tissues from primates and other animals for test purposes and for the preparation of cell cultures.

Inspects manufacturers of biological products.

Reviews scientific data such as license applications for new biological products and amendments for old products.

Assists in collaborative research (guiding of contract-supported activities).

(r-7) *Division of Bacterial Products.* Plans and conducts research on fundamental aspects of bacteriology and immunology relating to bacterial and allergic diseases of man to obtain data bearing on the continued or increased safety, purity, potency, and efficacy of bacteriological, allergenic, and analogous biological products; including the development of new biological products and new or improved methods of control of old and new products.

Carries out control tests and reviews manufacturers' protocols on selected products to insure that specific requirements for release are satisfied.

Participates in the inspection of manufacturers of biological products.

Provides staff having appropriate expertise for the product under consideration to serve on licensing committees.

Develops, reviews, and revises technical standards pertaining to the control of bacterial, allergenic, and analogous products.

Develops and supervises contracts to further the programs of the Division.

Dated: July 7, 1972.

WAYNE M. WILSON,  
Acting Deputy Assistant  
Secretary for Management.

[FR Doc.72-10752 Filed 7-12-72;8:50 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

### CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

#### Order Extending Facility Operating License Expiration Date

Consolidated Edison Company of New York, Inc., having filed a request dated June 13, 1972, for extension of the expiration date of Facility Operating License No. DPR-26 which authorizes fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2, located in the town of Buchanan, Westchester County, N.Y.; and

Good cause having been shown in the application for this extension pursuant to Part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered*, That the expiration date of Facility Operating License No. DPR-26 is extended from July 19, 1972, to October 19, 1972.

Dated at Bethesda, Md., this 5th day of July 1972.

For the Atomic Energy Commission.

A. GIAMBUSO,  
Deputy Director for Reactor  
Projects, Directorate of  
Licensing.

[FR Doc.72-10703 Filed 7-12-72;8:46 am]

[Docket No. 50-255]

### CONSUMERS POWER CO.

#### Order for Hearing

On November 29, 1971, the Atomic Energy Commission issued a notice of hearing providing for consideration of environmental aspects of the proposed operation of the Palisades nuclear power facility owned and sought to be authorized at full power by Consumers Power Co. On June 30, 1972, the regulatory staff of the Commission issued the final environmental impact statement as provided by the Commission's regulations, Appendix D of 10 CFR Part 50. The Atomic Safety and Licensing Board issues this order for hearing to specify the time and place contemplated to be given by the November 1971 Commission order.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, an evidentiary hearing will con-

vene at 10 a.m. on August 2, 1972, in the Van Deusen Auditorium of the City Library System, 312 South Rose Street, Kalamazoo, MI.

Issued: July 3, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,  
SAMUEL W. JENSCH,  
Chairman.

[FR Doc.72-10704 Filed 7-12-72;8:46 am]

[Docket No. 50-341]

### DETROIT EDISON CO.

#### Notice of Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Environmental Statement Related to the Proposed Construction of the Enrico Fermi Atomic Power Plant Unit 2 By The Detroit Edison Company" has been prepared by the Directorate of Licensing, U.S. Atomic Energy Commission and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Monroe County Library System, 3700 South Custer Road, Monroe, MI 48161. The statement is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48713, and at the Southeast Michigan Council of Governments, 810 Book Building, Detroit, Mich. 48226.

Notices of the availability of The Detroit Edison Company's Environmental Report and Supplements 1 and 2 thereto were published in the FEDERAL REGISTER on October 13, 1970 (35 F.R. 16060), and on February 11, 1972 (37 F.R. 3083), respectively. The notice of availability of the draft environmental statement for the Enrico Fermi Atomic Power Plant Unit 2 and request for comments from interested persons was published in the FEDERAL REGISTER on March 11, 1972 (37 F.R. 5265). The comments received from Federal, State, and local officials have been included as appendixes to the final environmental statement.

Single copies of the statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Directorate of Licensing.

Dated at Bethesda, Md., this 7th day of July 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,  
Assistant Director for Boiling  
Water Reactors, Directorate  
of Licensing.

[FR Doc.72-10705 Filed 7-12-72;8:46 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 24376; Order 72-7-19]

### BRANIFF AIRWAYS, INC.

#### Fare Changes; Extension of Time

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1972.

In the matter of carrier discussions relating to military fare rule changes, Docket 24376.

By Order 72-4-11, dated April 4, 1972, the Board authorized air carrier discussions of military fare rule changes for a period of 90 days. The authorization expired July 2, 1972.

By petition filed June 30, 1972, Braniff Airways, Inc. (Braniff), has requested authority from the Board to extend the discussions for an additional 30-day period. In support of its petition, Braniff alleges that the carriers have reached an agreement, and that the additional time requested is for the purpose of executing a written document for signature by each participant and subsequent filing with the Board for approval.

No objections to the proposed extension have been filed.

Upon consideration of the petition and other relevant matters, the Board will grant the extension sought which should facilitate the filing of the agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof,

*It is ordered*, That:

1. The expiration date of the authority in paragraph 2 of Order 72-4-11, dated April 4, 1972, is extended for an additional period of 30 days; and
2. All other provisions of Order 72-4-11 shall remain unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-10760 Filed 7-12-72;8:51 am]

[Docket 24130 etc.]

### TEXAS INTERNATIONAL AIRLINES, INC., AND JET CAPITAL CORP.

#### Acquisition of Control; Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter, heretofore assigned to be held before the Board on July 21, 1972, (Volume 37, issued July 8, 1972) is hereby postponed to July 28, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 6, 1972.

[SEAL] RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-10761 Filed 7-12-72;8:51 am]

[Docket No. 24216]

## TRANSAMERICA CORP. ET AL.

### Notice of Proposed Approval

Application of Transamerica Corp., Lyon Van & Storage Co. (California), Lyon Van Lines, Inc. (California), Lyon Van & Storage Co., Inc. (Oregon), Lyon Van & Storage Co. (Washington), and Lyon Van & Storage Co. (Arizona) for a disclaimer of jurisdiction, or exemption, or approval with respect to merger, Docket 24216.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 7, 1972.

[SEAL] A. M. ANDREWS,  
Director,  
Bureau of Operating Rights.

#### ORDER OF APPROVAL

Issued under delegated authority; application of Transamerica Corp., Lyon Van & Storage Co. (California), Lyon Van Lines, Inc. (California), Lyon Van & Storage Co., Inc. (Oregon), Lyon Van & Storage Co. (Washington), Lyon Van & Storage Co. (Arizona), Docket 24216, for a disclaimer of jurisdiction, or exemption, or approval with respect to merger.

By Order E-26459, February 23, 1968, Docket 19176, the Board approved the acquisition of control of Trans International Airlines, Inc. (TIA), by Transamerica Corp. (Transamerica).<sup>1</sup>

By order 70-9-54, September 10, 1970, Docket 21413, the Board approved, subject to various conditions, the acquisition of control by Transamerica of Lyon Van & Storage Co. (California) (Lyon), and its subsidiaries Lyon Van Lines, Inc. (California) (Lyon Van Lines), Lyon Van & Storage Co., Inc. (Washington) (Lyon Washington), Lyon Van & Storage Co. (Oregon) (Lyon Oregon), and Lyon Van & Storage Co. (Arizona) (Lyon Arizona).

<sup>1</sup>By Order 70-1-102, Jan. 20, 1970, the Board reopened the record in Docket 19176 and instituted an investigation to determine whether the common control by Transamerica of TIA and the Foreign Study League (FSL) was lawful under section 408 of the Act. By Order 71-7-119, July 21, 1971, the Board disapproved the aforesaid control relationship and ordered Transamerica to divest itself of FSL. By Order 72-2-93, Feb. 28, 1972, the Board amended Order 71-7-119 to allow Transamerica 3 years from the date of Order 71-7-119 to divest itself of FSL.

By joint application,<sup>2</sup> filed in Docket 24216, Transamerica, Lyon, Lyon Van Lines, Lyon Oregon, Lyon Washington, and Lyon Arizona seek either a disclaimer of jurisdiction, or an exemption pursuant to the provisions of section 408(a) (5) of the Federal Aviation Act of 1958, as amended (the Act), or approval pursuant to the third proviso of section 408(b) of the Act with respect to the merger of Lyon Van Lines, Lyon Oregon, Lyon Washington, and Lyon Arizona into Lyon.

Transamerica is a large holding company which, through subsidiaries engages in various aspects of the insurance business, commercial and consumer finance, the motion picture business, real estate development, the transportation of household goods and the manufacture of machinery.

TIA is a certificated supplemental air carrier.

The Lyon group of companies is engaged primarily in the nationwide movement of household goods by motor vehicle pursuant to Interstate Commerce Commission (ICC) motor carrier authority.<sup>3</sup>

According to the application the purpose of the proposed merger is to simplify the corporate structure of the Lyon group of companies. Furthermore, upon merger, the parent company (Lyon) will have all the assets and liabilities previously held by the subsidiary corporations and Lyon will hold no greater operating authority than that currently held by its subsidiaries with all of such authority to be held by Lyon and all duplicate authority to be eliminated.

No comments or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the transaction now before the Board will upon consummation of the proposed mergers, involve the continued common control of a common carrier (Lyon) and a direct air carrier (TIA) within the meaning of section 408(a) of the Act. It is also concluded that the merger of the common carrier authority and entities within the Lyon group of companies will alter the circumstances surrounding the relationship between TIA and the Lyon group of companies and, to the extent of such new circumstances, create a new 408 relationship to be acted upon by the Board. In this connection, the Board has jurisdiction over the transaction and it reserved jurisdiction in

<sup>2</sup>The joint application was amended on Feb. 15, 1972, and May 31, 1972.

<sup>3</sup>At the time of the Transamerica/Lyon decision (Order 70-9-54) Lyon also had three additional subsidiaries, i.e., Lyon Van & Storage Co. (Nevada) (Lyon Nevada), Lyon Household Shipping, Inc. (Shipping), and Lyon Van Lines, Co., Ltd., Alberta, Canada (Lyon Alberta). These latter corporations were shell corporations which had not issued stock and did not have any assets or liabilities. The application, as amended, indicates that such corporations are still corporate shells and that Lyon Alberta has issued one share to Lyon and one share to Lyon Van Lines. In addition, the application indicates that Lyon Nevada will be dissolved rather than merged into Lyon. Furthermore, Shipping is an applicant for ICC surface freight forwarding authority. Shipping and Lyon Alberta will remain subsidiaries of Lyon.

Order 70-9-54 for, inter alia, the purpose of reexamining at any time the control relationships approved therein.<sup>4</sup>

The reorganization of the motor carrier operations of the Lyon group of companies, while altering the number and nature of the various companies under common control with TIA, results in essentially the same relationships and questions present when the Board approved the control of the Lyon companies in Order 70-9-54. In this regard, the same findings in the earlier proceeding appear in order in the instant proceeding. Thus, Lyon will not exercise control over Transamerica or TIA; Lyon which will be engaged primarily in the movement of household goods, will not compete to any significant extent with TIA; and any possibility of unfair competition can be resolved through the imposition of conditions similar to those applied in Order 70-9-54.<sup>5</sup>

In light of the foregoing, it is not found that the merger within the Lyon group of companies and the resultant continued control of Lyon and TIA by Transamerica will be inconsistent with the public interest, or that the conditions of section 408 will be unfulfilled.<sup>6</sup> The proposed transactions and the resultant control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest is requesting a hearing and it is concluded that the public interest does not require one.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transactions and control relationships should be approved under the third proviso

<sup>4</sup>In Order 71-7-119 (Opinion) disapproving the common control of TIA and FSL the Board stated (pp. 7 and 8):

"Moreover, since the Board's approval of an acquisition dates only to the facts of the control relationships present at the time of the Board's approval [footnote omitted] pursuant to the conditioning provisions of sec. 408(b) the Board has historically reserved continuing jurisdiction over the approved relationships to insure that the Board's freedom to determine whether the relationships continue to be in the public interest is not restricted. [footnote omitted]. In other words the Board's jurisdiction applies in futuro to insure that all changes in the approved relationships which may affect vital transportation interests are subject to Board scrutiny. [footnote omitted]"

<sup>5</sup>It is noted that Shipping is an applicant for ICC surface freight forwarding authority. In this connection, on June 16, 1972, Transamerica, Lyon, and Shipping filed an application in Docket 24556 requesting approval under sec. 408 of the Act with respect to the control by Lyon of Shipping.

<sup>6</sup>It is noted that on May 30, 1972, Lyon filed an application in Docket 24515 for temporary relief, disclaimer, and/or waiver pursuant to title IV of the Act so that Lyon will be able to perform containerized household goods services when such services are performed in connection with air transportation for the Department of Defense. The findings in this order are not intended to apply to the activities contemplated by Lyon in Docket 24515 as such activities will be dealt with in the aforesaid docket. In addition, it is further noted that should Lyon engage in the activities mentioned above then additional sec. 408 questions may arise which could require the filing of an appropriate application with the Board.

of section 408(b) of the Act, subject to certain conditions, without hearing, and that the application to the extent it requests a disclaimer of jurisdiction or an exemption should be dismissed.

Accordingly, it is ordered, That:

1. The transactions described herein and the continued common control of Lyon and TIA by Transamerica resulting therefrom be and they hereby are approved under section 408 of the Act subject to the following conditions:

a. TIA, on the one hand, and Lyon and its subsidiaries, on the other, shall not provide connecting service or joint service, nor advertise or hold out to the public that they will do so or that their operations are connected in any way, nor shall they in any way solicit business for each other.

b. The approval shall be effective only so long as Lyon and its wholly owned subsidiaries do not engage in the air freight forwarding business, or act as agents for any air freight forwarder.

c. Lyon and its wholly owned subsidiaries may not become IATA agents, nor act as agents for any other IATA agent.

d. The transactions described in paragraph 1(h) of Order E-26459, adopted by the Board on February 23, 1968, shall include, but are not limited to: (1) Compensation direct or indirect, through any person not a part of the Transamerica group, by one Transamerica subsidiary or affiliated company for goods supplied or services rendered by another Transamerica subsidiary or affiliated company, and/or (2) actions by one Transamerica subsidiary or affiliated company as sales representative or agent of another Transamerica subsidiary or affiliated company.

2. Jurisdiction over this proceeding be and it hereby is retained for the purpose of:

(i) Reexamining at any time the control relationships involved herein; (ii) imposing at any time, with or without hearing, such other conditions as it may be found to be just and reasonable, including the submission of any special reports by the applicants or any of their affiliates or subsidiaries that the Board may find required in the public interest; and

3. Except to the extent granted herein, all applications and requests involved in this proceeding be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By A. M. ANDREWS,  
Director, Bureau of  
Operating Rights.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc. 72-10762 Filed 7-12-72; 8:51 am]

[Docket 23944]

## SUPPLEMENTAL RENEWAL PROCEEDING

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 21, 1972, at 10 a.m. (local time),

in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner James S. Keith.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties: (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 3, 1972, and the other parties on or before August 14, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., July 7, 1972.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc. 72-10763 Filed 7-12-72; 8:51 am]

[Docket 22358]

## UNION OF PROFESSIONAL AIRMEN ET AL.

### Notice of Postponement of Hearing

Union of Professional Airmen Affiliated With Air Line Pilots Association, International v. Shawnee Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on July 12, 1972 (37 F.R. 12517, June 24, 1972), is indefinitely postponed.

Dated at Washington, D.C., July 10, 1972.

[SEAL]

HYMAN GOLDBERG,  
Hearing Examiner.

[FR Doc. 72-10764 Filed 7-12-72; 8:51 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19532; FCC 72-567]

### ANDREW J. CREVOLIN (KAJC-TV)

#### Order Designating Application for Hearing on Stated Issues

In regarding application of Andrew J. Crevolin (KAJC-TV), Stockton, Calif., Docket No. 19532, File No. BMPCT-7362; for extension of completion date.

1. The Commission has before it for consideration the request of Andrew J. Crevolin (Crevolin) for reinstatement of the construction permit, call sign and application (BMPCT-7362) for an extension of time within which to complete construction of television broadcast station KAJC-TV, channel 58, Stockton, Calif.

2. Crevolin was granted a construction permit for channel 58, Stockton, Calif., on May 4, 1970, with completion of construction required as of January 4, 1971. Subsequently, on December 7, 1970, Crevolin filed an application (BMPCT-

7275) for an extension of time within which to complete construction of station KAJC-TV. In support of the extension request, the permittee indicated that changes in economic conditions had caused it to revise its anticipated construction schedule and to review construction and operating costs. In addition, Crevolin stated that he had been prevented from proceeding with construction because of personal health problems. The application was granted on December 17, 1971, and in order to provide an 18-month period of time to construct the station, a completion date of November 4, 1971, was specified. On November 4, 1971, Crevolin filed the present application (BMPCT-7362) for extension of time within which to complete construction. Crevolin stated that for reasons of personal health, he had decided to enter into an agreement to assign the construction permit and that a copy of the agreement would be filed shortly. Crevolin also indicated that an application for assignment of the permit would be filed in due course thereafter. On May 8, 1972, Crevolin submitted an amendment which stated that a copy of the agreement for the assignment of the permit to Vue-Metrics, Inc., had been filed with the Commission on December 6, 1971, and that the assignee was in the process of securing an option for the proposed transmitter site and preparing a survey of community needs. Since grant of Crevolin's construction permit in May 1970, construction of station KAJC-TV has not commenced and equipment has not been ordered. Moreover, to date, no application for assignment of the construction permit has been filed.

3. After the lapse of more than 18 months from the date the Commission issued a construction permit for channel 58, the permittee had failed to demonstrate that he had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under his control within the meaning of section 319(b) of the Communications Act of 1934, as amended. Accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority<sup>1</sup> dismissed the above-captioned extension application, canceled the construction permit and deleted the call sign. However, in accordance with the provisions of the delegation, the permittee was advised that he could request reinstatement of his authorization within 30 days and thereby obtain a hearing on the question of its dismissal. Subsequently, on June 8, 1972, Crevolin filed such a request.

4. *It is ordered*, That the construction permit, call sign and extension application of television broadcast station KAJC-TV, channel 58, Stockton, Calif., are reinstated.

5. *It is further ordered*, That the above-captioned application for an extension of time within which to complete construction of station KAJC-TV, channel 58, Stockton, Calif., is designated for

<sup>1</sup>Section 0.231(z) of the Commission's rules.

oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issue:

To determine whether the reasons advanced by the permittee in support of its request for an extension of its completion date, constitute a showing that failure to complete construction was due to causes not under the control of the permittee, or constitute a showing of other matters sufficient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934 and § 1.534(a) of the Commission's rules.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission an original and 12 copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until July 31, 1972, to file a brief or memorandum of law.

Adopted: June 28, 1972.

Released: July 5, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-10745 Filed 7-12-72; 8:49 am]

## FEDERAL RESERVE SYSTEM

### COMMERCE BANCSHARES, INC.

#### Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Commerce Bank of St. Louis, National Association, St. Louis, Mo., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1972.

Board of Governors of the Federal Reserve System, July 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc.72-10707 Filed 7-12-72; 8:46 am]

### IRWIN UNION CORP.

#### Formation of One-Bank Holding Company

Irwin Union Corp., Columbus, Ind., has applied for the Board's approval under section 3(a)(1) of the Bank Hold-

ing Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Irwin Union Bank and Trust Co., Columbus, Ind. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 31, 1972.

Board of Governors of the Federal Reserve System, July 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc.72-10708 Filed 7-12-72; 8:46 am]

#### WAIVER OF PENALTIES FOR DEFICIENCIES IN RESERVES

EDITORIAL NOTE: Inadvertently this document appeared as a notice of proposed rule making on page 12730 in the issue for Wednesday, June 28, 1972. It should appear in the Notices section, as set forth below:

On March 28, 1972, the Board announced that it was considering amending its Regulations D and J to restructure and reduce reserve requirements and to require banks to pay checks on the day of presentment in immediately available funds. After reviewing the comments received, the Board has determined that member banks that will be adversely affected to a substantial degree by adoption of these proposals should be permitted a reasonable time to adjust to the effects of the new regulations. Below is the text of a letter to the Federal Reserve Banks setting out this measure:

The Board regards it as appropriate for a Reserve Bank to waive penalties in some cases for member bank reserve deficiencies that result from the implementation of the proposed amendments to Regulations D and J, announced on March 28, 1972. In those cases where the implementation of these changes would result in a net loss of funds (as computed by the Reserve Bank) in an amount more than 2 percent of the member bank's net demand deposits, it seems appropriate to waive certain of the penalties for reserve deficiencies. For the reserve periods ending on or before January 1, 1973, it is regarded as appropriate in such cases to waive penalties on deficiencies in amounts of the full loss, less the 2 percent of net demand deposits. For each subsequent quarter, an additional 1 percent of net demand deposits would be subtracted from the amount of deficiencies eligible for waiver, until the amount of the waiver is eventually zero. This authorization for waivers will terminate on June 30, 1974.

The loss to each member bank should be calculated as the average amount<sup>1</sup> of the

<sup>1</sup>The average amount will be calculated over the 4-week period ending on June 28, 1972. However, if an RCFC has been implemented during 1972, the Reserve Bank should choose a 4-week period prior to the date of such implementation. In addition, for purposes of these calculations, the figure for net demand deposits should be the average amount of net demand deposits over that same period.

bank's Federal Reserve cash letter for which it would make earlier payment, less the average amount of same-territory country items for which the bank would receive earlier credit, or 2 percent of its net demand deposits, whichever is less, less the average reduction in reserve requirements due to the change in Regulation D. (For those few banks whose reserve requirements would be increased, the change in reserves would be added rather than subtracted.)

Application for waiver should be submitted by a member bank prior to August 15, 1972.

By order of the Board of Governors,  
June 20, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-9807 Filed 6-27-72; 8:55 am]

## INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

### RESTORATION OF HISTORIC LOW FLOW DIVERSION, LOWER RIO GRANDE FLOOD CONTROL PROJECT

#### Notice of Availability of Environmental Statement and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that the Southwestern Division, Corps of Engineers has prepared for the U.S. Section, International Boundary and Water Commission, a draft statement which discusses environmental considerations relating to the proposed restoration of historic low flow diversion to Arroyo Colorado, Lower Rio Grande Flood Control Project, in Hidalgo and Cameron Counties, Tex. A copy of the statement is being placed in the office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, DC, in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, TX, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared as a part of the study of the necessary improvements to the existing flood control project being undertaken by the two countries.

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

<sup>2</sup> Commissioners Burch, Chairman; and Johnson absent.

Copies of the draft environmental statement have been sent to the Environmental Protection Agency; Department of Health, Education, and Welfare; Department of Agriculture, Office of the Secretary, Soil Conservation Service; Department of the Interior, Deputy Assistant Secretary for Programs, Bureau of Sport Fisheries and Wildlife, National Park Service, Bureau of Outdoor Recreation; Department of the Army, Corps of Engineers; Division of Planning Coordination, Office of the Governor, State of Texas; Lower Rio Grande Development Council; Advisory Council on Historic Preservation; Water Districts and cities in the Lower Rio Grande Valley near or adjacent to Arroyo Colorado; and various conservation associations in Texas.

Comments are requested within 60 days of publication of this notice in the FEDERAL REGISTER. If any such State, local, or Federal agency which has not received a specific request for comments fails to provide the U.S. Section with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed the agency has no comments to make.

Comments are also requested from any individual or association within 60 days of publication of this notice in the FEDERAL REGISTER.

Comments concerning the environmental effect of the construction proposed should be addressed to D. D. McNealy, Principal Engineer, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Copies of the draft statement, dated June 26, 1972, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals, or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex., this 3d day of July 1972.

FRANK P. FULLERTON,  
Special Legal Assistant.

[FR Doc.72-10722 Filed 7-12-72;8:48 am]

## SECURITIES AND EXCHANGE COMMISSION

[812-2808]

### AMERICAN GENERAL CONVERTIBLE SECURITIES AND AMERICAN GENERAL INSURANCE CO.

#### Notice of Application for Exemption JULY 3, 1972.

Notice is hereby given that American General Convertible Securities, Inc. (Fund), a registered closed-end, diversified management, investment company and American General Insurance Co. (Insurance), 2727 Allen Parkway, Houston, Texas 77002 (referred to collectively

with Fund as Applicants) have filed an application pursuant to Rule 17d-1 for an exemption from section 17(d) of the Investment Company Act of 1940 (Act) and pursuant to section 17(b) of the Act for an order exempting the transaction described below from the provisions of section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants state that Fund's investment objective is to provide current income and the potential for capital appreciation through investing in a diversified portfolio of securities which are convertible into common stock or have other equity features. Fund's investment adviser is American General Management Co. (Adviser) which is a wholly owned subsidiary of Insurance.

Prior and subsequent to the filing of a Form S-4 Registration Statement under the Securities Act of 1933 but prior to the registration statement's effective date, which was June 1, 1972, Insurance purchased certain securities described below, having a total face amount of \$8,660,000 of convertible bonds, \$1 million of nonconvertible bonds, 40,000 warrants, and 16,200 shares of other securities at a total cost of \$9,990,141.35. Applicants state that Fund proposes to acquire an option from Insurance pursuant to which Fund has the right but not the obligation to purchase for a period of 30 days from the date that the Commission enters the order herein requested any or all of the bonds acquired by Insurance. The securities subject to this option are described as follows:

Description of security	Face amount	Unit price to American General	Purchase date(s) (1972)
<i>Convertible Bonds</i>			
AMF, Inc., 4 1/4 percent, due Mar. 1, 1981.....	300 M	\$1,120.00	May 24.
AVCO Corp., 6 1/2 percent, due Nov. 29, 1973.....	856 M	749.823	Apr. 6-26.
Castle & Cooke, Inc., 5.375 percent, due Mar. 1, 1981.....	334 M	863.9633	Apr. 17-26.
Control Data Corp., 3 1/4 percent, due Feb. 1, 1982.....	500 M	623.75	Apr. 12-26.
EG & G, Inc., 3 1/2 percent, due May 15, 1977.....	229 M	720.00	Apr. 12.
W. R. Grace & Co., 6 1/2 percent, due Nov. 15, 1973.....	900 M	1,033.8339	May 23-24.
Gulf & Western Industries, Inc., 6 1/2 percent, due July 1, 1973.....	1,889 M	870.5345	Apr. 5-May 23.
Heublein, Inc., 4 1/4 percent, due May 15, 1977.....	1,000 M	1,000.00	May 24.
International Minerals & Chemical Corp., 4 percent, due Jan. 1, 1981.....	1,000 M	667.8163	Apr. 6-May 25.
Metro-Goldwyn-Mayer, Inc., 5 percent, due July 1, 1973.....	350 M	656.7147	Apr. 4-10.
Tyler Corp., 5 percent, due Dec. 15, 1973.....	400 M	550.00	May 17.
UAL, Inc., 5 percent, due Dec. 1, 1981.....	250 M	1,063.00	Mar. 20.
Williams Cos., 5.65 percent, due June 1, 1981.....	700 M	1,130.00	Apr. 12-13
Total.....	8,660 M		
<i>Other</i>			
Borden, Inc., nv. fd., \$1.32.....	16,200 shares	32.1593	Apr. 10-17.
Northwest Industries, Inc., 7 1/4 percent, due Apr. 1, 1981.....	1,000 M	903.00	Apr. 10.
Northwest Industries, Inc., Warrants, Mar. 31, 1972.....	40,000	22.000	Apr. 10.

Applicants state that the option to Fund is irrevocable during the option period; that the option may be exercised by Fund by giving written notice to Insurance and by delivery of the purchase price of the bonds; and that the option is nonassignable without the prior written consent of Insurance. Applicants further state that should the option be exercised, the purchase price of the bonds will not be required to pay any transfer fee; and that the purchase of any or all of the bonds will meet, at the time of the exercise of the option, Fund's investment policies and restrictions.

Applicants state that it is the contention of Insurance that the granting of the option and the exercise thereof by Applicant will not result in the taking of a corporate opportunity of Insurance. The management of Insurance arranged for the purchase of the securities subject to the option for the sole purpose of granting the option to the Applicant, but for which Insurance would not have otherwise purchased such securities. Applicants state that the management of Insurance proposed to grant this option because, in their good faith business judgment, such option would, in addition to benefiting the future shareholders of Fund, ultimately benefit the shareholders of Insurance by promoting the sale of shares of Applicant and thereby increas-

ing the management fee payable to Applicants' investment adviser, which is a wholly owned subsidiary of Insurance. Should Fund not exercise the option, the bonds will be retained in the portfolio of Insurance subject to the investment decisions of Insurance.

Applicants state that the bonds subject to the option were fully paid for by and are owned by Insurance, and that the bonds have the type of yields and terms which Fund would have desired to acquire when they were purchased if Fund could have done so then. Applicants further state that the bonds were selected for purchase by the Executive and Finance Committee of Insurance which consists of six directors of Insurance and that if the application for exemption is granted, the Adviser will recommend and the directors of Fund not affiliated with the Adviser will determine which bonds, if any, will be acquired by Fund. Applicants represent that none of the management of Insurance will personally benefit from the proposed transaction except to the extent that they may be shareholders of Insurance or Fund, and then, in no way different from any other shareholder.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any

securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement 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. A joint enterprise or arrangement as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Applicants have agreed that any order the Commission may issue pursuant to this notice may be conditioned upon the following:

1. Applicants will file with the Commission within 15 days after the exercise of the option, if exercised, a copy of all records with respect to the option and the subject bonds required to be kept pursuant to Rule 31(a)-1(b)(10) and Rule 31a-1(b)(11) promulgated under the Act; and

2. Fund will not exercise its option with respect to any bond if, at the time of the exercise, the option price is greater than the market price plus commission.

Notice is further given that any interested person may not later than July 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served

is located more than 500 miles from the point of mailing) upon applicant at the address set forth 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] GLADYS E. GREER,  
Assistant Secretary.

[FR Doc.72-10613 Filed 7-12-72;8:45 am]

[File No. 500-1]

### ACCURATE CALCULATOR CORP.

#### Order Suspending Trading

JULY 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Accurate Calculator Corp. 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 July 9, 1972, through July 18, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10724 Filed 7-12-72;8:48 am]

[File No. 7-4202]

### ALLEGHENY AIRLINES, INC.

#### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 7, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company which security is listed and registered

on one or more other national securities exchanges:

Allegheny Airlines, Inc., File No. 7-4202.

Upon receipt of the request, on or before July 23, 1972, for any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10750 Filed 7-12-72;8:50 am]

[File No. 7-4203 etc.]

### ANTHONY INDUSTRIES, INC., ET AL.

#### Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 7, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Anthony Industries, Inc.....	7-4203
Charter Co.....	7-4204
Continental Illinois Corp.....	7-4205
Harrah's .....	7-4206
Vanguard International, Inc.....	7-4207
Virginia Commonwealth Bankshares, Inc. ....	7-4208
Wachovia Corp.....	7-4209

Upon receipt of a request, on or before July 23, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at

the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10751 Filed 7-12-72;8:50 am]

[File Nos. 2-23699 (22-3888)]

### BURLINGTON INDUSTRIES, INC.

#### Notice of Application and Opportunity for Hearing

JULY 6, 1972.

Notice is hereby given that Burlington Industries, Inc. (the Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of Chemical Bank (the Bank) under an indenture dated as of July 15, 1965, and heretofore qualified under the Act, and a new indenture, which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under both indentures.

Section 310(b) of the Act, provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding \$42,497,000 principal amount of 4½ percent Sink-

ing Fund Debentures due July 15, 1990, which were issued under an indenture dated as of July 15, 1965, entered into between the Company and the Bank, as trustee, which has been qualified under the Act.

2. Burlington Overseas Capital N.V. (Overseas), a Netherland Antilles corporation, and a wholly owned subsidiary of the Company, proposes to issue and sell outside the United States in a transaction which will be exempt from registration under the Securities Act of 1933 (1933 Act), \$20 million principal amount of 7¾ percent Guaranteed Debentures due 1987 (new debentures) to be issued under an indenture between Overseas, the Company and the Bank (new indenture). Except for certain routine or mechanical provisions in the new indenture, the Company will be a party to the new indenture only as guarantor of the new debentures.

3. The new debentures are to be guaranteed as to payment of principal, interest, and premium, if any, by the Company. The new indenture will not be qualified under the Act.

4. The indenture dated as of July 15, 1965, is, and the new indenture will be, wholly unsecured. The Company is not in default under the indenture dated as of July 15, 1965.

5. The obligations of the Company under the indenture dated as of July 15, 1965, and the guarantees of the new debentures by the Company will rank on a parity with each other, all being unsecured senior obligations of the Company.

6. The differences in the provisions of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under both indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the rules and practices of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than August 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such

terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10748 Filed 7-12-72;8:50 am]

[File No. 500-1]

### COGAR CORP.

#### Order Suspending Trading

JULY 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.60 par value, of Cogar Corp. 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 July 6, 1972, through July 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10725 Filed 7-12-72;8:43 am]

[70-5219]

### CONNECTICUT YANKEE ATOMIC POWER CO.

#### Notice of Proposed Issue and Sale of Notes to Banks

JULY 6, 1972.

Notice is hereby given that Connecticut Yankee Atomic Power Co. (Connecticut Yankee), Post Office Box 270, Hartford, CT 06101, an electric utility subsidiary company of Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee, the owner and operator of a 575 MW nuclear power plant which began operation on January 1, 1968, recently commenced the transition to private ownership of its nuclear core which had therefore been wholly leased from the Atomic Energy Commission (AEC). By Order dated August 24, 1971 (Holding Company Act Release No. 17244), the Commission authorized Connecticut Yankee to issue and

sell to a group of banks \$7 million principal amount of notes (1971 notes) maturing October 1, 1973, to finance the first step in that transition process. In the present filing Connecticut Yankee proposes to issue and sell to banks up to an additional \$14 million principal amount of notes (1972 notes) to finance, among other things, the transition to private ownership of the third reload region of its nuclear core which is presently under lease from the AEC. The transition process consists essentially of delivering to the AEC an amount of uranium (to be acquired by Connecticut Yankee from non-affiliated interests), plus a cash payment to AEC to cover the cost of enrichment thereof, equivalent to and in substitution for the leased uranium in the third reload region of the core. In return, the AEC would transfer to Connecticut Yankee title to the uranium now contained in the core's third reload region. It is stated that the cash requirements for the proposed change to private ownership will amount to approximately \$8 million; and that additional funds of about \$6 million will be required in 1972/1973 for other costs associated with the transition and for certain capital expenditures with respect to the nuclear plant.

The proposed 1972 Notes will be issued under an agreement (1972 agreement), with the following banks, in the amount indicated for each bank:

	<i>Commitment</i>
The Connecticut Bank and Trust Co., Hartford, Conn.....	\$3,500,000
Chemical Bank, New York, N.Y....	2,750,000
The First National Bank of Boston, Boston, Mass.....	2,750,000
Hartford National Bank and Trust Co., Hartford, Conn.....	2,750,000
Connecticut National Bank, Bridgeport, Conn.....	750,000
The First New Haven National Bank, New Haven, Conn.....	750,000
Union Trust Co., New Haven, Conn. ....	750,000
<b>Total .....</b>	<b>\$14,000,000</b>

The 1972 notes will be issued from time to time no later than October 1, 1973, will be dated the date of issue, will mature on October 1, 1973, will bear interest at a rate of one-quarter of 1 percent above the prime rate (currently 5 percent) in effect from time to time at The Connecticut Bank and Trust Co., and may be prepaid at any time without premium. Connecticut Yankee will pay a commitment fee of one-half of 1 percent per annum from the date of the 1972 agreement on the average daily unused amount of the total commitment thereunder through the earlier of October 1, 1973 or the date upon which the company gives written notice to the banks that no further borrowings will be effected under the 1972 agreement.

The 1971 notes and 1972 notes will at no time exceed an aggregate of \$21 million. Connecticut Yankee expects to refund the total aggregate of notes on or before October 1, 1973 through long-term financing, the nature of which has not been determined; and states further that

should Connecticut Yankee engage in permanent financing prior to the maturity of the notes, an appropriate reduction will be made in the maximum amount of notes authorized to be outstanding. Any such refinancings will, to the extent necessary, be the subject of future filings with the Commission.

The fees and expenses to be incurred in connection with the proposed issue and sale of the 1972 notes are estimated at \$4,000, including legal fees of \$2,000. It is stated that the Connecticut Public Utilities Commission has jurisdiction over the proposed issue and sale of notes and that no other State and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 17, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10726 Filed 7-12-72;8:48 am]

[File No. 500-1]

#### FIRST WORLD CORP.

##### Order Suspending Trading

JULY 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, \$0.15 par value, of First World Corp. 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 July 9, 1972, through July 18, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10727 Filed 7-12-72;8:48 am]

[File No. 500-1]

#### PATENT DEVELOPMENT CORP.

##### Order Suspending Trading

JULY 6, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of Patent Development Corp. 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 3:30 p.m., e.d.t., on July 6, 1972, through July 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10749 Filed 7-12-72;8:50 am]

[File No. 500-1]

#### TANGER INDUSTRIES

##### Order Suspending Trading

JULY 6, 1972.

The common stock, \$1 par value, of Tanger Industries being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Tanger Industries 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 securities 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 from July 7, 1972, through July 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10728 Filed 7-12-72;8:48 am]

[File No. 500-1]

**TOPPER CORPORATION**  
**Order Suspending Trading**

JULY 6, 1972.

The common stock, \$1 par value, of Topper Corporation being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corporation 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 securities 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 19(a)(4) and 15(c)(5) 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 July 8, 1972, through July 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-10729 Filed 7-12-72;8:48 am]

**TARIFF COMMISSION**

[337-L-53]

**CERTAIN DISPOSABLE CATHETERS**  
**Notice of Complaint Received**

The U.S. Tariff Commission hereby gives notice of the receipt on June 30, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Multi-Med Industries, Inc., of Southfield, Mich., alleging unfair methods of competition and unfair acts in the importation and sale of certain disposable catheters which are embraced within claims of U.S. Patent No. 3,417,753 owned by the complainant. The complaint names as importer of the article E-Z-EM Co., 111 Swalm Street, Westbury, NY 11590.

In accordance with the provisions of section 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

Copies of the complaint as amended are available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than August 24, 1972. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436. A signed original and nineteen (19) true copies of each document must be filed.

By order of the Commission.

Issued: July 10, 1972.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-10759 Filed 7-12-72;8:51 am]

**DEPARTMENT OF LABOR**

**Office of the Secretary**  
**WILSON SHOE CORP.**

**Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance**

Under date of June 20, 1972, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-141) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the workers formerly employed by the Wilson Shoe Corp., Shamokin, Pa. In this report, the Commission found that articles like or directly competitive with footwear for women and misses manufactured by the Wilson Shoe Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 37 F.R. 2472, 12759; 29 CFR Part 90). In the recommendation she noted that imports like or directly competitive with the women's and misses' footwear produced by the Wilson Shoe Corp. increased substantially. As a result, the company cut back production. Employment levels and average weekly hours began to drop in late 1968 and continued despite company efforts to remain competitive. Unemployment and underemployment directly related to import competition began in November 1968. All production at Wilson Shoe Corp. ended in February 1972 and the plant was closed. After due consideration, I make the following certification:

All workers (hourly, piecework, and salaried) of the Wilson Shoe Corp., Shamokin, Pa., who became unemployed or underemployed after November 24, 1968, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this seventh day of July 1972.

HERBERT N. BLACKMAN,  
 Deputy Assistant Secretary, for  
 Trade and Adjustment Policy.

[FR Doc.72-10700 Filed 7-12-72;8:49 am]

**MARYLAND**

**Notice of Termination of Extended Unemployment Compensation**

The Federal-State Extended Unemployment Compensation Act of 1970, title II, Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Rita C. Davidson, Secretary of the Maryland Department of Employment and Social Services, has determined that there was a State "off" indicator in Maryland for the week beginning June 4, 1972 and that an extended benefit period terminated in the State with the week beginning June 25, 1972.

Signed at Washington, D.C., this 7th day of July 1972.

J. D. HOBGSON,  
 Secretary of Labor.

[FR Doc.72-10755 Filed 7-12-72;8:50 am]

**MASSACHUSETTS**

**Notice of Termination of Extended Unemployment Compensation**

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Richard C. Gilliland, Director of the Massachusetts Division of Employment Security, has determined that there was a State "off" indicator in Massachusetts for the week beginning May 28, 1972 and that an extended benefit period terminated in the State with the week beginning June 18, 1972.

Signed at Washington, D.C., this 7th day of July 1972.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.72-10756 Filed 7-12-72;8:50 am]

**OKLAHOMA**

**Notice of Termination of Extended Unemployment Compensation**

The Federal-State Extended Unemployment Compensation Act of 1970, title II, Public Law 91-373, establishes a program of payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b) (2) of the Act, notice is hereby given that Bruton Wood, Executive Director of the Oklahoma Employment Security Commission, has determined that there was a State "off" indicator in Oklahoma for the week beginning June 4, 1972, and that an extended benefit period terminated in the State with the week beginning June 25, 1972.

Signed at Washington, D.C., this 7th day of July 1972.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.72-10757 Filed 7-12-72;8:50 am]

**ENVIRONMENTAL PROTECTION AGENCY**  
**ENVIRONMENTAL IMPACT STATEMENTS**

**Availability of Agency Comments**

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from June 16, 1972, to June 30, 1972, as required by section 102(2) (C) of the National Environmental Policy Act of 1969 and Section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information

Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: July 7, 1972.

SHELDON MEYERS,  
Director,  
Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 16, 1972 AND JUNE 30, 1972

Responsible Federal agency	Title and identifying number	General nature of comments	Source for copies of comments
Atomic Energy Commission			
Do.....	D-AEC-00053-29: Wm. H. Zimmer Nuclear Powerplant, Harbor, Mass.	2	A
Do.....	D-AEC-00051-36: Fort Calhoun Nuclear Powerplant, Nebr.	2	A
Corps of Engineers			
Do.....	D-COE-35024-01: Maintenance and Dredging Chatham Harbor, Mass.	1	B
Do.....	D-COE-30037-04: New Bedford Hurricane Barrier, New Bedford, Mass.	1	B
Do.....	D-COE-36133-15: Buena Vista Flood Protection Project, Va.	2	D
Do.....	D-COE-32344-12: Tred Avon River Navigation Project, Talbot County, N.C.	3	D
Do.....	D-COE-25022-11: Clarion River Acid Mine Drainage Abatement Program Jefferson and Clarion Counties, Pa.	1	D
Do.....	D-COE-89093-15: Post Office Facility Alexandria, Va. Lincoln	1	D
Do.....	D-COE-36310-11: Susquehanna River, Pa., Northeast Flood Study.	1	O
Do.....	D-COE-36140-11: Tanaglia Local Protection, Wabash Creek, Schuylkill County, Pa.	1	O
Do.....	D-COE-36139-15: Williamson Local Protection, Mingo County, W. Va.	1	O
Do.....	D-COE-36133-14: Local Protection and Floodproofing, Matowan, Mingo County, Tug Fork, Big Sandy River, W. Va.	1	O
Do.....	D-COE-32356-18: Elckhorn Lake, Nelse River Basin, N.C.	2	E
Do.....	D-COE-32345-28: Log Jam Removal-Salanonle River, Wells County, Ind.	1	F
Do.....	D-COE-32339-27: Kent Creek (Second Draft) Winnebago County, Ill.	1	F
Do.....	D-COE-32338-29: Alum Creek Lake, Delaware County, Ohio.	1	F
Do.....	D-COE-32354-38: Big Hill Lake and Creek, Kansas.	2	H
Do.....	D-COE-31036-36: Ground Water Problem at Niobrara, Nebr.	2	H
Do.....	D-COE-30432-46: Long Beach Harbors, Los Angeles, Calif.	3	J
Do.....	D-COE-89092-54: Proposed Pier Reconstruction and Ship Berth 2 Deepening, Olympia, Wash.	1	K
Department of Agriculture.....	D-DOA-82033-00: U.S.D.A. System for Control of Spruce Blowworm.		A
Do.....	D-DOA-32363-15: Development of Poverty Creek Unit, Jefferson National Forest, Montgomery County, Va.	1	D
Do.....	D-DOA-89097-21: Land Renovation at Brooksville Beef Cattle Station, Brooksville, Fla.	2	E
Do.....	D-DOA-32351-24: Edinburg Dam and Lake, Pearl River Basin, Miss., La.	2	E
Do.....	D-DOA-36124-28: Spring Brook Watershed Langlace and Marathon Counties.	2	F
Do.....	D-DOA-36123-26: Poplar River Watershed Clark and Taylor Counties, Wis.	2	F
Do.....	D-DOA-89069-26: Dairyland Power Coop., Buffalo County, Ohio.	2	F
Do.....	D-DOA-07056-33: 345 KV Transmission Line New Madrid to Dixon, N.C.	3	II
Do.....	D-DOA-62017-40: Forest Service 3-yr. Road Construction Program For Kootenai National Forest.	2	I
Department of Commerce.....	D-DOC-24033-46: Water and Sewer Lines for Industrial Plant Santa Rosa, Calif.	2	J
Department of Defense.....	D-DOD-85092-19: 500 Units of Military Housing Shaw Air Force Base.	2	E
Department of the Interior.....	D-DOI-61050-20: Cumberland Island National Seashore, Ga.	2	E
Do.....	D-DOI-61055-40: Proposed Grant Kohrs Ranch National Historic Site.	1	I
Do.....	D-DOI-61054-43: Proposed Fossil Butte National Monument, Wyo.	1	I
Do.....	D-DOI-89090-46: Installation and Operation of Skid-mounted Desalting Unit and Injection Well, Imperial Valley, Calif.	2	J
Do.....	D-DOI-62021-48: San Francisco Peaks Land Use Proposal on Coconin National Forest, Ariz.	1	J
Department of Transportation.....	D-DOT-41306-07: Interchange Study Interstate Route I-64 Katonah to Croton Falls, Westchester County.	2	D
Do.....	D-DOT-41266-14: Appalachian Corridor "C" U.S. 469 W. Va. 71, Mercer County 25 Intersection to I-77, Princeton W. Va.	2	D
Do.....	D-DOT-41307-12: Maryland Route 183, Widening and Partial Relocation Randolph Road, Maryland.	2	D
Do.....	D-DOT-41302-12: U.S. Route 113, Berlin Bypass to Delaware State Line, Maryland.	2	D
Do.....	D-DOT-41329-12: Maryland Route 108032 Patuxent Freeway, Maryland.	2	D

Responsible Federal agency	Title and identifying number	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-41311-21: State Road 200 Nassau County, Fla.	1	E
Do.	D-DOT-41300-18: F.A. 1.8120(4) Forsyth County, N.C.	1	E
Do.	D-DOT-41341-18: McDowell and Buncombe County 1-40 FR. N.C. 9 to old fort.	2	E
Do.	D-DOT-41312-20: Proposed bridge across Flint River, Dougherty County, Ga.	1	E
Do.	D-DOT-41263-27: FA Route 23 (U.S. 30) Cook County, Ill.	2	F
Do.	D-DOT-41230-30: OSAH18 (Improvement) FAS6318, Hennepin County, Minn.	2	F
Do.	D-DOT-41283-28: State Route 331 (Relocation), St. Joseph County, Ind.	2	F
Do.	D-DOT-51162-30: Fairmont Municipal Airport, Jackson and Faribault Counties, Minn.	1	F
Do.	D-DOT-41313-34: State Route 116, Hoekley and Lubbock Counties, Tex.	2	G
Do.	D-DOT-51170-34: Crosbyton Municipal Airport, Texas.	2	G
Do.	D-DOT-41314-34: Interstate Highway 45 between Live Oak Street and Southern Street, Houston, Harris County, Tex.	2	G
Do.	D-DOT-51176-34: Lubbock Regional Airport, Lubbock, Tex.	2	G
Do.	D-DOT-51171-31: Springer Municipal Airport, N. Mex.	2	G
Do.	D-DOT-41238-39: Route 61, Lewis County, Mo.	2	H
Do.	D-DOT-41237-38: Intersection Improvement 21st Street and Washburn Ave., Shawnee County, Topeka, Kans.	1	H
Do.	D-DOT-41233-36: I-29-1(1) F-49 (35) and (46), Nebraska.	2	H
Do.	D-DOT-41322-39: Route D(87) Howard County Route E Junction To South Route J, Mo.	2	H
Do.	D-DOT-51173-42: Myrdo Municipal Airport, S.C.	1	I
Do.	D-DOT-41304-49: Hana Belt Road Lower Pala Section, Maui, Hawaii.	2	J
Do.	D-DOT-41276-56: F-1481 Lava Hot Springs to Linc, Bannock and Caribou Counties, Idaho.	2	K
Do.	D-DOT-41301-54: Snake River Bridge.	3	K
Federal Power Commission	D-FPC-05379-22: Application for Relicensing Mitchell Project.	2	E
Do.	D-FPC-06051-33: Application for New License Arkansas Power and Light Co. for Construction Carpenter and Rempel-Developments Project.	2	G
General Services Administration.	D-GSA-81075-16: Development of Federal Triangle, Washington, D.C.	2	A
Department of Housing and Urban Development.	D-HUD-55091-02: Wingate Apartments Laconia, N.H.	1	B
International Boundary and Water Commission.	D-IEW-34031-46: Emergency Delivery of Colorado River Water to Tijuana.	3	J
National Aeronautics and Space Administration.	D-NAS-12011-00: Space Shuttle Program.	1	A

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

- (1) *General agreement/lack of objections.* The Agency generally:
  - (a) Has no objections to the proposed action as described in the draft impact statement;
  - (b) suggest only minor changes in the proposed action or the draft impact statement; or
  - (c) has no comments on the draft impact statement or the proposed action.
- (2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.
- (3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.
- (4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

- A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.
- B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.
- C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.
- D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.
- E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.
- F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.
- G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.
- H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.
- I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.
- J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.
- K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-10675 Filed 7-12-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. C172-708]

CRYSTAL OIL CO., ET AL.

Notice of Petition To Amend

JULY 10, 1972.

Take notice that on June 29, 1972, Crystal Oil Co. (petitioner), Post Office Box 1101, Shreveport, LA 71163, filed in Docket No. C172-708 a petition to amend the order issuing a certificate of public convenience and necessity in said docket on June 15, 1972, pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) by authorizing the sale of an additional volume of natural gas to United Gas Pipe Line Co. (United) from the Shongaloo Field, Webster Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that its contract with United, which was accepted for filing as petitioner's FPC Gas Rate Schedule No. 27, does not conform to the executed contract in that the contract on file with the Commission provides for the sale of an average daily quantity of up to 3,000 Mcf of gas whereas the executed contract provides for the sale of an average daily quantity of up to 10,000 Mcf of gas. Petitioner states that the change in volume was included in the original contract at the time of execution thereof.

It appears reasonable and consistent with the public interest in this case to provide a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-10765 Filed 7-12-72;8:51 am]

[Docket No. RP71-13]

EL PASO NATURAL GAS CO.

Notice of Motion for Modification of Order Permitting Tracking of Rate Changes and for Utilization of Account 186, or a Successor Account, in Conjunction With Existing Tracking Authority

JULY 10, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on June 30, 1972,

filed a motion in which it: (1) Requests the Commission to issue an order further modifying its October 30, 1970, order in the above-captioned proceeding so as to extend the company's authority to track changes in the rates of its suppliers on its Southern Division System, as contained in that order, until El Paso's purchased gas adjustment provision, filed in Docket No. RP72-155 concurrently with its motion, becomes operative; and (2) seeks authority to utilize Account 186, Miscellaneous Deferred Debits, or a successor account, of the Commission's Uniform System of Accounts in conjunction with its outstanding tracking authority, as proposed to be modified herein, in order to eliminate successive tracking increases which otherwise would be required until its purchased gas adjustment provision becomes effective.

In support of its request for extension of its tracking authority, El Paso says that if the effectiveness of its purchased gas adjustment provision is postponed beyond August 12, 1972, the expiration date of its tracking authority under the Commission's Order No. 452-A, Docket No. R-406, issued June 13, 1972, El Paso may be faced with absorbing substantial increases in purchased gas costs on its Southern Division System, which it submits would be neither fair nor equitable under the circumstances. El Paso says that its proposal to utilize Account 186, or a successor account in conjunction with its tracking authority is, in part, prompted by difficulties which certain of its Southern Division System customers have voiced as to the frequency of tracking filings. The company says that the procedure which it envisions under Account 186, or a successor account, as fully described in its motion, would obviate the necessity for frequent tracking filings during the remainder of the term of the tracking authority on the Southern Division System, allow El Paso to recover its increased purchased gas costs and will not eliminate any of the present restrictions on El Paso's tracking authority.

Copies of the motion were served on all Southern Division System jurisdictional customers, interested State commissions and parties in Docket No. RP71-13.

Answers or comments relating to the motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before July 17, 1972.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-10766 Filed 7-12-72;8:51 am]

[Docket No. CP73-6]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

JULY 10, 1972.

Take notice that on July 5, 1972, Kansas-Nebraska Natural Gas Co., Inc. (Ap-

plicant), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP73-6 an application pursuant to section 7(c) 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 to Natural Gas Pipe Line Co. of America from applicant's central Kansas intrastate pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 25,000 Mcf of natural gas per day for 1 year from the date of initial delivery at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). In order to make the proposed sale, applicant proposes to construct and operate three-fourths of a mile of 6-inch pipeline and a measuring station in Barton County, Kans.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing or protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-10767 Filed 7-12-72;8:51 am]

[Docket No. DA-192 Utah, U.S. Geological Survey]

## WITHDRAWAL OF CERTAIN POWER SITE LANDS IN UTAH AND WYOMING

### Finding and Order

#### Correction

In F.R. Doc. 72-6610 appearing at page 8964 in the issue for Wednesday, May 3, 1972; the first entry under "T. 17 N., R. 108 W." in the last column on page 8966 should read "Sec. 18, lots 7 and 8, E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ."

[Docket No. R172-204 etc.]

## HONDO OIL & GAS CO. ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

JULY 3, 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, Chapter 1], 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 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.

<sup>1</sup>Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate scheduled 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 No.
									Rate in effect	Proposed increased rate	
RI72-204	Hondo Oil & Gas Co.	2	11-3	El Paso Natural Gas Co. (San Juan Basin)	(0)	5-8-72	5-18-72	Accepted	12.0	20.075	
	do	4		do	\$1,450	5-8-72	5-18-72	Accepted	14.0	21.33	RI69-209
	Atlantic Richfield Co.	178	11-9	do	3,455	5-8-72	5-18-72	Accepted	15.250	21.33	RI69-351
	do	179	11-9	do	14,100	5-8-72	5-18-72	Accepted	15.250	21.33	RI69-381
	do	180	11-15	do	41,514	5-8-72	5-18-72	Accepted	15.0	20.075	RI69-288
	do	249	11-8	do	430	5-8-72	5-18-72	Accepted	13.201	21.33	RI69-284
	do	251	11-10	do	(0)	5-8-72	5-18-72	Accepted	13.201	21.33	RI69-286
	do	281	11-9	do	101,126	5-8-72	5-18-72	Accepted	13.201	21.33	RI71-562
	do	281	11-9	do	101,126	5-8-72	5-18-72	Accepted	14.203	21.33	RI69-261
	do	293	11-4	do	4,937	5-8-72	5-18-72	Accepted	11.0	21.33	RI69-275
RI72-203	do	301	11-4	do	141,536	5-8-72	5-18-72	Accepted	14.0	21.33	RI69-276
	do	306	11-4	do	6,670	5-8-72	5-18-72	Accepted	13.0	21.33	
	do	333	11-9	do		5-8-72	5-18-72	Accepted	21.33	21.33	RI72-69
	do	334	11-8	do		5-8-72	5-18-72	Accepted	21.33	21.33	RI72-69
	do	335	11-8	do		5-8-72	5-18-72	Accepted	21.33	21.33	RI72-69
	do	498	11-17	do		5-8-72	5-18-72	Accepted	21.33	21.33	RI72-69
	do	499	11-4	do		5-8-72	5-18-72	Accepted	13.0	20.075	
	do	502	11-7	do	(0)	5-8-72	5-18-72	Accepted	15.250	21.33	RI69-383
	do	512	11-4	do	75	5-8-72	5-18-72	Accepted	13.225	21.33	RI64-107
	do	513	11-6	do	12,333	5-8-72	5-18-72	Accepted	15.250	21.33	RI69-383
	do	552	11-10	do	121,100	5-8-72	5-18-72	Accepted	14.0	21.33	RI70-1197
	do	580	11-3	do	632	5-8-72	5-18-72	Accepted	14.0	21.33	RI69-383

\* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.  
 † Substitute filing fracturing renegotiated rate of 22 cents in order to not exceed the rate limit for 1 day suspensions.

‡ Net used.  
 § No sales at present.  
 ¶ Accepted for filing subject to refund in the existing proceedings as of May 18, 1972, 61 days from date of filing of the original notices of change in rate.

Atlantic and Hondo request that, in lieu of previously filed higher rates which were suspended for 5 months, substitute notices of change in rate to rate levels not in excess of the rate limits for a 1-day suspension be accepted for filing and permitted to become effective after a 1-day suspension. The substitute filings are accepted for filing subject to refund in the existing proceedings as of 61 days from the filing of the original notices.

The proposed increases filed by Hondo and Atlantic do not exceed the corresponding rate-filing limitation imposed in southern Louisiana.

The producers' proposed increased 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).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i) (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.72-10552 Filed 7-12-72;8:45 am]

[Docket No. RI72-274 etc.]

**MOBIL OIL 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<sup>1</sup>**

JUNE 29, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

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, Chapter 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 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.*

NOTICES

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—	Conts per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-274	Mobil Oil Corp.	38	19	El Paso Natural Gas Co. (San Juan Basin Area).	\$23,949	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	199	8	do	43	5-30-72		11-30-72	21.33	22.0	RI72-212.
do	do	200	12	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-72.
do	do	313	15	do	1,176	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	314	17	do	2,216	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	360	14	do	760	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	361	15	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-72.
do	do	370	7	do	1,170	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	422	6	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-212.
do	do	427	17	do	846	5-30-72		11-30-72	21.33	22.0	RI72-207.
do	do	446	7	do	104	5-30-72		11-30-72	21.33	22.0	RI72-214.
RI72-275	Northern Natural Gas Producing Co.	25	22	do	57	5-30-72		11-30-72	21.33	22.0	RI72-209.
do	do	26	21	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-209.
do	do	27	22	do	835	5-30-72		11-30-72	21.33	22.0	RI72-209.
do	do	27	22	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-209.
do	do	30	9	do	\$1,145	5-30-72		11-30-72	21.33	22.0	RI72-209.
do	do	30	9	do	(9)	5-30-72		11-30-72	22.0	22.0	RI72-209.
do	do	30	9	do	358	5-30-72		11-30-72	21.33	22.0	RI72-209.
RI72-276	Aztec Oil & Gas Co.	26	9	Southern Union Gathering Co. (San Juan Basin Area).	15,587	5-30-72		12- 1-72	15.0630	20.23	RI69-378.
RI72-277	Skelly Oil Co.	46	26	El Paso Natural Gas Co. (San Juan Basin Area).	(9)	6- 2-72		12- 3-72	22.0	22.0	RI72-120.
do	do	47	27	do	1,2,030	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	90	21	do	(9)	6- 2-72		12- 3-72	22.0	22.0	RI72-121.
do	do	107	21	do	1,1,736	6- 2-72		12- 3-72	21.33	22.0	RI72-121.
do	do	116	8	do	(9)	6- 2-72		12- 3-72	20.075	22.0	RI72-211.
do	do	131	18	do	(9)	6- 2-72		12- 3-72	20.075	22.0	RI72-121.
do	do	140	13	do	1,1,472	6- 2-72		12- 3-72	21.33	22.0	RI72-214.
do	do	141	22	do	(9)	6- 2-72		12- 3-72	21.33	22.0	RI72-214.
do	do	144	14	do	1,2,224	6- 2-72		12- 3-72	20.075	22.0	RI72-120.
do	do	166	5	do	(9)	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	167	11	do	1,048	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	211	14	do	(9)	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	215	4	do	1,1,096	6- 2-72		12- 3-72	20.075	22.0	RI72-218.
do	do	215	4	do	(9)	6- 2-72		12- 3-72	20.075	22.0	RI72-218.
do	do	215	4	do	1,160	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	215	4	do	(9)	6- 2-72		12- 3-72	21.33	22.0	RI72-218.
do	do	215	4	do	1,853	6- 2-72		12- 3-72	20.075	22.0	RI72-218.
do	do	215	4	do	(9)	6- 2-72		12- 3-72	20.075	22.0	RI72-218.
RI72-231	Amoco Production Co.	93	# 1-12	do	(15)	5-30-72		6-11-72	14.2678	21.33	RI69-374.
do	do	108	# 1-10	do	(15)	5-30-72		6-11-72	16.0098	21.33	RI69-374.
do	do	109	# 1-14	do		5-30-72		6-11-72	21.33	21.33	RI72-70.
do	do	124	# 1-15	do		5-30-72		6-11-72	21.33	21.33	RI72-70.
do	do	193	# 1-15	do	150,434	5-30-72		6-11-72	15.0610	21.33	RI69-374.
do	do	195	# 1-31	do	73,640	5-30-72		6-11-72	13.2186	21.33	RI69-374.
do	do	233	# 1-12	do		5-30-72	# 5-11-72	10 Accepted	21.33	21.33	RI72-170.
do	do	302	# 1-11	do	73,696	5-30-72		6-11-72	10.0660	21.33	RI69-371.
do	do	302	# 1-11	do	53,403	5-30-72		6-11-72	13.2186	21.33	RI69-394.
do	do	320	# 1-6	do		5-30-72	# 5-11-72	10 Accepted	14.2678	21.33	RI71-1159.
do	do	363	# 1-34	do	1,454	5-30-72		6-11-72	13.2186	21.33	RI69-371.
do	do	363	# 1-34	do	2,274,644	5-30-72		6- 4-72	14.0	22.0	RI69-375.
do	do	370	# 1-25	do		5-30-72		6-11-72	14.0	21.0	RI69-375.
do	do	371	# 1-27	do		5-30-72		6-11-72	14.0	21.0	RI69-375.
do	do	387	# 1-7	do		5-30-72		6-11-72	14.0	21.0	RI69-375.
do	do	469	# 1-8	do		5-30-72		6-11-72	14.0	21.0	RI69-375.
do	do	484	# 1-7	do	877	5-30-72		6-11-72	14.0	21.0	RI69-375.
do	do	485	# 1-9	do	877	5-30-72		6-11-72	14.0	21.0	RI69-375.

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 No.
									Rate in effect	Proposed increased rate	
R172-231	Amoco Production Co.	497	# 1-19	El Paso Natural Gas Co. (San Juan Basin Area)		5-30-72		6-11-72	21.33	21.33	R172-170.
	do	498	# 1-24	do		5-30-72		6-11-72	21.33	21.33	
	do	499	# 1-16	do		5-30-72		6-11-72	21.33	21.33	
	do	500	# 1-13	do		5-30-72		6-11-72	21.33	21.33	
	do	529	# 1-2	do	3,819	5-30-72		6-11-72	14.0	22.0	
	do	530	# 1-2	do	7,419	5-30-72		6-11-72	14.0	22.0	
	do	117	# 1-35	do	24,577	6-1-72		6-11-72	13.2501	22.0	R170-362.
	do	163	# 1-24	do	12,023	6-1-72		6-11-72	13.2501	22.0	R169-368.
	do	199	# 1-23	do	69,029	6-1-72		6-11-72	21.33	22.0	R172-169.
	do	397	1-9	do	61,353	6-1-72		6-11-72	14.0	22.0	R171-121.
	do	517	# 1-9	do		6-1-72		6-11-72	21.33	21.33	R172-170.
	do	535	# 1-6	do	636	6-1-72		6-11-72	14.2678	21.33	R170-291.
R172-233	Marathon Oil Co.	25	# 1-13	El Paso Natural Gas Co. (Jicarilla Area, Rio Arriba County, N. Mex.) (San Juan Basin)	114,090	5-30-72		6-13-72	13.2156	21.33	R169-541.
R172-233	do	55	# 1-9	El Paso Natural Gas Co. (Kutz Canyon and Jicarilla Areas) (Dakota Formations, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin)	23,031	5-30-72		6-13-72	14.2678	21.33	R169-462.
	do	96	# 1-6	El Paso Natural Gas Co. (Argo No. 1 Well, San Juan County, N. Mex.) (San Juan Basin)	1,475	5-30-72		6-13-72	14.2678	21.33	R169-388.
R172-243	Pubco Petroleum Corp.	1	# 1-35	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin)	4,458	5-31-72		6-21-72	15.2525	21.33	R170-217.
	do	13	# 1-27	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.)	61,757	5-31-72		6-21-72	15.2510	21.33	R170-218.
R172-278	Northwest Production Corp.	3	2	El Paso Natural Gas Co. (Rio Arriba County, N. Mex., San Juan Basin)		6-5-72	7-6-72	Accepted			
	do		3	do	1,613	6-5-72		8-6-72	14.0	21.33	R170-63.
R172-279	Union Texas Petroleum, a division of Allied Chemical Corp.	49	# 16	El Paso Natural Gas Co. (Crosby Deep Field, Lea County, N. Mex.) (Permian Basin)		6-2-72	7-3-72	Accepted			
	do		17	do	225,704	6-2-72		12-3-72	17.9026	30.0918	R170-69.

\* Unless otherwise stated, the pressure base is 15,025 p.s.i.a.  
 1 Applicable to gas from wells completed before June 1, 1970.  
 2 Applicable to gas from wells completed on or after June 1, 1970. (No production at present.)  
 3 For sales under Supplement No. 3 only.  
 4 Applies to Supplements Nos. 3, 4, and 5 only.  
 5 Applies to Supplements Nos. 2, 3, and 4 only.  
 6 Excludes gas from acreage added by Supplements Nos. 10, 11, 12, 14, and 15.  
 7 Applicable to gas from acreage added by Supplements Nos. 10, 11, 12, 14, and 15.  
 8 No production at present.  
 9 Increase from fractured renegotiated rate to total renegotiated rate.  
 10 Excludes gas from acreage added by Supplements Nos. 3, 4, 5, 6, and 8.  
 11 Applicable to gas from acreage added by Supplements Nos. 3, 4, 5, 6, and 8.  
 12 Excludes gas from acreage added by Supplements Nos. 7, 8, 9, 10, 11, 12, 14, and 16.  
 13 Applicable to gas from acreage added by Supplements Nos. 7, 8, 9, 10, 11, 12, 14, and 16.  
 14 Subject to B.t.u. adjustment.  
 15 For gas from acreage added by Supplement No. 11 dated after Oct. 1, 1968.  
 16 No sales at present.  
 17 Substitute filing fracturing renegotiated rate of 22 cents in order to not exceed the rate limit for 1-day suspension.  
 18 Increases to 22 cents and 28 cents currently suspended.  
 19 Accepted for filing to be effective on the dates shown in the "Effective Date" column.  
 20 For sales under Supplements Nos. 12, 13, 15, 21, 24, and 25.  
 21 For sales under Supplements Nos. 21 and 24 which were dated subsequent to Oct. 1, 1968.

22 For sales under Supplement No. 25 which was dated after June 17, 1970.  
 23 For sales under Supplement No. 8 which was dated after June 17, 1970.  
 24 For sales under Supplement No. 39 which was dated after June 17, 1970.  
 25 For sales under Supplements Nos. 24 and 25 which were dated subsequent to Oct. 1, 1968.  
 26 Also fractures the 23 cents rate for a portion of the acreage.  
 27 Original increase to 23 cents per Mcf not being fractured.  
 28 No current production.  
 29 For sales under Supplement No. 39.  
 30 For sales under Supplements Nos. 29 and 25.  
 31 Rates of 22 cents per Mcf and 23 cents per Mcf.  
 32 For sales under Supplements Nos. 14, 15, 16, and 18.  
 33 For sales under Supplements Nos. 9, 11, 12.  
 34 For sales under Supplement No. 18 which is dated after Oct. 1, 1968.  
 35 For sales under Supplement No. 39 which is dated after Oct. 1, 1968.  
 36 For sales under Supplement No. 5 which was dated after Oct. 1, 1968.  
 37 Substitute filing fracturing renegotiated increase to 22 cents and 23 cents in order not to exceed rate limit for a 1-day suspension.  
 38 Applicable to Supplement No. 21.  
 39 Applicable to Supplements Nos. 27, 23, and 29.  
 40 Applicable to Supplements Nos. 6-10.  
 41 Applicable to Supplements Nos. 14-21.  
 42 Amended agreement providing for renegotiated rate for sales from recent completion in new reservoir.  
 43 Amends contract consistent with El Paso's San Juan Basin contract renegotiation program.  
 44 Accepted to be effective on the dates shown in the "Effective Date" column.

APPENDIX "A"

The proposed substitute increases to 24 cents of Amoco under Supplements Nos. 1 to 31 to its FPC Gas Rate Schedule No. 195; Supplements Nos. 1 to 11 to its FPC Gas Rate Schedule No. 302 and Supplements Nos. 1 to 34 to its FPC Gas Rate Schedule No. 363 relate to sales of gas from acreage added by amendments dated after June 17, 1970, and do not exceed the ceiling rate established by

Opinion No. 435. The 24 cents-per-Mcf rates therefore are accepted as of 30 days from the respective dates of the original filings.

The other proposed substitute increases of Amoco Production Co., Marathon Oil Co., and Pubco Petroleum Corp. were fractured so as not to exceed the rate limit for a 1-day suspension. These increases are therefore suspended for 1 day in the existing suspension proceedings relating to the original filings.

The increase proposed by Northwest Production Co., and the increase proposed by Skelly Oil Co. under its Supplement No. 14 to its FPC Gas Rate Schedule No. 144 to the extent it relates to sales from acreage dedicated on or after October 1, 1968, do not exceed the applicable ceiling for a 1-day suspension and therefore the suspension period is so limited.

The other proposed rates involved here exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore are suspended for 5 months.

The producers' proposed increased 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).

#### CERTIFICATION 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 C.F.R. 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.72-10495 Filed 7-12-72;8:45 am]

[Docket No. E-7740]

### INDIANA AND MICHIGAN ELECTRIC CO.

#### Notice of Extension of Time

JULY 3, 1972.

On June 29, 1972, the Indiana Municipal Electric Association filed a request for an extension of time within which to file protests or petitions to intervene in the above-designated proceeding.

Upon consideration, notice is hereby given that the time is extended to and including July 15, 1972, within which protests or petitions to intervene may be filed in the above-designated proceeding.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-10810 Filed 7-12-72;8:48 am]

[Dockets Nos. CP72-100, CP72-101]

### TECON GASIFICATION CO. AND TEXAS EASTERN TRANSMISSION CORP.

#### Notice of Availability for Inspection of Staff Brief Commenting on Environmental Issues

JULY 6, 1972.

Notice is hereby given that on June 30, 1972, a copy of the initial brief of the Federal Power Commission staff commenting on, inter alia, the environmental issues raised in the above-titled proceedings, was placed in the public files of the Federal Power Commission. The brief deals with the applications of Tecon Gasification Co. and Texas Eastern Transmission Corp. requesting authorization, pursuant to section 7 of the Natural Gas Act, to construct and operate plant, pipeline, and appurtenant facilities for the reformation of naphtha into pipeline quality gas. This brief is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-10809 Filed 7-12-72;8:48 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 29]

### ASSIGNMENT OF HEARINGS

JULY 7, 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 78400 Sub 27, Beaufort Transfer Co., now assigned July 19, 1972, will be held in the U.S. Post Office, Room 303, 131 West Heights Street, Jefferson City, MO.

MC 41432 Sub 117, East Texas Motor Freight Lines, Inc., now assigned July 17, 1972, at Atlanta, Ga.; hearing is postponed to October 16, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC 135185 Sub 6, Columbine Carriers, Inc.; contract carrier application, now assigned July 12, 1972, at St. Louis, Mo., is cancelled and the application is dismissed.

FD 26847, Chicago, & North Western Railway Co.; abandonment between Sanborn & Wanda, in Redwood County, Minn., now assigned July 31, 1972, at Redwood Falls, Minn.; hearing is postponed to September 6, 1972, at Redwood Falls, Minn., in a hearing room to be later designated.

No. 35482, Modern Imports—Petition for Declaratory Order—(home delivery charges), now being assigned August 7, 1972, MC 113267 Sub 279, Central & Southern Truck Lines, Inc., now being assigned August 8, 1972, MC 119789 Sub 104, Caravan Refrigerated Cargo, Inc., now being assigned August 9, 1972, MC 115162 Sub 212, Poolo Truck Lines, Inc., now being assigned August 14, 1972, at New Orleans, La., in a hearing room to be later designated.

MC 12830 Sub 2, Canton Automobile Club, Inc., doing business as, Canton Automobile Club, now being assigned hearing August 21, 1972 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

I & S 8707, Refrigeration Provisions—Florida East Coast Railway, I & S 8720, Icing Services, U.S. Railroads; now assigned July 10, 1972, at Los Angeles, Calif., hearing is postponed to October 10, 1972, at Los Angeles, Calif., in a hearing room to be later designated.

MC 133796 Sub 7, George Appel, now assigned July 24, 1972, at Los Angeles, Calif., hearing is postponed indefinitely.

MC 113495 Sub 51, Gregory Heavy Haulers, Inc., now assigned July 17, at Louisville, Ky.; hearing is cancelled and application dismissed.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-10772 Filed 7-12-72;8:52 am]

### FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 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. 42473—Wheat and wheat flour from specified points in Montana. Filed by Pacific Southcoast Freight Bureau, agent (No. 266), for interested rail carriers. Rates on wheat and wheat flour, in carloads, as described in the application, from specified points in Montana, to points in California.

Grounds for relief—Motor competition.

Tariff—Supplement 135 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1783. Rates are published to become effective on August 19, 1972.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-10771 Filed 7-12-72;8:52 am]

[Ex Parte No. 284]

### PERISHABLE COMMODITIES

#### Investigation Into the Need for Defining Reasonable Dispatch

Order. Upon consideration of the record in the above-entitled proceeding.

(1) Petition by the Association of American Railroads, filed June 22, 1972, in behalf of its member railroads, respondents in this proceeding, to stay the submission of statements, or, in the alternative, to extend the time within which such statements must be filed;

(2) Reply of Western Growers Association, filed July 4, 1972; and good cause appearing therefor:

*It is ordered*, That the said petition, insofar as it seeks an indefinite stay of the submission of statements be, and it is hereby, denied for the reasons that no sufficient or proper cause appears for granting that relief.

*It is further ordered*, That the time for filing initial statements be, and it is hereby, extended to September 15, 1972, and the time for filing reply statements be, and it is hereby, extended to October 16, 1972.

Dated at Washington, D.C., on the 6th day of July 1972.

By the Commission, Chairman  
Stafford.

[SEAL] JOSEPH M. HARRINGTON,  
*Acting Secretary.*

[FR Doc. 72-10774 Filed 7-12-72; 8:52 am]

[Notice 56]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 7, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> 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 serv-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ice 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 5470 (Sub-No. 68), filed June 13, 1972. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, PA 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, (1) between points in Jefferson, Muskingum, and Belmont Counties, Ohio, and (2) from points in Jefferson, Muskingum, and Belmont Counties, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia. Note: Applicant states that the requested authority can be tacked with its existing authority at points in Belmont, Jefferson, and Muskingum Counties, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11207 (Sub-No. 316), filed June 15, 1972. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic*

*pipe and conduit, fittings, couplings, connections, valves, hydrants, and materials and supplies necessary for the installation thereof*, from Buckhannon, W. Va., to points in Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 11207 (Sub-No. 317), filed June 1, 1972. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper bags, and paper products*, from the plantsite and warehouse facilities of Westvaco Corp.-Bag Division, at New Orleans, La., to points in that part of Georgia south of U.S. Highway 82, and Atlanta, Ga., and points in the Atlanta, Ga., commercial zone as defined by the Commission. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Birmingham, Ala.

No. MC 22278 (Sub-No. 41) (Correction), filed May 18, 1972, published in the FEDERAL REGISTER issue of June 22, 1972, and republished as corrected this issue. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Forst City, Iowa, as an off-route point in conjunction with carriers authorized regular route operations. Note: The purpose of this republication is to show the correct docket number as MC 22278 (Sub-No. 41) in lieu of MC 30844 (Sub-No. 410), which was assigned in error. Common control may be involved. Applicant states that the requested authority can be tacked to regular route authorities held by applicant at Mason City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29079 (Sub-No. 63), filed June 19, 1972. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 Union Street, Post Office Box 395, Kokomo, IN 46901. Applicant's representative: Carl E. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride* (except in bulk), from

Midland and Ludington, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, and Wisconsin. Minnesota—All points on and east of Interstate Highway 35; Iowa—All points on and east of U.S. Highways 65 and 69; Missouri—All points on and east of U.S. Highway 65 and the Kansas City commercial zone; Pennsylvania—All points on and west of the following highways: U.S. Highway 220 from Maryland border north to its junction with U.S. Highway 15, thence north on U.S. Highway 15 to its junction with Pennsylvania State Highway 14, thence north on Highway 14 to the New York border and New York—All points on and west of the following highways: U.S. Highway 11 from the Pennsylvania border northward to New York State Highway 13 to Pulaski, N.Y., thence west on New York State Highway 13 to Lake Ontario. 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 Detroit, Mich.

No. MC 29886 (Sub-No. 278) (Amendment), filed February 22, 1972, published in the FEDERAL REGISTER issues of March 23, 1972 and June 29, 1972 and republished as amended this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). NOTE: The sole purpose of this republication is to redescribe Part (b): Between the plants and storage facilities of the Brown Boveri Corp. in North Brunswick, N.J., and Chesterfield County, Va., on the one hand, and, on the other, to points in the States of Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, and Wisconsin. The rest of the application remains as previously published.

No. MC 29910 (Sub-No. 117), filed June 14, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, and fittings*, from Columbus and Hilliard, Ohio, to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 47309 (Sub-No. 6), filed June 6, 1972. Applicant: VETERAN'S TRUCK

LINE, INC., Box 218, Bristol, WI 53104. 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: (1) *Such merchandise* as is dealt in by wholesale and retail grocery and food business houses in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from Chicago, Ill., to points in Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Walworth, Rock, Dane, Washington, Dodge, Fond du Lac, Winnebago, Door, Outagamie, Calumet, Brown, Manitowoc, Sheboygan, and Ozaukee Counties, Wis., under a continuing contract with Curtis Candy Co., a division of Standard Brands, Inc.; and (2) *meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from points in Cook County, Ill., to points in Cook, McHenry, and Lake Counties, Ill., and Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Walworth, Rock, Dane, Washington, Dodge, Fond du Lac, Winnebago, Outagamie, Calumet, Brown, Manitowoc, Sheboygan, Ozaukee, and Door Counties, Wis., under a continuing contract with Chicago Food Processors, Inc. NOTE: Applicant holds common carrier authority under MC 84687, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 52752 (Sub-No. 21), filed June 8, 1972. Applicant: WESTERN TRANSPORTATION COMPANY, a corporation, 1300 West 35th Street, Chicago, IL 60609. 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 routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Muscatine, Iowa, and the junction of U.S. Highway 6 and Iowa Highway 38 over Iowa Highway 38, and return over the same route, serving no intermediate points as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53965 (Sub-No. 86), filed June 12, 1972. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. 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, commodities requiring special equipment, and

those injurious or contaminating to other lading, (1) between Enid and Elmwood, Okla., from Enid, Okla., over Oklahoma Highway 45 to Woodward, Okla., thence over U.S. Highway 270 to Elmwood, Okla., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points; (2) between Elmwood and Guymon, Okla., from Elmwood, Okla., over Oklahoma Highway 3 to Guymon, Okla., and return over the same route, as an alternate route, for operating convenience only, serving the junction of U.S. Highway 83 and Oklahoma Highway 3, for purposes of joinder only; (3) between Guymon and Eads, Colo., from Guymon, Okla., over U.S. Highway 64 to Boise City, Okla., thence over U.S. Highway 287 to Eads, Colo., as an alternate route, for operating convenience only, serving no intermediate point; (4) between Great Bend and Scott City, Kans., from Great Bend, Kans., over Kansas Highway 96 to Scott City, Kans., and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points; (5) between Lawrence, Kans., and junction of U.S. Highway 59 and U.S. Highway 56, from Lawrence, Kans., over U.S. Highway 59 to its junction with U.S. Highway 56, as an alternate route, for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 60012 (Sub-No. 88), filed May 22, 1972. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, CO 80221. Applicant's representative: Warren D. Braucher, 450 Lincoln Street, Denver, CO 80203. 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 those requiring special equipment), between the junction of U.S. Highway 24 and Colorado Highway 82, approximately 3 miles north of Granite, Colo., and Aspen, Colo., serving all intermediate points, and serving the site of the Twin Lakes Powerplant, located near Twin Lakes, Colo., as an off-route point in connection with applicant's authorized regular route operations: From the junction of U.S. Highway 24 and Colorado Highway 82 over Colorado Highway 82 to Aspen, and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61231 (Sub-No. 67), filed May 11, 1972. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant and warehouse sites of Armco Steel Corp. at Kansas City, Mo., to points in Illinois, Iowa, Minnesota,

North Dakota, South Dakota, 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 Kansas City, Mo.

No. MC 76472 (Sub-No. 21), filed June 5, 1972. Applicant: MATERIAL TRUCKING, INC., 924 South Heald, Wilmington, DE 19801. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petro-coke*, in bulk, in dump vehicles, from points in Delaware, to points in Delaware, Maryland, New Jersey, Pennsylvania, and West Virginia; (2) *Ilmenite ore*, in bulk, from points in Ocean County, N.J., to points in Edge-moor, Del.; (3) *Urea*, in bulk, in dump vehicles, from points in Wilmington, Del., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Virginia; (4) *Crude metallic iron*, in bulk, in dump vehicles, from points in Wilmington, Del., to points in Delaware, Maryland, Pennsylvania, and New Jersey (except points in Salem, Cumberland, Gloucester, Cape May, Atlantic, Burlington, and Camden Counties, N.J.); (5) *Sand*, in bulk, between points in Delaware on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, and New Jersey (except points in Salem, Cumberland, Gloucester, Cape May, Atlantic, Burlington, and Camden Counties, 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 Washington, D.C., or Philadelphia, Pa.

No. MC 80430 (Sub-No. 141), filed June 8, 1972. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, WI 54601. Applicant's representative: Joseph A. Ludden (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, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite and warehouse facilities of General Tire & Rubber Co. at or near Mount Vernon, Ill., as an off-route point in connection with applicant's regular route authority, as set forth in Docket No. MC 80430 as it applies to and from St. Louis, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 80430 (Sub-No. 142), filed June 8, 1972. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Applicant's representative: Joseph A. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irreg-

ular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined 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 the plantsite and storage facilities utilized by Wilson-Sinclair Co., located at Albert Lea, Minn., Cedar Rapids, Iowa, and Des Moines, Iowa, to points in Indiana, Michigan, and Ohio. **Restriction:** Restricted to the transportation of traffic originating at the named origins and destined to the named destinations. **NOTE:** Applicant states that no duplicating authority is being sought. All such duplicating authority shall be eliminated if, and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 80430 (Sub-No. 143), filed June 8, 1972. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Prestressed concrete products*, serving the plantsite of Centaur Prestressed, near Chesterfield, Mo., as an off-route point in connection with its regular route operations to and from St. Louis, Mo. in Docket No. MC 80430. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., and Washington, D.C.

No. MC 82841 (Sub-No. 96), filed June 14, 1972. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. 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: *Hydraulic systems and power units for hydraulic systems and equipment, parts and accessories used in the installation and operation of hydraulic systems and power units for hydraulic systems*, between Omaha, Nebr., on the one hand, and, on the other, points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Nevada, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Washington, D.C. **Restriction:** Restricted to the transportation of shipments originating at or destined to the plantsite of Strang Hydronics, Inc., Omaha, Nebr. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 82841 (Sub-No. 98), filed June 19, 1972. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 7100 West Center Road, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Forest products, lumber, and millwork*, (1) from points in Arizona, Arkansas, Colorado, Idaho, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming, to points in California; and (2) from points in California, to points in New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 83835 (Sub-No. 92), filed June 12, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (including Alaska but excluding Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94201 (Sub-No. 108), filed June 12, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduits, plastic and iron fittings, couplings, connections, valves, hydrants and gaskets; and materials and supplies necessary for the installation thereof*, from Buckhannon, W. Va., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Louisiana, Arkansas, Texas, Missouri, Mississippi, Tennessee, Oklahoma, 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 Chicago, Ill., or Washington, D.C.

No. MC 94350 (Sub-No. 314), filed June 5, 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*, from points in Chatham, Granville, and Tyrrell Counties, N.C., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. **NOTE:** Applicant states that the requested authority can-

not be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106920 (Sub-No. 43), filed June 19, 1972. Applicant: RIGGS ROAD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Indianapolis, Ind., to points in Tennessee, Georgia, and Florida. 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 Washington, D.C.

No. MC 108057 (Sub-No. 10), filed June 6, 1972. Applicant: McDONNELLI BROS., INC., 759 Riverside Avenue, Lyndhurst, NJ 07071. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metals*, between the plantsite of Emil A. Schroth, Inc., Howell Township (Monmouth County), N.J., and points in Connecticut, Ohio, Pennsylvania, Rhode Island, Baltimore, Md., and New York, N.Y., under a continuing contract with Emil A. Schroth, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 110098 (Sub-No. 128), filed June 19, 1972. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. 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: *Such commodities* as are dealt in by the R. T. French Co., from Springfield, Mo., to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, New Mexico, Oklahoma, Iowa, Minnesota, Illinois, Wisconsin, Arkansas, Louisiana, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. 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 Omaha, Nebr., or San Antonio, Tex.

No. MC 111103 (Sub-No. 39) (Correction), filed February 22, 1972, published in the FEDERAL REGISTER issue of April 6, 1972, and republished as corrected this issue. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-27

South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040, and Russell S. Bernard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Coral Gables, Fla., on the one hand, and, on the other, Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., New York, Buffalo, and West Point, N.Y., Charlotte, N.C., Chicago, Ill., Cincinnati, and Cleveland, Ohio, Culpeper, and Richmond, Va., Dallas, El Paso, Houston, and San Antonio, Tex., Denver, Colo., Detroit, Mich., Fort Knox and Louisville, Ky., Helena, Mont., Kansas City and St. Louis, Mo., Little Rock, Ark., Los Angeles and San Francisco, Calif., Memphis and Nashville, Tenn., Minneapolis, Minn., New Orleans, La., Oklahoma City, Okla., Omaha, Nebr., Philadelphia and Pittsburgh, Pa., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and Washington, D.C., under contract with General Services Administration. NOTE: The purpose of this republication is to add New York, N.Y., and Dallas, Tex., to the territories proposed to be served which were inadvertently omitted from previous publication. Applicant has common carrier authority under MC 133698 Sub 2, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111320 (Sub-No. 56), filed June 8, 1972. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, Post Office Box 668, Hudson, OH 44236. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earthmoving, construction, and contractors machinery and parts thereof* when moving at the same time or separately, from Winona, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, 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 Washington, D.C.

No. MC 111375 (Sub-No. 62), filed June 13, 1972. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI. Applicant's representative: Charles W. Singer, 327 South La Salle Street, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Superior, Nebr., to points

in Illinois and Wisconsin. NOTE: Applicant states tacking is possible in Wisconsin involving destinations in the 11 Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 170) (Amendment), filed April 7, 1972, published in the FEDERAL REGISTER, issue of May 11, 1972, and republished as amended, this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* in sections, from points in Rockingham County, N.C., and Pickens County, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant indicates that tacking is possible but has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. The purpose of this republication is to reflect the origin point in North Carolina as "Rockingham County" in lieu of Guilford County. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 112014 (Sub-No. 15), filed June 8, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to ports of entry on the international boundary line between the United States and Canada located at or near Sumas or Blaine, 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.

No. MC 112266 (Sub-No. 6), filed June 8, 1972. Applicant: CRAYCRAFT TRUCKING, INC., Post Office Box 267, Upper Sandusky, OH 43351. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and clay products* (1) from Jefferson Township, Franklin County, Ohio, to points in Indiana; and (2) from points in Shiawassee County, Mich., to points in 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 112304 (Sub-No. 56), filed June 19, 1972. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blast, open hearth, or electric furnace machinery, equipment, and parts; foundry machinery parts*; between points in that portion of Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line via Interstate Highway 80S to its junction with Interstate Highway 76, thence over Interstate Highway 76 to its junction with U.S. Route 119, thence over U.S. Route 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in Alabama, California, Colorado, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New York, Ohio, Texas, Utah, and West Virginia; (2) *iron or steel castings* from Bay City, Mich., and Birmingham, Ala., to that portion of Pennsylvania as described in (1) above; and (3) *fabricated steel forms or structures* from the destination States shown in (1) above to Bay City, Mich. Note: Applicant states that the requested authority can be tacked with its existing authority at Subs 1 and 36 but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 112322 (Sub-No. 234), filed June 6, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and specialty item gift packages*, from Marshfield, Wis., to points in the United States (except Alaska and Hawaii), and (2) *cheese*, from Marshfield, Wis., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 112822 (Sub-No. 235), filed June 12, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen potatoes and potato products*, from Albert Lea, Crookston, Duluth, Mankato, and Minneapolis, Minn.; Sioux

City, Iowa; Fargo and Grand Forks, N. Dak.; to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; (2) *canned and bottled foodstuffs*, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington; and (3) *foodstuffs* (except bananas and commodities in bulk), from the plant-sites and warehouse sites of Mississippi Federated Cooperatives (AAL) at or near Collins, New Albany, Canton, Crystal Springs, and Jackson, Miss., to points in North Dakota, South Dakota, Minnesota, Texas, Louisiana, Georgia, Indiana, Ohio, Michigan, and Colorado. Note: Applicant states that the requested authority can be tacked with its Sub No. 83 at Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113678 (Sub-No. 455), filed June 20, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16005, Stockyard Station, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Burlington, Mass., to points in New York, Pennsylvania, New Jersey, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kansas, Nebraska, and Colorado. 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., Washington, D.C., or Denver, Colo.

No. MC 113678 (Sub-No. 456), filed June 21, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of the Kitchens of Sara Lee at New Hampton, Iowa, to points in New York, Maryland, Vermont, Delaware, Connecticut, New Jersey, Massachusetts, New Hampshire, Maine, Rhode Island, Pennsylvania, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Denver, Colo., or Washington, D.C.

No. MC 113751 (Sub-No. 15), filed June 19, 1972. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Applicant's representative: Edward Solle, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes, fireplace logs, and wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, in mixed loads

with charcoal and charcoal briquettes and fireplace logs, (1) from Redwood Falls, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and (2) from Waupaca, Wis., to points in Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 114273 (Sub-No. 122), filed June 6, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* 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, from St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and the District of Columbia, restricted to traffic originating at said origin and destined to said destinations. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114848 (Sub-No. 53), filed May 8, 1972. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, TN 38113. Applicant's representative: James N. Clay III, 2800 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated aluminum*, in bulk, in pneumatic or hopper-type vehicles, from Badin, Stanly County, N.C., to New Johnsonville, Tenn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114890 (Sub-No. 66), filed June 13, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: Dean Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulphate and chelating compound*, in bulk, in tank vehicles, from Coffeyville and Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Kentucky, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant

requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 115202 (Sub-No. 2), filed May 9, 1972. Applicant: HARRY LEHR, INCORPORATED, 1009 Fifth Avenue, Croydon, PA 19020. Applicant's representative: Louis J. Carter, 6 Penn Center Plaza, Suite 305, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrants, valves, and parts of hydrants and valves*, from the plantsite of the United States Pipe and Foundry Co., at Burlington, N.J., to points in New Castle County, Del., and those points in Pennsylvania within 100 miles of Burlington, N.J., under contract with United States Pipe and Foundry Co. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., New York, N.Y., Trenton, N.J. or Washington, D.C.

No. MC 115331 (Sub-No. 331), filed June 8, 1972. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Pulaski County, Ark, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 117815 (Sub-No. 195), filed June 13, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food-stuffs and other articles* distributed by The R. T. French Co., from Springfield, Mo., to points in Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois. 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 118474 (Sub-No. 8), filed June 12, 1972. Applicant: AIR VAN LINES, INC., 135 Post Road, Anchorage, Alaska 99501. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Pierce, Snohomish, Skagit, Whatcom, Thurston, and Kitsap Counties, Wash., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery

service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119099 (Sub-No. 10), filed June 19, 1972. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE. and Eighth Street, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic burial vaults, and plastic burial vault liners, and equipment, materials, and supplies* used in the manufacturing of burial vaults, from Broadview, Ill., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant and warehouse sites of Wilbert, Inc., at Broadview, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119226 (Sub-No. 85), filed May 22, 1972. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Loser & Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet bottom boiler slag*, in bulk, in tank vehicles, from Lawrenceburg, Ind., to points in Ohio and Kentucky. NOTE: Applicant seeks no duplicating authority. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 119547 (Sub-No. 32), filed June 13, 1972. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers, from points in Guernsey and Vinton Counties, Ohio, and Nicholas County, W. Va., to that part of the United States on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, 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 Columbus, Ohio.

No. MC 119767 (Sub-No. 292), filed June 8, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Articles*, manufactured and/or dealt in

by wholesale grocery or food business houses (except commodities in bulk, in tank vehicles), from Galesburg, Ill., to points in Indiana and Michigan; and (B) *foundry sand, compounds, additives, binders and/or treating compounds* (except in bulk, in tank vehicles (1) from Albion, Mich., to points in Illinois, Indiana, Minnesota, and Wisconsin; (2) from Granite City, Ill., to points in Indiana, Iowa, Kentucky, Missouri, and Wisconsin; and (3) from Columbus, Ohio, to points in Indiana and 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 Chicago, Ill.

No. MC 120646 (Sub-No. 9), filed May 30, 1972. Applicant: BRADLEY FREIGHT LINES, INC., Post Office Box 523, Easley, SC 29640. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, between Middlesboro, Ky., and points in Claiborne, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming; (2) *furniture*, from Middlesboro, Ky., and points in Claiborne County, Tenn., to points in North Carolina; and (3) *lumber and wood products* (including unfinished wood furniture parts) between points in Cherokee, Graham, Macon, Swain, Jackson, and Haywood Counties, N.C., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states it proposes to tack routes (1) and (2) above with each other, and proposes tacking all of said routes with applicant's Sub 5 certificate. Applicant further states it does not seek any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 121495 (Sub-No. 5), filed June 19, 1972. Applicant: ENGLEWOOD TRANSIT COMPANY, a corporation, 1125 West 46th Avenue, Denver, CO 80211. Applicant's representative: Roger Sollenbarger, 9580 West 14th Avenue, Lakewood, CO 80215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberboard and corrugated containers*, knocked down, from the plantsite of Boise Cascade Corp. at or near Golden, Colo., to points in Nebraska; and (B) *general commodities* (except commodities in bulk), between points in

Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 123294 (Sub-No. 27) (Correction), filed April 7, 1972, published in the FEDERAL REGISTER, issue of May 11, 1972, and republished as corrected this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. NOTE: The purpose of this republication is to include the State of Indiana which was inadvertently omitted from the original publication. The rest of the notice remains as previously published.

No. MC 124078 (Sub-No. 525), filed June 19, 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: *Chemicals*, in bulk, from points in Berkeley County, S.C., to points in Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 124327 (Sub-No. 3), filed June 8, 1972. Applicant: COASTAL CONTRACT CARRIER CORPORATION, Post Office Box 261, Selmar, TN. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and such merchandise as is sold by fabric stores and materials, supplies and equipment* utilized in the installation and operation of retail fabric stores (1) from the distribution facilities of House of Fabrics of South Carolina, Inc., at or near Montclair, Calif., to points in the United States (except Alaska and Hawaii) and return. Applicant seeks authority to perform the proposed service in (1) and (2) above on carrier or shipper owned trailers, under contract with House of Fabrics of South Carolina, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 127042 (Sub-No. 95), filed June 5, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98-Leeds Station, Sioux City, IA 55108.

Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts*, from Gordon, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Idaho, Missouri, North Dakota, South Dakota, Wisconsin, and Wyoming, Oregon, Washington, and Montana; (2) *Cheese and cheese products*, from Lena, Ill., to points in Iowa, Nebraska, Montana, Colorado, North Dakota, South Dakota, Minnesota, Wyoming, and Idaho; (3) *Frozen foods*, from Madella Minn., to points in Kansas, Iowa, Nebraska, and Missouri; (4) *Meats, fresh, cooked, cured, or preserved*, from Stillwater, Minn., to points in Iowa, Nebraska, Kansas, Missouri, South Dakota, North Dakota, and Wisconsin; (5) *Frozen food products*, from Minneapolis, Minn., to Sioux City, Iowa, and points in Nebraska and South Dakota; (6) *Non-dairy food products*, from Dixon, Ill., to points in Iowa, Colorado, Indiana, Kansas, Michigan, Minnesota, Missouri, North Dakota, Nebraska, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (7) *Sporting goods and recreational equipment*, from points in Calhoun County, Iowa, to points on and west of U.S. Highway 25 in the United States (except Alaska and Hawaii) and rejected or defective *Sporting goods and recreational equipment* from points on and west of U.S. Highway 25 (except Alaska and Hawaii) to points in Calhoun County, Iowa, and (8) *Meat, meat products and meat byproducts* from Winnebago, Nebr., and Sioux City, Iowa, to points on and west of U.S. Highway 41 in the United States (except Alaska and Hawaii).

NOTE: Applicant states that the requested authority can be tacked with through joinder Part (1) of application could be tacked with presently held Sub 8 to serve destination territory sought; via Omaha, Nebr., or Sioux City, Iowa; (2) could be tacked with presently held Sub 8 at Omaha, Nebr., or Sioux City, Iowa to serve same destination territory; (3) duplicates in part presently filed Sub 91 application only insofar as commodity and destination territory sought; (4) could be tacked with presently held Sub 8 at Omaha, Nebr., to serve points in Idaho, Montana and part of Oregon, or other Subs to serve the same destination territory as sought herein; (5) would be the same as part (4) insofar as transporting frozen meats; (6) no tacking possibilities and (7) no tacking possibilities, and (8) presently held Subs 24 or 8 could be tacked hereto to serve same destination territory as sought herein. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 128067 (Sub-No. 2), filed June 13, 1972. Applicant: WILMER F. BURNS, 631 Scenery Drive, Elizabeth, PA 15037. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Delaware, Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Baltimore, Md., to points in Pennsylvania on and west of U.S. Highway 15 (except points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa.), and points in Dauphin County, Pa. east of U.S. Highway 15; and (2) from points in Virginia to points in Pennsylvania on and west of U.S. Highway 15 and points in Dauphin County, Pa., east of U.S. Highway 15, under contract with Chemply, Inc., of Elizabeth, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128279 (Sub-No. 20), filed May 25, 1972. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Road SE., Post Office Box 25125, Albuquerque, NM 87125. Applicant's representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies*, used in the installation and distribution thereof, from Albuquerque, N. Mex., to points in Arizona, Colorado, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 128290 (Sub-No. 1), filed June 12, 1972. Applicant: EARL HAINES, INC., Post Office Box 841, Winchester, VA. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural cellulose, wood fiber or wood pulp fiber mulch*, from Greenmount, Md., to points in Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Ohio, Massachusetts, Tennessee, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128857 (Sub-No. 5), filed June 12, 1972. Applicant: G. L. GIBBONS, doing business as GIBBONS TRUCKING SERVICE, Post Office Box 5861, Tucson, AZ 85703. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from the site of the Southern California Edison Powerplant at the southern tip of Nevada to points in Arizona, New Mexico, Texas and Utah. 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 Phoenix, Ariz., or Los Angeles, Calif.

No. MC 128932 (Sub-No. 3), filed June 8, 1972. Applicant: ROBERT L. TORRANS, doing business as COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th and Taylor Streets, Post Office Box 1374, Texarkana, TX 75501. 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 Texarkana, Tex.-Ark., and points in Jefferson, Cleveland, Lincoln, Desha, Chicot, and Arkansas Counties, Ark.; Panola, Rusk, and Dallas Counties, Tex.; Tulsa, Creek, Wagoner, Okmulgee, Muskogee, Okfuskee, McIntosh, Haskell, Pittsburg, Hughes, Seminole, Pontotoc, Coal, Latimer, Atoka, Pushmataha, Johnston, Marshall, Bryan, and Choctaw Counties, Okla.; and Bienville, Caldwell, De Soto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, and West Carroll Parishes, La., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and de-containerization of such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133065 (Sub-No. 23), filed June 12, 1972. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, make-up air systems, heating and ventilating units, gas units heaters, and cooling and heating systems, and equipment, materials, and supplies* used in the manufacture and production thereof, from Hastings, Nebr., to points in Washington, Wyoming, Florida, North Carolina, Utah, Idaho, and Oklahoma, under a continuing contract with Hastings Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 134113 (Sub-No. 7), filed June 2, 1972. Applicant: HI-BALL TRUCKING, INC., Post Office Box 1117, 2348 Lockwood Road, Billings, MT 59103. Applicant's representative: Jerome Anderson, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of CF & I Steel Corp., at or near Pueblo, Colo., to points in Washington and Oregon. 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 Denver, Colo.

No. MC 134145 (Sub-No. 27), filed June 8, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*, used in the manufacture of motorbikes, snowthrowers, snowmobiles, and lawnmowers (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Minneapolis, Minn., under contract with General Leisure Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 134477 (Sub-No. 23), filed June 8, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Green Bay, Wis., 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul-Minneapolis, Minn.

No. MC 135052 (Sub-No. 2), filed June 13, 1972. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster, Shelbyville, IN 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass insulation and fiber glass insulation products*, from Shelbyville and Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, 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 Indianapolis, Ind., or Washington, D.C.

No. MC 135524 (Sub-No. 9), filed June 12, 1972. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: George Fedorisin, 1455 McCollum Road, Youngstown, OH 44509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, iron or steel*, including oil country tubular goods and line pipe such as are included in the first findings of the Interstate Commerce Commission in

T. E. Mercer and G. E. Mercer extension Oil Field Commodities 74 M.C.C. 450, 453, from the plantsites of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Columbus, Ohio.

No. MC 136053 (Sub-No. 1), filed June 13, 1972. Applicant: LOUIS CLAI-BORNE HUNT, doing business as L. C. HUNT AGENCY, 1616 Kent Street, Durham, NC 27707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical materials, human blood, and human organs*, from Raleigh-Durham, N.C., Airport, to Chapel Hill, Durham, Raleigh, Sanford, and Wilson, N.C., and points in Wake County, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Durham, N.C.

No. MC 136155 (Sub-No. 2), filed June 1, 1972. Applicant: GAY TRUCKING COMPANY, INC., Post Office Box 7179, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H 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), in cargo containers, and empty cargo containers, between Charleston, S.C., Jacksonville, Fla., and Savannah, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to the transportation of shipments having a prior or subsequent 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 Washington, D.C., or Atlanta, Ga.

No. MC 136211 (Sub-No. 4), filed June 14, 1972. Applicant: MERCHANT'S HOME DELIVERY SERVICE, INC., Post Office Box 5067, Oxnard, CA 93030. Applicant's representative: Robert J. Mildfelt, 600 Leininger Building, Oklahoma City, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New home furnishings, appliances, and recreational equipment*, restricted against the transportation of shipments to retail or commercial enterprises, from El Paso, Tex., to points in New Mexico on and south of a line beginning at the Arizona-New Mexico boundary; thence over U.S. Highway 60 to its junction with Interstate Highway 25; thence over Interstate Highway 25 to its junction with U.S. Highway 380; thence over U.S. Highway 380 to the New Mexico-Texas boundary, under a continuing contract or contracts with Levitz Furniture Corp., of El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136332 (Sub-No. 2), filed May 19, 1972. Applicant: A & M TRANSPORT LTD., Post Office Box 11, Havelock, NB, Canada. Applicant's representative: William D. Pinansky, 443 Congress Street, Portland, ME 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcined lime*, in bulk, from the ports of entry at or near Houlton and Calais, Maine, on the international boundary line between the United States and Canada, to points in Maine, under contract with Havelock Processing, Ltd. Note: If a hearing is deemed necessary applicant requests it be held at Portland, Maine.

No. MC 136466 (Sub-No. 1), filed June 8, 1972. Applicant: KEY WEST MOVING & STORAGE, INC., First and Maloney Avenue, Key West, FL 33040. 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 Monroe and Dade Counties, Fla., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136489 (Clarification), filed March 3, 1972, published in the FEDERAL REGISTER issue of March 30, 1972 and republished as clarified this issue. 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 keys* (1) from Cranston, R.I.; Scotia, N.Y., and Cleveland, Ohio, to Colchester, Vt.; (2) from Natlick, Millis, and Springfield, Mass.; Dayville, Conn.; Brooklyn, Long Island, New York City, Albany, and Havansport, N.Y.; Newark and North Bergen, N.J., and Baltimore, Md., to Burlington, Vt., and (3) from Rochester, Brooklyn, and New York City, N.Y., to Winooski, Vt., under contract with Vermont Fruit & Grocery Co., Inc., A B & C Distributors, Inc., and Farrell Distributing Corp. Note: The purpose of this republication is to clarify the origin and destination points. If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

No. MC 136490 (Sub-No. 1), filed June 8, 1972. Applicant: PIKES PEAK MOVING & STORAGE COMPANY, a corporation, 3110 North Stone Avenue, Colorado Springs, CO 80901. 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 El Paso and Teller Counties, Colo., 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. 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 136494 (Sub-No. 1), filed June 8, 1972. Applicant: E. T. LITTLE, doing business as HALLMARK MOVING & STORAGE CO., Post Office Box 3312, Portsmouth, VA 32701. 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 Portsmouth, Norfolk, Virginia Beach, and Chesapeake, Va., and points in 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. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136526 (Sub-No. 2), filed June 8, 1972. Applicant: BURRIS TRANSFER & STORAGE CO., INC., 660 Fannin Street, Beaumont, TX 77702. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between points in Jefferson County, Tex., and points in the counties of Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler, Tex. 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 Dallas, Fort Worth, or Houston, Tex.

No. MC 136526 (Sub-No. 2), filed June 6, 1972. Applicant: AUSTIN FIRE-PROOF STORAGE & MOVING COMPANY, a corporation, 5501 North Lamar Boulevard, Austin, TX 78751. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between points in Travis County, Tex., and points in the counties

of Travis, Lampasas, Burnet, Williamson, Milam, Gillespie, Blanco, Hays, Bastrop, and those points on and west of U.S. Highway 77 in Fayette and Lee Counties. 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 Dallas, Fort Worth, or Houston, Tex.

No. MC 136555 (Sub-No. 2), filed June 6, 1972. Applicant: SCOBEX MOVING & STORAGE CO., 315 North Medina Street, San Antonio, TX 78207. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone system and communications, between points in Bexar County, Tex., and points in Bexar, Val Verde, Edwards, Kinney, Maverick, Real, Uvalde, Webb, Zavala, Dimmit, Bandera, Medina, La Salle, Atascosa, McMullen, Kendall, Kerr, Comal, Guadalupe, Wilson, Karnes, Live Oak, Caldwell, Gonzales, and Frio Counties, Tex., under contract with Western Electric Co., Inc. Note: Applicant holds common carrier authority under MC 8468 Sub 2, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136577 (Sub-No. 2), filed June 9, 1972. Applicant: CENTRAL FORWARDING, INC., Post Office Box 1519, Waco, TX 76703. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools used in the construction and maintenance of telephone systems and communications, between points in Dallas County, Tex., and points in Dallas, Ellis, Kaufman, Navarro, Rockwall, Cooke, Camp, Denton, Grayson, Collin, Tarrant, Van Zandt, Lamar, Hunt, Gregg, Harrison, Smith, Red River, Cass, Bowie, Titus, Wood, Upshur, Delta, Fannin, Hopkins, Rains, Morris, Anderson, Cherokee, Henderson, Freestone, Franklin, Marion, Panola, and Rusk Counties, Tex., under contract with Western Electric Co., Inc. Note: Applicant holds common carrier authority under MC 24670 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136578 (Sub-No. 2), filed June 13, 1972. Applicant: DONALD TOBENER, doing business as GOLDEN GATE TRUCKING, Post Office Box 2285, South San Francisco, CA 94080. Applicant's representative: Eldon M. Johnson, 105 Montgomery Street, Suite 1100, San Francisco, CA 94104. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers (except classes A and B explosives, uncrated household goods or petroleum and petroleum products in bulk), between points in the commercial zone of San Francisco, Calif., as determined by 49 CFR section 1048.101, restricted to shipments having an immediately prior or subsequent movement by a water carrier, and further restricted to shipments that do not fall within the exemption of section 202(c)(2) or exception of section 203(b)(8) of the Interstate Commerce Act. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136587 (Sub-No. 3), filed June 5, 1972. Applicant: ALFRED J. WELLER, doing business as A. J. WELLER, 396 Clairmont, Willowick, OH 44095. Applicant's representative: George S. Maxwell, 526 East Superior Avenue, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green salted cattle hides and green salted sheep pelts*, (1) from Chicago, Ill., to Boston, Mass., and its commercial zone; North Adams, Mass.; New York, N.Y., and its commercial zone; and (2) from New York, N.Y., to Chicago, Ill., under contract with D. E. Rose & Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Ohio.

No. MC 136617 (Sub-No. 1), filed June 13, 1972. Applicant: ARMSTRONG MOVING & STORAGE, INC., 500 East 50th Street, Lubbock, TX 79408. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between points in Wichita and Archer Counties, Tex., and points in the Counties of Wichita, Archer, Hall, Childress, Cottle, Hardeman, Foard, Baylor, Clay, Montague, Young, and Wilbarger, Tex., under contract with Western Electric Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 136741, filed May 9, 1972. Applicant: QUICK SERVICE DRIVERS EXCHANGE INCORPORATED, 1133 Broadway, New York, NY 10010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles* in secondary movement, in driveaway service, between New York, N.Y., and points in Florida, California, and Illinois. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136789, filed June 5, 1972. Applicant: THOMAS E. SHIVERS, doing business as SHIVERS DELIVERY SERVICE, 1113 East 11th Street, Eddy-

stone, PA 19013. Applicant's representative: John E. Lister, 1422 Chestnut Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, as defined by the Commission, commodities in bulk, commodities of unusual value and requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Montgomery, Bucks, Delaware, and Chester Counties, Pa.; Mercer, Camden, Burlington, Ocean, and Gloucester Counties, N.J., and New Castle County, Del. **Restriction:** The operations authorized herein are restricted to transportation of traffic having an immediately prior or subsequent movement by air. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Chester, Pa.

No. MC 136792, filed June 7, 1972. Applicant: KISER-MECKLENBURG WRECKER SERVICE, INC., 3032 Rozzells Ferry Road, Charlotte, NC 28208. Applicant's representative: Gaston H. Gage, 1014 Law Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, and semitrailers* as replacement vehicles for wrecked or disabled trucks, tractors, and semitrailers, and wrecked or disabled trucks, tractors, and semitrailers, between points in Mecklenburg County, N.C., to points in Georgia, South Carolina, North Carolina, Virginia, Tennessee, West Virginia, Maryland, and Alabama. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 136805, filed June 4, 1972. Applicant: BRITISH TRANSPORT, LTD., a corporation, 5 Livingston Lane, Englishtown, NJ 07726. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and stout in containers*, from the warehouse of Guinness-Harp Corp., Long Island City, N.Y., and from Port Elizabeth, N.J., to points in Hartford, Norwich, North Haven, Conn., Wilmington, Del., Champaign, Chicago, Chicago Heights, Geneva, Highland Park, Peoria, Rockford, Rock Island, Ill.; Bloomington, Gary, Indianapolis, Lafayette, South Bend, Terre Haute, Ind.; Brewer, Lewiston, Maine; Baltimore, Md.; Boston, Brockton, Fall River, Lawrence, Needham Heights, New Bedford, Springfield, Taunton, Worcester, Mass.; Ann Arbor, Bay City, Benton Harbor, Cheboygan, Dearborn, Detroit, Flint, Hillsdale, Holland, Kalamazoo, Kentwood, Lansing, Marquette, Mount Clemens, Owosso, Petoskey, Pontiac, Roseville, Saginaw, Traverse City, Mich.; Nashua, N.H.; Hammononton, Long Branch, Paterson, Somerville, Trenton, Union, N.J.; Binghamton, Buffalo, Elmira, Glenn Falls, Gloversville, Hicksville, Lake Huntington, Patterson, Rochester, Suf-

fern, Syracuse, Tillson, Utica, Watervliet, White Plains, N.Y.; Raleigh, N.C.; Akron, Athens, Canton, Cincinnati, Cleveland, Columbus, Dayton, Defiance, Dillonvale, East Liverpool, Fostoria, Hamilton, Lorain, Mansfield, Newark, Portsmouth, Painesville, Springfield, Toledo, Youngstown, Ohio; Easton, Philadelphia, Pa.; Warwick, R.I.; Alexandria, Charlottesville, Lynchburg, Norfolk, Richmond, Va.; Washington, D.C.; and Milwaukee, Wis., restricted to service for the account of Guinness-Harp Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136806, filed June 2, 1972. Applicant: AYCOCK, INC., St. John's Road and Reading Railroad, Camp Hill, Pa. 17011. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, which because of size or weight require the use of specialized equipment (including self-propelled articles), which require dismantling and erection at jobsite or construction site; and *materials, supplies, and equipment* incidental to or used in connection with the transportation of the items described above, between points in States east of Montana, Wyoming, Utah, and Arizona. **Restriction:** Commodities described above are restricted to the incidental transportation from or to construction or jobsite only when such commodities are incidental to and are used as an integral or component part of the primary structure at such construction of jobsite. **NOTE:** Application filed concurrently herewith is a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 136808, filed June 1, 1972. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Oxnard, CA 93030. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, from Jefferson Parish, La., to points in Mississippi on and south of U.S. Highway 80, under contract with John F. Lawhon Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 135821 (Sub-No. 1), filed June 8, 1972. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale or retail department stores, between points located in that portion of New York on and south of a line beginning at the New York-Pennsylvania State line at or near Hale Eddy, N.Y., thence south-eastward along New York Highway 17

to the junction of New York Highway 17 and Interstate Highway 84, thence eastward along Interstate Highway 84 to the New York-Connecticut State line; and those points in that portion of Connecticut on and south of a line beginning at the New York-Connecticut State line, thence eastward along Interstate Highway 84 to the junction of Interstate Highway 84 and Connecticut Highway 34 at or near Sandy Hook, Conn., thence southeastward along Connecticut Highway 34 to New Haven, Conn., and points in Pennsylvania on and east of a line beginning on the New York-Pennsylvania State line at its junction with U.S. Highway 15 at or near Lawrenceville, Pa., thence southward along U.S. Highway 15 to the junction of U.S. Highways 15 and 11, at or near Sunbury, Pa., thence southward along combined U.S. Highways 11 and 15 to the junction of combined U.S. Highways 11 and 15, and separate U.S. Highway 11 and U.S. Highway 15, at or near Camp Hill, Pa., thence southwestward along U.S. Highway 11 to the Pennsylvania-Maryland State line; and those points in Maryland on and east of a line beginning on the Pennsylvania-Maryland State line, southward along U.S. Highway 15 to junction of U.S. Highways 15 and 240, at or near Frederick, Md., thence along U.S. Highway 240 to the District of Columbia-Maryland boundary line, and points in Charles County, Md., and points in New Jersey, Delaware, and the District of Columbia, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont, under a continuing contract or contracts with Lionel Leisure, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 136827, filed June 13, 1972. Applicant: ANGELO SIMONI, JR., doing business as SIMONI TRANSPORTATION, 991 Morello Avenue, Martinez, CA 94553. Applicant's representative:

Eldon M. Johnson, 105 Montgomery Street, Suite 1100, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene plastic* weighing less than 2 pounds per cubic foot, from Napa, Calif., to points in Oregon, under a continuing contract with American Floration, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Napa or San Francisco, Calif.

#### APPLICATIONS FOR FREIGHT FORWARDERS

No. FF-419 (DELCHER INTERCONTINENTAL MOVING SERVICE, INC. FREIGHT FORWARDER APPLICATION), filed June 23, 1972. Applicant: DELCHER INTERCONTINENTAL MOVING SERVICE, INC., 4219 Central Avenue, St. Petersburg, FL 33733. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate under section 410, Part IV of the Interstate Commerce Act, for a permit authorizing applicant to continue operations as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers, in the forwarding of *used household goods, used automobiles, and unaccompanied baggage*, (a) between points in the United States (including Hawaii, but excluding Alaska), restricted to the transportation of import-export traffic, and (b) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Hawaii, but excluding Alaska).

No. FF-420 (Perfect Pak Company Freight Forwarder Application), filed June 27, 1972. Applicant: PERFECT PAK COMPANY, a corporation, 1001 Westlake Avenue North, Seattle, WA 98129. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate under section 410, part IV of the Interstate Commerce Act, for a permit authorizing applicant to continue operations as a freight forwarder in interstate or foreign commerce, through the

use of the facilities of common carriers, in the forwarding of *used household goods, used automobiles, and unaccompanied baggage* (a) between points in the United States, including Hawaii, but excluding Alaska, restricted to the transportation of export and import traffic, and (b) between points in Hawaii, on the one hand, and, on the other, points in the United States (including Hawaii, but excluding Alaska).

#### APPLICATION FOR WATER CARRIER

No. W-552 (Sub-No. 15) (American Commercial Barge Line Company Extension—Intercoastal (2)), filed June 27, 1972. Applicant: AMERICAN COMMERCIAL BARGE LINE COMPANY, a corporation, Post Office Box 610, Jeffersonville, IN 47130. Applicant's representative: Paul M. Donovan, Investment Building, Washington, D.C. 20005. By application filed June 27, 1972, applicant seeks to operate as a common carrier by water, in interstate or foreign commerce by towing vessels in the performance of general towage and by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* (1) between ports and points along the Atlantic Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico, ports and points along the Pacific Coast and its tributary waterways, and ports and points within its existing authority; (2) between ports and points along the Pacific Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and ports and points within its existing authority; and (3) between ports and points along the Gulf Coast on the one hand, and, on the other, ports and points within its existing authority.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.72-10658 Filed 7-12-72;8:45 am]

## CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

<b>3 CFR</b>	Page	<b>9 CFR—Continued</b>	Page	<b>19 CFR</b>	Page
PROCLAMATION:		PROPOSED RULES:		16.....	13712
4141.....	13157	317.....	13717	PROPOSED RULES:	
EXECUTIVE ORDERS:		319.....	13717	111.....	13717
4202 (revoked in part by PLO		<b>10 CFR</b>		<b>21 CFR</b>	
5224).....	13543	11.....	13160	19.....	13330
5600 (revoked by PLO 5219) ..	13096	<b>12 CFR</b>		27.....	13252
7623 (revoked by PLO 5219) ..	13096	225.....	13084, 13336	121.....	13174, 13343, 13713
<b>4 CFR</b>		226.....	13246	135b.....	13468, 13460
Ch. III.....	13609	527.....	13529	135e.....	13531
<b>5 CFR</b>		545.....	13164, 13247	141e.....	13253
213.....	13333, 13465	564.....	13609	146e.....	13253
550.....	13334	582.....	13166	148i.....	13253, 13254
713.....	13334	PROPOSED RULES:		148r.....	13254
<b>6 CFR</b>		207.....	13112	PROPOSED RULES:	
101.....	13476	220.....	13112	3.....	13556
300.....	13334, 13477, 13716	221.....	13112	6.....	13636
301.....	13226, 13478	225.....	13484	8.....	13181, 13636
<b>7 CFR</b>		226.....	13270	121.....	13636
29.....	13521, 13626	545.....	13190, 13247	130.....	13630
210.....	13465	582.....	13191	135.....	13630
301.....	13239	<b>13 CFR</b>		141a.....	13182
406.....	13159	301.....	13708	146.....	13182, 13636
760.....	13082	<b>14 CFR</b>		146a.....	13182
791.....	13526	39.....	13084,	148i.....	13481
905.....	13697, 13698	13247, 13248, 13336, 13614,	13709	149e.....	13182
908.....	13082, 13245, 13527, 13698	61.....	13336	191.....	13270
910.....	13082, 13465	65.....	13251	1914.....	13098, 13344, 13714
911.....	13466	71.....	13085,	1915.....	13099, 13345, 13715
916.....	13527	13168-13170, 13249, 13250, 13337,	13614	PROPOSED RULES:	
917.....	13083, 13632	13338, 13467, 13468, 13529,	13614	203.....	13185, 13186
918.....	13527	73.....	13709	221.....	13557
922.....	13632	91.....	13251	<b>25 CFR</b>	
930.....	13083	95.....	13170	221.....	13174
944.....	13699	97.....	13338, 13614	<b>26 CFR</b>	
945.....	13632	288.....	13339	1.....	13254,
946.....	13699	PROPOSED RULES:		13.....	13531, 13533, 13616, 13670, 13680
948.....	13466	39.....	13558, 13719	31.....	13616
958.....	13700	61.....	13189	301.....	13533
980.....	13701	63.....	13189	601.....	13686
999.....	13634	65.....	13189	PROPOSED RULES:	
1421.....	13084, 13702	71.....	13350, 13558, 13719	1.....	13553
1427.....	13528	91.....	13189	53.....	13553
1475.....	13635	133.....	13189	194.....	13100
1861.....	13702	137.....	13189	201.....	13100
1871.....	13245	141.....	13189	250.....	13100
1872.....	13159	<b>15 CFR</b>		251.....	13100
PROPOSED RULES:		1000.....	13086, 13172	301.....	13553
35.....	13180	<b>16 CFR</b>		PROPOSED RULES:	
51.....	13267	13.....	13077,	1.....	13553
401.....	13718	13079-13081, 13173, 13709-13711	13711	53.....	13553
922.....	13269	501.....	13530	194.....	13100
924.....	13269	PROPOSED RULES:		201.....	13100
925.....	13108, 13636	423.....	13560	250.....	13100
928.....	13480	<b>17 CFR</b>		251.....	13100
930.....	13109	240.....	13615	301.....	13553
947.....	13553	<b>18 CFR</b>		PROPOSED RULES:	
967.....	13636	PROPOSED RULES:		1.....	13553
980.....	13109	154.....	13559	53.....	13553
993.....	13110	201.....	13559	194.....	13100
1701.....	13180	260.....	13559	201.....	13100
1823.....	13555	<b>9 CFR</b>		250.....	13100
<b>9 CFR</b>		72.....	13529	251.....	13100
72.....	13529	76.....	13160, 13335	301.....	13553
76.....	13160, 13335	97.....	13335	PROPOSED RULES:	
97.....	13335			462.....	13260

31 CFR	Page	41 CFR—Continued	Page	46 CFR—Continued	Page
210	13174	5A-72	13696	<b>PROPOSED RULES:</b>	
226	13174	9-3	13619	25	13350
<b>32 CFR</b>		9-4	13175	32	13557
809	13175	9-5	13176	33	13350
848	13469	9-7	13176	75	13350
935	13175, 13470	9-15	13176	92	13557
<b>33 CFR</b>		9-51	13176	94	13350
3	13470	9-53	13176	180	13350
67	13512	14H-1	13530	190	13557
80	13346	101-39	13096	192	13350
95	13346	103-27	13260		
117	13258	103-43	13260	<b>47 CFR</b>	
177	13346	<b>PROPOSED RULES:</b>		1	13544
<b>PROPOSED RULES:</b>		101-26	13484	43	13620
82	13557	101-33	13484	73	13179, 13545, 13547, 13621, 13622
<b>35 CFR</b>		101-43	13484	81	13548
253	13258	<b>42 CFR</b>		<b>PROPOSED RULES:</b>	
<b>36 CFR</b>		57	13176	2	13640
<b>PROPOSED RULES:</b>		<b>PROPOSED RULES:</b>		73	13559, 13642, 13643, 13720
3	13480	51	13182	76	13559
<b>38 CFR</b>		<b>43 CFR</b>		89	13640
9	13091	<b>PUBLIC LAND ORDERS:</b>		91	13640
<b>39 CFR</b>		3835 (revoked in part by PLO		93	13640
775	13322	5222)	13097		
<b>40 CFR</b>		5219	13096	<b>49 CFR</b>	
180	13091,	5220	13096	1	13552
13259, 13348, 13471, 13617-13619,		5221	13097	7	13552
13695		5222	13097	394	13471
<b>41 CFR</b>		5223	13178	397	13471
1-1	13092	5224	13543	567	13696
1-3	13092	<b>45 CFR</b>		571	13097, 13265
1-15	13094	177	13530	1033	13334, 13625, 13697
3-6	13259	234	13179	<b>PROPOSED RULES:</b>	
3-30	13260	<b>PROPOSED RULES:</b>		192	13351
5A-2	13696	131	13350	571	13350, 13481
		<b>46 CFR</b>		574	13112
		308	13620	<b>50 CFR</b>	
				10	13472
				28	13097, 13476
				32	13348, 13713
				70	13349
				258	13179

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
13071-13150	July 1
13151-13232	4
13233-13325	6
13327-13458	7
13459-13514	8
13515-13601	11
13603-13672	12
13673-13753	13

