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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.

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# Rules and Regulations

## Title 7—AGRICULTURE

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

[Lemon Reg. 534, Amdt. 1]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment 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 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 restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.834 (Lemon Regulation 534, 37 F.R. 10341) during the period May 21, 1972, through May 27, 1972, is hereby amended to read as follows:

#### § 910.834 Lemon Regulation 534.

(b) *Order.* (1) \* \* \* 295,000 cartons.

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

Dated: May 25, 1972.

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

[FR Doc. 72-8115 Filed 5-30-72; 8:46 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11946, Amdt. 95-220]

#### PART 95—IFR ALTITUDES

##### Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current change-over points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to be by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective June 22, 1972 as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

Anchorage, Alaska, LFR; INT NW CRS Anchorage, Alaska, LFR and E CRS Skwentna, Alaska, LFR; 4,200.

INT NW CRS Anchorage, Alaska, LFR and E CRS Skwentna, Alaska, LFR; Skwentna, Alaska R, LFR; 4,400.

Section 95.619 *Blue Federal airway 19* is amended to read in part:

Fish Hook, Fla., LF/RBN; Tiger LF INT, Fla.; \*1,500. \*1,300—MOCA.

Tiger LF INT, Fla.; Perrine, Fla., VOR; \*2,000. \*1,600—MOCA.

Section 95.626 *Blue Federal airway 26* is amended to read:

\*Anchorage, Alaska, LFR; Willow INT, Alaska; 4,100. \*4,100—MCA Anchorage LFR, northwest bound.

Willow INT, Alaska; Talkeetna, Alaska, LF/RBN; \*4,800. \*4,100—MOCA.

\*Talkeetna, Alaska, LF/RBN, Summit, Alaska, LFR; \*\*10,000. \*5,000—MCA Talkeetna LF/RBN, northbound. \*\*8,300—MOCA.

Summit, Alaska, LFR; \*Wolf INT, Alaska; \*\*9,500. \*4,700—MCA Wolf INT, southbound. \*\*8,700—MOCA.

Wolf INT, Alaska; Fairbanks, Alaska, LFR; 3,200.

\*Fairbanks, Alaska, LFR; Fort Yukon, Alaska, LF/RBN; \*\*7,000. \*3,100—MCA Fairbanks LFR, northeast bound \*\*6,800—MOCA.

Fort Yukon, Alaska, LF/RBN; \*Barter Island, Alaska, LF/RBN \*\*12,000. \*4,100—MCA Barter Island LF/RBN, southeast bound. \*\*10,800—MOCA.

Section 95.627 *Blue Federal airway 27* is amended to read in part:

Bethel, Alaska, LF/RBN; Nome, Alaska, LFR; \*4,000. \*3,800—MOCA.

\*Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; \*\*6,000. \*2,800—MCA Nome LFR, northbound. \*\*5,400—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Joliet, Ill., VORTAC; South Bend, INT. VORTAC; 1,800. MAA—41,000.

Walnut INT, Calif.; Bassett INT, Calif.; 3,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

Navina INT, Okla.; Tulsa, Okla., VOR; \*6,000. \*2,500—MOCA.

Tinker, Okla., VOR; Tulsa, Okla., VOR; \*3,000. MAA—40,000.

Oklahoma City, Okla., VOR; INT 109° M rad; Oklahoma City, VOR and 275° M rad, McAlester VOR; \*3,000. \*2,900—MOCA.

INT, 109 M rad, Oklahoma City VOR and 275° M rad, McAlester VOR; INT, 075° M rad, McAlester VOR and 275° M rad, Little Rock VOR; \*3,000. \*2,900—MOCA.

Gray, Tex., LF/RBN; Arnett INT, Tex.; \*3,000. \*2,400—MOCA.

Arnett INT, Tex.; Waco, Tex., VOR; \*3,000. \*2,300—MOCA.

Leon INT, Tex.; Waco, Tex., VOR eastbound only; 2,000.

Arnett INT, Tex.; Acton, Tex., VOR; \*3,500. \*2,300—MOCA.

Woodside, Calif., VORTAC; Pillar INT, Calif.; 4,500.

\*Pillar INT, Calif.; Sausalito, Calif., VORTAC; 4,000. \*4,500—MRA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Salinas, Calif., VORTAC; Woodside, Calif., VORTAC; 5,000. COP 33 SNS.

##### Bahama Routes

Section 95.1001 *Direct routes—United States.*

6 *Lima* is amended to read in part:

Nassau, Bahamas, RBN; Powell INT, Bahamas; \*2,000. \*1,400—MOCA.

Powell INT, Bahamas; Bimini, Bahamas, RBN; \*2,000. \*1,300—MOCA.

7 *Lima* is amended to read in part:

Nassau, Bahamas, RBN; Powell INT, Bahamas; \*2,000. \*1,400—MOCA.

Powell INT, Bahamas; Grand Bahama, Bahamas, AAFB-RBN; \*2,000. \*1,400—MOCA.

8 *Lima* is amended to read in part:

Plantation, Fla., RBN; Pike INT, Fla.; \*2,000. \*1,400—MOCA.

52-V is amended to read in part:

Wahoo INT, Fla.; Mango DME Fix, Bahamas; \*5,000. \*1,200—MOCA.

Mango DME Fix, Bahamas; Nassau, Bahamas, VOR; \*2,000. \*1,400—MOCA.

56-V is amended to read in part:

High Cay INT, Bahamas; \*Bay Rum INT, Bahamas; \*\*3,500. \*6,000—MRA. \*\*1,200—MOCA.

Bay Rum INT, Bahamas; Pleasant INT, Bahamas; \*8,000. \*1,200—MOCA.

58-V is amended to read in part: Gorda INT, Bahamas; Bartlett INT, Bahamas; \*4,000. \*1,200—MOCA.

Bartlett INT, Bahamas; Abaco INT, Bahamas; \*10,000. \*1,300—MOCA.

63-V is amended to read in part: Burrows INT, Bahamas; Bay Rum INT, Bahamas; \*3,500. \*1,200—MOCA.

\*Bay Rum INT, Bahamas; High Cay INT, Bahamas; \*\*3,500. \*6,000—MRA. \*\*1,200—MOCA.

65-V is amended to read in part: Nassau, Bahamas, VOR; \*Sydney INT, Bahamas; \*\*2,000. \*4,000—MRA. \*\*1,400—MOCA.

Sydney INT, Bahamas; Major INT, Bahamas; \*3,000. \*1,200—MOCA.

#### Section 95.5000 High altitude RNAV routes.

*From/to; total distance; changeover point distance from geographic location; track angle; MEA; MAA*

J852R is amended to read in part: Lucky, Nev., W/P, Modesto, Calif., W/P; 264.4; 111, Lucky, 36°43'59" N., 117°57'36" W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J855R is amended to read in part: Lucky, Nev., W/P, Modesto, Calif., W/P; 264.4; 111, Lucky, 36°43'59" N., 117°57'36" W.; 276°/096° to COP, 273°/093° to Ceres; 18,000; 45,000.

J857R is added to read: Kremmling, Colo., W/P, Ioka, Utah, W/P; 169.9; 110, Kremmling, 40°09'11" N., 108°49'19" W.; 260°/080° to COP, 257°/077° to Ioka; 18,000; 45,000.

Ioka, Utah, W/P, Fairfield, Utah, W/P; 83.6; 48.6, Ioka, 40°15'11" N., 111°10'42" W.; 257°/077° to COP, 256°/076° to Fairfield; 18,000; 45,000.

J882R is amended to read in part: Calumet, Ky., W/P, Dayton, Ohio, W/P; 115.7; 57.8, Calumet, 39°03'04" N., 84°25'13" W.; 000°/180° to COP, 001°/181° to Dayton; 18,000; 45,000.

Dayton, Ohio, W/P, Milan, Ohio, W/P; 125.4; Not required; 013°/193° to Milan; 18,000; 45,000.

J883R is amended to read in part: Minneapolis, Minn., VORTAC, Denmark, Wis., W/P; 238.6; 130, Minneapolis, 44°46'02" N., 90°22'10" W.; 093°/273° to COP, 100°/280° to Denmark; 18,000; 45,000.

J895R is added to read: Social Circle, Ga., W/P, Stokes, Va., W/P; 269.5; 160, Social Circle, 35°21'49" N., 81°09'59" W.; 050°/230° to COP, 055°/235° to Stokes; 18,000; 45,000.

Stokes, Va., W/P, Atlantic City, N.J., W/P; 288.3; 105, Stokes, 37°36'52" N., 77°43'07" W.; 055°/235° to COP, 061°/241° to Atlantic City; 18,000; 45,000.

#### Section 95.5500 High altitude RNAV routes.

J924R is added to read: Arenal, Calif., W/P, Washington, Calif., W/P; 228.5; 185, Arenal, 38°42'14" N., 120°31'07" W.; 336°/156° to COP, 334°/154° to Washington; 20,000; 45,000.

Washington, Calif., W/P, Quartz, Oreg., W/P; 181.2; 50, Washington, 40°14'54" N., 120°48'31" W.; 334°/154° to COP, 333°/153° to Quartz; 20,000; 45,000.

Quartz, Oreg., W/P, Sumner, Wash., W/P; 290; 125, Quartz, 44°28'17" N., 121°40'47" W.; 333°/153° to COP, 330°/149° to Sumner; 18,000; 45,000.

J925R is added to read:

Minneapolis, Minn., VORTAC, Heidy, Minn., W/P; 128.4; 64.2, Minneapolis, 44°38'21" N., 94°41'53" W.; 236°/056° to COP, 231°/051° to Heidy; 18,000; 45,000.

Heidy, Minn., W/P, Bonesteel, Nebr., W/P; 151.9; 96.9, Heidy, 43°17'09" N., 97°54'32" W.; 230°/050° to COP, 228°/048° to Bonesteel; 18,000; 45,000.

Bonesteel, Nebr., W/P, Sand, Nebr., W/P; 116.8; 81.8, Bonesteel, 42°03'37" N., 100°30'57" W.; 228°/048° to COP, 225°/045° to Sand; 18,000; 46,000.

Sand, Nebr., W/P, Denver, Colo., VORTAC; 121.9; 113.4, Sand, 40°40'40" N., 103°14'24" W.; 226°/046° to COP, 221°/041° to Denver; 18,000; 45,000.

Bremen, Ga., W/P, Birmingham, Ala., W/P; 84.3; Not required; 267°/087° to Birmingham; 18,000; 45,000.

Birmingham, Ala., W/P, Meridian, Miss., W/P; 123.3; 73.3, Birmingham, 32°54'19" N., 88°02'20" W.; 229°/049° to COP, 225°/045° to Meridian; 18,000; 45,000.

Meridian, Miss., W/P, Burkeville, La., W/P; 255.7; 150, Meridian, 31°25'32" N., 91°31'15" W.; 243°/063° to COP, 239°/059° to Burkeville; 18,000; 45,000.

Burkeville, La., W/P, Humble, Tex., W/P; 110.8; 55.4, Burkeville, 30°20'37" N., 94°22'41" W.; 239°/059° to COP, 238°/058° to Humble; 18,000; 45,000.

J934R is added to read: Greater Southwest, Tex., VORTAC, Texarkana, Ark., W/P; 155.2; 77.8; Greater Southwest, 33°10'40" N., 95°33'33" W.; 065°/245° to COP, 069°/249° to Texarkana; 18,000; 45,000.

Texarkana, Ark., W/P, Money, Miss., W/P; 196.9; 98.4, Texarkana, 33°31'57" N., 92°06'40" W.; 082°/262° to COP, 086°/266° to Money; 18,000; 45,000.

Money, Miss., W/P, Columbus, Miss., W/P; 82.1; Not required; 086°/266° to Columbus; 18,000; 45,000.

Columbus, Miss., W/P, Birmingham, Ala., W/P; 81.7; 25, Columbus, 33°32'39" N., 88°01'13" W.; 076°/256° to COP, 080°/260° to Birmingham; 18,000; 45,000.

Birmingham, Ala., W/P, Bremen, Ga., W/P; 84.3; Not required; 087°/267° to Bremen; 18,000; 45,000.

J940R is added to read: Seattle, Wash., VORTAC, Amber, Wash., W/P; 189.9; 94.9, Seattle, 47°23'03" N., 119°58'52" W.; 089°/249° to COP, 073°/253° to Amber; 18,000; 45,000.

Amber, Wash., W/P, Avery, Idaho, W/P; 80.9; 40.5, Amber, 47°13'48" N., 116°40'08" W.; 073°/253° to COP, 076°/256° to Avery; 18,000; 45,000.

Avery, Idaho, W/P, Holter, Mont., W/P; 156.6; 78.3, Avery, 47°01'38" N., 113°47'16" W.; 076°/256° to COP, 079°/259° to Holter; 18,000; 45,000.

Holter, Mont., W/P, Klein, Mont., W/P; 144.6; 60, Holter, 46°42'21" N., 110°27'45" W.; 079°/259° to COP, 091°/271° to Reva; 18,000; 45,000.

Klein, Mont., W/P, Reva, S. Dak., W/P; 223.8; 118, Klein, 46°04'18" N., 105°40'20" W.; 083°/263° to COP, 091°/271° to Reva; 18,000; 45,000.

Reva, S. Dak., W/P, Turtle Creek, S. Dak., W/P; 200.7; 10.4, Reva, 45°13'48" N., 100°55'15" W.; 091°/271° to COP, 098°/278° to Turtle Creek; 18,000; 45,000.

Turtle Creek, S. Dak., W/P, Heidy, Minn., W/P; 120.6; 60, Turtle Creek, 44°26'35" N., 97°19'33" W.; 098°/278° to COP, 100°/280° to Heidy; 18,000; 45,000.

Heidy, Minn., W/P, Oranto, Iowa, W/P; 129.7; 64.7, Heidy, 43°47'52" N., 94°34'33" W.; 097°/277° to COP, 103°/283° to Oranto; 18,000; 45,000.

Oranto, Iowa, W/P, Dickeyville, Wis., W/P; 123.4; 61.7, Oranto, 43°06'57" N., 91°50'21" W.; 103°/283° to COP, 109°/289° to Dickeyville; 18,000; 45,000.

J941R is added to read: Greater Southwest, Tex., VORTAC, Bridgeport, Tex., W/P; 44.3; 22.1, Greater Southwest, 33°01'43" N., 97°24'06" W.; 296°/116° to COP, 296°/116° to Bridgeport; 18,000; 45,000.

Bridgeport, Tex., W/P, Crowell, Tex., W/P; 113.8; 33.2, Bridgeport, 33°30'18" N., 98°20'41" W.; 290°/110° to COP, 289°/109° to Crowell; 18,000; 45,000.

Crowell, Tex., W/P, Texico, N. Mex., VORTAC; 154.3; 47.6, Crowell, 34°15'34" N., 100°42'34" W.; 269°/089° to COP, 266°/086° to Texico; 18,000; 45,000.

Texico, N. Mex., VORTAC, Palma, N. Mex., W/P; 124.6; 30, Texico, 3435'55" N., 103°25'53" W.; 272°/092° to COP, 268°/088° to Palma; 18,000; 45,000.

Palma, N. Mex., W/P, Volcano, N. Mex., W/P; 67.6; 33.8, Palma, 35°00'26" N., 105°58'56" W.; 268°/088° to COP, 267°/087° to Volcano; 18,000; 45,000.

Volcano, N. Mex., W/P, Defiance, N. Mex., W/P; 114.7; 57.4, Volcano, 35°16'01" N., 107°48'31" W.; 267°/087° to COP, 264°/084° to Defiance; 18,000; 45,000.

Defiance, N. Mex., W/P, Peak, Ariz., W/P; 116.4; 58.7, Defiance, 35°33'18" N., 110°08'52" W.; 265°/085° to COP, 262°/082° to Peak; 18,000; 45,000.

Peak, Ariz., W/P, Boulder City, Nev., VORTAC; 173; 86.5, Peak, 35°51'09" N., 113°05'48" W.; 262°/082° to COP, 260°/080° to Boulder City; 18,000; 45,000.

J950 is amended to read in part: Huffman, Tex., W/P, Scurry, Tex., W/P; 156.5; 78.3, Huffman, 31°15'42" N., 95°44'18" W.; 329°/149° to COP, 329°/149° to Scurry; 18,000; 45,000.

Scurry, Tex., W/P, Cole, Okla., W/P; 172.6; 86.3, Scurry, 33°49'03" N., 96°55'30" W.; 331°/151° to COP, 331°/151° to Cole; 18,000; 45,000.

J954R is added to read: Martinsburg, W. Va., W/P, Balsam, Ohio, W/P; 162.6; 120.6, Martinsburg, 40°12'44" N., 80°13'35" W.; 302°/122° to COP, 298°/118° to Balsam; 18,000; 45,000.

Balsam, Ohio, W/P, Burt, Ohio, W/P; 105.3; Not required; 317°/137° to Burt; 18,000; 45,000.

J957R is added to read: Simon, Fla., W/P, Badger, S.C., W/P; 122.8; 61.4, Simon, 31°39'03" N., 80°52'58" W.; 020°/200° to COP, 023°/203° to Badger; 18,000; 45,000.

Badger, S.C., W/P, Florence, S.C., VORTAC; 105; 52.5, Badger, 35°25'22" N., 80°03'27" W.; 024°/204° to COP, 026°/206° to Florence; 18,000; 45,000.

Florence, S.C., VORTAC, Richmond, Va., W/P; 226.6; 83.3, Florence, 35°26'25" N., 78°49'13" W.; 033°/213° to COP, 037°/217° to Richmond; 18,000; 45,000.

Richmond, Va., W/P, Marburg, Va., W/P; 61; Not required; 015°/195° to Marburg; 18,000; 45,000.

J971R is amended to read in part: Hye, Tex., W/P, Acton, Tex., W/P; 137.8; 68.9, Hye, 31°20'06" N., 98°03'39" W.; 008°/188° to COP, 008°/188° to Acton; 18,000; 45,000.

J987R is amended to read in part: Loon Lake, N.Y., W/P, Kingston, N.Y., W/P; 166.1; 77.1, Loon Lake, 43°08'31" N., 74°01'24" W.; 190°/010° to COP, 185°/005° to Kingston; 18,000; 45,000.

Kingston, N.Y., W/P, Empire, N.J., W/P; 53.7; 26.8, Kingston, 41°13'34" N., 73°56'01" W.; 201°/021° to COP, 202°/022° to Empire; 18,000; 45,000.

7991R is added to read:

Greater Southwest, Tex., VORTAC, Tulsa, Okla., W/P; 211.8; 105.8, Greater Southwest, 34°30'36" N., 96°25'41" W.; 008°/188° to COP, 007°/187° to Tulsa; 18,000; 45,000.

Tulsa, Okla., W/P, Redfield, Mo., W/P; 109.9; 20, Tulsa, 36°30'23" N., 95°38'07" W.; 012°/192° to COP, 016°/196° to Redfield; 18,000; 45,000.

Redfield, Mo., W/P, Lawson, Mo., W/P; 104.7; 70, Redfield, 38°58'08" N., 94°22'27" W.; 016°/196° to COP, 016°/196° to Lawson; 18,000; 45,000.

Lawson, Mo., W/P, Woolstock, Iowa, W/P; 184.8; 125.3, Lawson, 41°35'03" N., 98°50'21" W.; 358°/178° to COP, 358°/178° to Woolstock; 18,000; 45,000.

VORTAC; 155.1; 77.5, Woolstock, 43°51'31" N., 93°32'50" W.; 358°/178° to COP, 360°/180° to Minneapolis; 18,000; 45,000.

Section 95.6002 VOR Federal airway 2 is amended to read in part:

Bullfrog INT, Mich., via S alter.; Muskegon, Mich., VOR via S alter.; \*2,500. \*2,000—MOCA.

James INT, Mich., via S alter.; Grand Rapids, Mich., VOR via S alter.; \*2,700. \*2,300—MOCA.

Grand Rapids, Mich., VOR via S alter.; Sun INT, Mich., via S alter.; \*2,700. \*2,100—MOCA.

Sun INT, Mich., via S alter.; Lansing, Mich., VOR via S alter.; \*2,600. \*2,000—MOCA.

Section 95.6003 VOR Federal airway 3 is amended to read in part:

Biscayne Bay, Fla., VOR via E alter.; INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR via E alter.; \*1,500. \*1,400—MOCA.

INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR via E alter.; \*2,000.

Hartford, Conn., VOR; Eagle INT, Conn.; \*3,000. \*2,100—MOCA.

Section 95.6004 VOR Federal airway 4 is amended to read in part:

Humphrey INT, Wash.; Chinook INT, Wash.; 10,000.

Chinook INT, Wash.; Tieton INT, Wash.; eastbound 7,000; westbound 10,000.

Mud Lake INT, Wash., via S alter.; Chinook INT, Wash., via S alter.; 10,000.

Chinook INT, Wash., via S alter.; Tieton INT, Wash., via S alter.; eastbound 7,000; westbound 10,000.

Section 95.6009 VOR Federal airway 9 is amended to read in part:

Portland INT, Tenn.; Bowling Green, Ky., VOR; \*2,700. \*2,500—MOCA.

Section 95.6009 VOR Federal airway 9 is amended to read in part:

Memphis, Tenn., VOR via W alter.; Cuba INT, Tenn., via W alter.; \*2,000. \*1,800—MOCA.

Section 95.6016 VOR Federal airway 16 is amended to read in part:

Animas INT, N. Mex.; \*Cedar INT, N. Mex.; eastbound \*\*9,000; westbound \*\*11,000. \*11,000—MCA Cedar INT, westbound. \*\*8,700—MOCA.

Section 95.6020 VOR Federal airway 20 is amended to read in part:

Woodsboro INT, Tex., via N alter.; \*Austwell INT, Tex., via N alter.; \*1,700. \*3,000—MRA. \*\*1,300—MOCA.

Section 95.6035 VOR Federal airway 35 is amended to read in part:

Miami, Fla., VOR; \*Seminole INT, Fla.; \*\*2,000. \*2,300—MRA. \*\*1,200—MOCA.

Seminole INT, Fla.; \*Copeland INT, Fla.; \*\*2,000. \*2,500—MRA. \*\*1,100—MOCA.

St. Petersburg, Fla.; VOR via W alter.; \*Crayfish INT, Fla., via W alter.; \*\*1,600.

\*4,000—MRA. \*5,000—MCA Crayfish INT, northbound. \*\*1,400—MOCA.

Crayfish INT, Fla., via W alter.; Cross City, Fla., VOR via W alter.; \*5,000. \*1,200—MOCA.

Section 95.6037 VOR Federal airway 37 is amended to read in part:

Zenith INT, W. Va.; Elkins, W. Va., VOR; 8,000.

Section 95.6047 VOR Federal airway 47 is amended to read in part:

Milan INT, Mich.; Salem, Mich., VOR; \*2,600. \*2,200—MOCA.

Section 95.6051 VOR Federal airway 51 is amended to read in part:

Key West, Fla., VOR; Tiger INT, Fla.; \*2,000. \*1,300—MOCA.

Tiger INT, Fla.; Flamingo INT, Fla.; \*2,500. \*1,200—MOCA.

Flamingo INT, Fla.; Rancho INT, Fla.; \*2,000. \*1,600—MOCA.

Section 95.6066 VOR Federal airway 66 is amended to read in part:

Animas INT, N. Mex.; \*Cedar INT, N. Mex.; eastbound \*\*9,000; westbound \*\*11,000. \*11,000—MCA Cedar INT, westbound. \*\*8,700—MOCA.

Section 95.6094 VOR Federal airway 94 is amended to read in part:

Newman, Tex., VOR; Salt Flat, Tex., VOR; \*8,800. \*8,700—MOCA.

Section 95.6097 VOR Federal airway 97 is amended to read in part:

St. Petersburg, Fla., VOR via W alter.; \*Crayfish INT, Fla., via W alter.; \*\*1,600. \*4,000—MRA. \*\*1,400—MOCA.

Crayfish INT, Fla., via W alter.; \*Scallop INT, Fla., via W alter.; \*\*3,400. \*3,000—MRA. \*\*1,200—MOCA.

Section 95.6129 VOR Federal airway 129 is amended to read in part:

Waukon, Iowa, VOR; Nodine, Minn., VOR; 3,000.

Section 95.6157 VOR Federal airway 157 is amended to read in part:

Key West, Fla., VOR; Tiger INT, Fla.; \*2,000. \*1,300—MOCA.

Tiger INT, Fla.; Flamingo INT, Fla.; \*2,500. \*1,200—MOCA.

Flamingo INT, Fla.; Miami, Fla., VOR; \*2,000. \*1,300—MOCA.

Flamingo INT, Fla., via W alter.; \*Vega INT, Fla., via W alter.; \*5,000. \*3,100—MOCA. \*\*1,500—MOCA.

Vega INT, Fla., via W alter.; \*Seminole INT, Fla., via W alter.; \*\*3,100. \*3,100—MRA. \*\*1,500—MOCA.

Seminole INT, Fla., via W alter.; Swamp INT, Fla., via W alter.; \*2,300. \*1,100—MOCA.

Section 95.6216 VOR Federal airway 216 is amended to read in part:

Bullfrog INT, Mich.; Muskegon, Mich., VOR; \*2,500. \*2,000—MOCA.

Section 95.6229 VOR Federal airway 229 is amended to read in part:

Hartford, Conn., VOR; Eagle INT, Conn.; \*2,700. \*2,100—MOCA.

Section 95.6242 VOR Federal airway 242 is amended to read in part:

Mobile, Ala., VOR; Brookley, Ala., VOR; 1,800.

Section 95.6275 VOR Federal airway 275 is amended to read in part:

Cincinnati, Ohio, VOR via W alter.; Bath INT, Ind., via W alter., 2,800.

Wilson INT, Ohio; Milan INT, Mich.; \*2,500. \*2,000—MOCA.

Milan INT, Mich.; Salem, Mich., VOR; \*2,600. \*2,200—MOCA.

Section 95.6280 VOR Federal airway 280 is amended to read in part:

Roswell, N. Mex., VOR; Dora INT, N. Mex.; \*6,500. \*5,600—MOCA.

Section 95.6290 VOR Federal airway 290 is amended to read in part:

Rainelle, W. Va., VOR; \*Natural Well INT, Va.; 6,000. \*6,000—MRA.

Section 95.6295 VOR Federal airway 295 is amended to read in part:

Biscayne Bay, Fla., VOR; INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR; \*1,500. \*1,400—MOCA.

INT, 021° M rad, Biscayne Bay VOR and 166° M rad, Palm Beach VOR; Pike INT, Fla.; \*2,000. \*1,200—MOCA.

Section 95.6425 VOR Federal airway 425 is amended to read in part:

Brookley, Ala., VOR; Axis INT, Ala.; 2,000.

Section 95.6452 VOR Federal airway 452 is amended to read in part:

Klamath Falls, Oreg., VOR; Tulelake DME Fix, Calif.; southeast bound 14,000; northwest bound 9,000.

Tulelake DME Fix, Calif.; Hallelujah INT, Calif.; \*14,000. \*10,100—MOCA.

Hallelujah INT, Calif.; Reno, Nev., VOR; 10,000.

Section 95.6463 VOR Federal airway 463 is amended to read in part:

Anchorage, Alaska, VOR; Alexander INT, Alaska; \*\*2,000. \*5,000—MCA Alexander INT, northwest bound \*\*1,300—MOCA.

Alexander INT, Alaska; Sevenmile INT, Alaska; \*6,400. \*5,400—MOCA.

Section 95.6498 VOR Federal airway 498 is amended to read in part:

McGrath, Alaska, VOR; Nixon DME Fix, Alaska; northwest bound \*6,000; southeast bound \*4,500. \*3,500—MOCA.

Nixon DME Fix, Alaska; Galena, Alaska, VOR; \*6,000. \*5,500—MOCA.

Section 95.7065 Jet Route No. 65 is amended by adding:

From, to, MEA, MAA

Roswell, N. Mex., VORTAC; Truth or Consequences, N. Mex., VORTAC; 24,000; 45,000.

Truth or Consequences, N. Mex., VORTAC; Phoenix, Ariz., VORTAC; #23,000; 45,000.

#MEA is established with a gap in navigation signal coverage.

Section 95.7152 Jet Route No. 152 is amended to read in part:

Rosewood, Ohio, VORTAC; Johnstown, Pa., VORTAC; 18,000; 45,000.

Johnstown, Pa., VORTAC; Harrisburg, Pa., VORTAC; 18,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

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

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

[FR Doc.72-8032 Filed 5-30-72;8:45 am]

## Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice  
[MEMO 712]

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

Subpart 0—Administrative Division  
REVOCATION OF DELEGATION OF AUTHORITY

Under and by virtue of the authority vested in me by § 0.76(k) of Title 28 Code of Federal Regulations, Administrative Division Memo No. 712, delegating authority for suspending or terminating collection action, is hereby revoked. This redelegation is being published in the internal Department of Justice directives system, Order 2100.1.

Dated: May 23, 1972.

L. M. PELLERZI,  
Assistant Attorney General  
for Administration.

[FR Doc.72-8113 Filed 5-30-72;8:46 am]

## Title 29—LABOR

Chapter XVII—Occupational Safety  
and Health Administration, Department  
of Labor

### ESTABLISHMENT OF PROCEDURES FOR OBTAINING VARIATIONS FROM SAFETY AND HEALTH REGU- LATIONS

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), and Secretary of Labor's Order No. 12-71 (36 F.R. 8754), 29 CFR Part 1920 is hereby revised to read as set forth below for the purpose of consolidating the procedures established under this Act for obtaining variations from safety and health regulations with those now applicable under the Williams-Steiger Occupational Safety Act (29 U.S.C. 651 et seq.). Certain materials now contained in 29 CFR Parts 1915, 1916, 1917, and 1918 are revoked to accomplish this purpose.

As these regulations concern only matters of procedure, notice of proposed rule making, public participation therein and delay in effective date are not required (5 U.S.C. 553). Accordingly, upon publication of this document in the FEDERAL REGISTER, Chapter XVII of Title 29 of the Code of Federal Regulations is amended to read as set forth below.

### PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

§ 1915.4 [Revoked]

1. 29 CFR 1915.4 is revoked.

### PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

§ 1916.4 [Revoked]

2. 29 CFR 1916.4 is revoked.

### PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

§ 1917.4 [Revoked]

3. 29 CFR 1917.4 is revoked.

### PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

§ 1918.5 [Revoked]

4. 29 CFR 1918.5 is revoked.

### PART 1920—PROCEDURE FOR VARI- ATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER THE LONG- SHOREMEN'S AND HARBOR WORK- ERS' COMPENSATION ACT

5. Part 1920 of Title 29 of the Code of Federal Regulations is revised to read as follows:

Sec.  
1920.1 Purpose.  
1920.2 Variances.

AUTHORITY: The provisions of this Part 1920 issued under 44 Stat. 1444; 33 U.S.C. 941.

#### § 1920.1 Purpose.

This part governs the procedure for the granting of variations from the safety and health regulations established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act. The part provides the same procedures under this Act as are available for considering variances under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

#### § 1920.2 Variances.

(a) Variances from standards in Parts 1915 through 1918 of this chapter may be granted in the same circumstances in which variances may be granted under sections 6(b)(6)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances from Parts 1915-1918 of this chapter are those published in Part 1905 of this chapter.

(b) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from §§ 1910.13 through 1910.16 of this chapter which adopt Parts 1915-1918 of this chapter, shall be deemed a variance from the standard under both the Longshoremen's and Harbor Workers' Compensation Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of May 1972.

GEORGE C. GUENTHER,  
Assistant Secretary of Labor.

[FR Doc.72-8124 Filed 5-30-72;8:47 am]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard,  
Department of Transportation  
[CGD 72-51R]

### APRA HARBOR, GUAM

#### Anchorage Grounds, Security Zones and Regulated Navigation Areas

The purpose of this amendment to the Coast Guard anchorage regulations and security of vessel regulations is to establish anchorage grounds in Apra Outer Harbor, Guam, prescribe general regulations governing the establishment of security zones in waters of the United States, and prescribe specific security zones in Apra Outer Harbor. This amendment also establishes Apra Outer Harbor as a Regulated Navigation Area.

Section 110.238 establishes a general anchorage in Apra Harbor where vessels may anchor without restriction. This section also establishes two anchorages for the use of vessels carrying explosives or bulk dangerous cargoes. In addition, certain limitations on the use of naval anchorages and mooring buoys are prescribed.

Part 127 of this document prescribes regulations relating to security zones. These are general regulations that apply to all security zones unless specific regulations are promulgated for an individual security zone. These regulations also contain the procedures for requesting the establishment of a security zone. Section 127.1401 establishes security zones in Apra Outer Harbor, Guam.

Part 128 of this document establishes Regulated Navigation Areas. The regulations imposed on vessels in a Regulated Navigation Area are intended to provide for the safety of navigation when the condition of a harbor warrants a higher standard than provided by the rules of the road. Section 128.1401 limits the speed of vessels in Apra Outer Harbor, controls the entrance of vessels into the harbor, and restricts the movements of vessels within Apra Outer Harbor.

These amendments are based on a notice of proposed rule making published in the Wednesday, March 15, 1972, issue of the FEDERAL REGISTER (37 F.R. 5392) and Public Notice 14-71-04 issued by the Commander, Fourteenth Coast Guard District on October 29, 1971. The description of the Apra Harbor Regulated Area in the notice of proposed rule making was corrected in the Saturday, April 8, 1972, issue of the FEDERAL REGISTER (37 F.R. 7103).

Four comments were received, three from petroleum companies using the petroleum dock of the Guam Oil Co. and one from the Marianas Yacht Club, which are within the established Security Zone B. The comments from the petroleum industry were to the effect that the establishment and enforcement of the Security Zone could impose an undue expense and delay on vessels using the Guam Oil and Refining Co. dock. The



comment from the Marianas Yacht Club was to the effect that the establishment of Security Zone B would restrict the use of land and water areas of the yacht club.

The Coast Guard is of the opinion that the restraints imposed by these regulations are necessary because of safety and national security considerations.

The Commander, Fourteenth Coast Guard District, has advised all commenters that the Captain of the Port will try to minimize disruptions of waterfront activities through close liaison with them.

In consideration of the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

**PART 110—ANCHORAGE REGULATIONS**

1. By amending Part 110 by adding a new § 110.238 to read as follows:

§ 110.238 Apra Harbor, Guam.

(a) *The anchorage grounds*—(1) *General anchorage.* The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13°27'29" N., longitude 144°39'32" E.; thence to latitude 13°27'18" N., longitude 144°39'18" E.; thence to Spanish Rocks at latitude 13°27'09.5" N., longitude 144°37'20.6" E.; thence along the shoreline to the point of beginning, except those areas described in subparagraphs (2) and (3) of this paragraph.

(2) *Explosives Anchorage 702.* In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27'26.9" N., longitude 144°38'08.2" E.

(3) *Explosives Anchorage 703.* In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13°27'30" N., longitude 144°38'29" E.

(4) *Naval Anchorage A.* The area enclosed by a line beginning at latitude 13°26'44.3" N., longitude 144°37'38.8" E.; thence to latitude 13°26'59" N., longitude 144°37'37.8" E.; thence to 13°26'44.3" N., longitude 144°37'37.8" E.; thence to latitude 13°26'56.6" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'03.8" E.; thence to latitude 13°26'51.3" N., longitude 144°39'19.4" E.; thence to latitude 13°26'37.4" N., longitude 144°37'57" E.; thence to the point of beginning.

(5) *Naval Anchorage B.* The area enclosed by a line beginning at latitude 13°26'40.7" N., longitude 144°39'48.5" E.; thence to latitude 13°26'50.6" N., longitude 144°39'59" E.; thence to latitude 13°26'48" N., longitude 144°40'01.2" E.; thence to latitude 13°26'38" N., longitude 144°39'51.2" E.; thence to the point of beginning.

(b) *The regulations*—(1) *General Anchorage.* Any vessel may anchor in the General Anchorage except vessels carrying—

(i) Explosives; or  
(ii) Flammable liquids, combustible liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisonous substances in bulk.

(2) *Anchorage 702 and 703.* (i) Vessels carrying cargoes described in subparagraph (1) of this paragraph must—

(a) Use Anchorage 702 or 703, unless otherwise directed by the Captain of the Port;

(b) Use of the mooring buoy therein when directed by the Captain of the Port; and

(c) Display a red (Bravo) flag.

(ii) Without permission from the Captain of the Port, no vessel may enter or remain in Anchorage 702 or 703 when a vessel occupying the anchorage is displaying a red (Bravo) flag.

(iii) When Anchorage 702 or 703 is not occupied by a vessel carrying cargoes described in subparagraph (1) of this paragraph, it may be used as a general anchorage.

(3) *Naval anchorages A and B.* (1) Except as provided in subdivision (ii) of this subparagraph, nonnaval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(4) *General regulations.* (i) Vessels may use the naval mooring buoys in the General Anchorage without charge for a period up to 72 hours if authorized by the Captain of the Port. Vessels so moored shall promptly move at their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than 65 feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the harbor for more than 30 consecutive days without permission of the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1) (A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g) (1) (A); 49 CFR 1.46 (c) (1), 33 CFR 1.05-1(c) (1) (36 F.R. 19160))

2. By revising the heading of Subchapter L to read as follows:

**SUBCHAPTER L—WATERFRONT FACILITIES; SECURITY ZONES; AND REGULATED NAVIGATION AREAS**

3. By adding new Parts 127 and 128 to read as follows:

**PART 127—SECURITY ZONES**

**Subpart A—General**

Sec.	
127.01	Purpose of part.
127.05	Definitions.
127.10	Purpose of security zone.
127.15	General security zone regulations.
127.20	Establishment of security zones; procedures.

**Subpart B—Security Zones**

127.1401 Apra Harbor, Guam.

**AUTHORITY:** The provisions of this Part 127 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b) (1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b); E.O. 10173, E.O. 11249; 3 CFR 1949-1953 Comp. p. 356, 3 CFR, 1964-1965 Comp. p. 349; 49 CFR 1.46(b).

**Subpart A—General**

§ 127.01 Purpose of part.

The purpose of this part is to—

- (a) List security zones;
- (b) Prescribe regulations applicable to security zones; and
- (c) Prescribe the procedures for establishing security zones.

§ 127.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or Captain of the Port, as defined in § 6.01-3 of this chapter, or his designated representative.

(b) "Security zone" means an area of land, water or land and water designated as a security zone by the Captain of the Port.

§ 127.10 Purpose of a security zone.

The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature—

- (a) Vessels,
- (b) Harbors,
- (c) Ports, and
- (d) Waterfront facilities—

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 127.15 General security zone regulations.

Unless otherwise provided in the special regulations in Subpart B of this part—

(a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(c) The Captain of the Port may take possession and control of any vessel in a security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board or take or place any article or thing on board any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

§ 127.20 Establishment of security zones; procedures.

(a) Any person may request that a security zone be established. Such request must include—

(1) The name of the person submitting the request;

(2) The location;

(3) The date, time, and duration;

(4) A description of activities planned for the security zone; and

(5) The reason for the security zone.

(b) Each request must be submitted to the Captain of the Port who has jurisdiction over the location. (See Part 3 of this chapter.)

(c) When a Captain of the Port establishes a security zone, he—

(1) Publishes notice of the security zone in the FEDERAL REGISTER and the Local Notice to Mariners; and

(2) Requests local newspapers and broadcasting stations to disseminate the information.

(d) When there is insufficient time to give notice by means of publication as specified in paragraph (c) of this section, the Captain of the Port broadcasts the necessary information in Notice to Mariners followed by publication of notice in the FEDERAL REGISTER.

Subpart B—Security Zones

§ 127.1401 Apra Harbor, Guam.

(a) *Security zones.* (1) *Security Zone A.* The waters of the Pacific Ocean and Apra Outer Harbor within an elliptical area of 650 yards radius centered at the southwest and north corners of Navy Wharf H. (Southwest corner is at latitude 13°27'43.6" N., longitude 144°38'55" E.; the north corner is at latitude 13°27'44.6" N., longitude 144°39'00" E.)

(2) *Security Zone B.* A 680-yard-wide area in Apra Outer Harbor contiguous to and bordering Security Zone A.

(3) *Security Zone C.* The area within 100 feet of the Power Plant Barge located at latitude 13°26'40.5" N., longitude 144°40'13.5" E.

(4) *Security Zone D.* The area within 100 feet of Navy Wharf D.

(5) *Security Zone E.* The area within 100 feet of Navy Wharf E.

(6) *Security Zone F.* The area within 100 feet of Navy Wharf H.

(b) *Special regulations.* (1) Section 127.15 does not apply to Security Zones A and B except when a vessel berthed at Navy Wharf H is displaying a red (Bravo) flag by day or a red light at the masthead by night.

(2) Vessels may enter Security Zone B when transiting the harbor without the permission of the Captain of the Port.

(3) Unless the Captain of the Port orders the vessel to leave, any vessel berthed at a waterfront facility may remain in Security Zone B without the permission of the Captain of the Port.

PART 128—REGULATED NAVIGATION AREAS

Subpart A—General

Sec.	Purposes of part.
128.01	Definitions.
128.05	Establishment procedures.

Subpart B—Regulated Navigation Areas

128.1401 Apra Outer Harbor, Guam.

*AUTHORITY:* The provisions of this Part 128 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); Proc No. 2914, 3 CFR 1949-53 Comp., p. 99 (1950), E.O. 10637, 3 CFR, 1954-58 Comp., p. 269 (1955); 49 CFR 1.46(b).

Subpart A—General

§ 128.01 Purpose of part.

The purpose of this part is to—

- (a) List Regulated Navigation Areas;
- (b) Prescribe regulations applicable to Regulated Navigation Areas; and
- (c) Prescribe the procedures for establishing Regulated Navigation Areas.

§ 128.05 Definitions.

As used in this part:

(a) "Captain of the Port" means the Commandant, District Commander, or the Captain of the Port, as defined in § 6.01-3 of this chapter, or his designated representative.

(b) "Regulated Navigation Area" means the water area within a defined boundary for which regulations have been established under this part.

§ 128.10 Establishment procedures.

(a) Any person may request that a Regulated Navigation Area be established. Such request must include—

- (1) The name of the person submitting the request;
- (2) The location;
- (3) The date, time, and duration;
- (4) A description of activities planned for the Regulated Navigation Area; and
- (5) The reason for the Regulated Navigation Area.

(b) The request must be submitted to the Captain of the Port having jurisdiction over the location (see Part 3 of this chapter).

Subpart B—Regulated Navigation Areas

§ 128.1401 Apra Outer Harbor, Guam.

(a) The following is a Regulated Navigation Area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47" N., longitude 144°35'07" E.; thence to Spanish Rocks at latitude 13°27'09.5" N., longitude 144°37'20.6" E.; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1" N., longitude 144°39'52.5" E. (the northwest corner of the Polaris Point); thence to latitude 13°26'40.2" N., longitude 144°39'28.1" E.; thence to latitude 13°26'32.1" N., longitude 144°39'02.8" E.; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42" N.,

longitude 144°36'58.5" E.; thence to the beginning.

(b) *Regulations:*

(1) Except for public vessels of the United States, vessels may not enter Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, and public vessels of the United States, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Except for public vessels of the United States, vessels over 100 gross tons—

(i) Shall steady on the entrance range at least 2 miles west of the entrance when approaching Apra Harbor;

(ii) May not enter the harbor until any outbound vessel over 65 feet in length has cleared the harbor entrance; and

(iii) Shall steady on the range when departing Apra Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47" N., longitude 144°35'07" E.; thence to latitude 13°27'14.1" N., longitude 144°39'14.4" E.; thence to latitude 13°26'35.2" N., longitude 144°39'46.4" E.; thence to latitude 13°26'30.8" N., longitude 144°39'44.4" E.

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

*Effective date.* This amendment becomes effective on July 1, 1972.

Dated: May 24, 1972.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc. 72-8118 Filed 5-30-72; 8:48 am]

[CGFR 72-94R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

San Joaquin River, Calif.

This amendment adds regulations for the U.S. Navy Highway Bridge No. 10 between Rough and Ready Island and Stockton to permit the draw to remain closed to the passage of vessels from June 15, 1972, through October 13, 1972 in order that the bridge may be redecked.

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

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.714(a)(2) to reflect that this bridge is now owned by the U.S. Navy, and

2. Adding the following sentence to paragraph (a) (2) to § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California.

(a) \* \* \*

(2) U.S. Navy Highway Bridge No. 10 between Rough and Ready Island and Stockton. The draw shall open on signal if at least 12 hours' notice has been given. However, from June 15, 1972, through October 13, 1972, the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 4-9, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

*Effective date.* This revision should be effective on June 15, 1972, except the sentence in § 117.714(a) (2) beginning with "However, from" and ending with "vessels." shall be effective June 15, 1972, and terminate October 13, 1972.

Dated: May 26, 1972.

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

[FR Doc.72-8229 Filed 5-30-72; 8:49 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture

#### SUBCHAPTER A—MANDATORY MEAT INSPECTION

#### PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

#### Notice of Designation of Oregon Under the Federal Meat Inspection Act

*Statement of consideration.* The Governor of Oregon has advised that the

State of Oregon is no longer in a position to continue administering the State meat inspection program after June 30, 1972, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Oregon had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Act. However such titles contemplate a continuous, on-going program, and in view of the termination date now applicable to the Oregon program it is hereby determined that the Oregon requirements are not at least equal to the prescribed Federal requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of the Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in the State of Oregon which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue

such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Region for Meat and Poultry Inspection Program, Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111, Telephone: A-C 415-556-8622.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act (9 CFR 331.2) is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State	Effective date of designation
Oregon-----	July 1, 1972

(Secs. 21 and 301(c), 34 Stat. 1260, as amended, 21 U.S.C. 621, 661; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under section 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rule making proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-31-72).

Done at Washington, D.C., on May 26, 1972.

PHILIP C. OLSSON,  
Deputy Assistant Secretary.

[FR Doc.72-8273 Filed 5-30-72; 8:55 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 1 ]

### CUSTOMS FIELD ORGANIZATION

#### Proposed Changes in Customs Regions I and VI; Rescission

On March 10, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5131), a notice of proposed changes in district organization within Customs Regions I and VI. This proposed rule making would have consolidated the Customs districts of Providence, R.I., and Bridgeport, Conn., into the Boston district, and the Customs districts of Port Arthur and Galveston, Tex., into the Houston district.

It has been determined that it is not in the public interest to proceed with the proposed reorganization at this time. Accordingly, the notice is hereby rescinded.

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

MAY 19, 1972.

[FR Doc.72-8133 Filed 5-30-72;8:48 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Parts 966, 980 ]

### TOMATOES GROWN IN FLORIDA

#### Termination of Proposed Rule Making To Amend Limitation of Shipments Regulation

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, was published in the January 5, 1972, FEDERAL REGISTER (37 F.R. 81). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The Florida Tomato Committee met on May 11, 1972, and unanimously recommended that the proposed amendment not be put into effect at this time.

After consideration of all relevant matters, including the committee's recommendation and other available information, it is hereby found that this proceeding which was initiated by the

aforesaid notice of rule making should be and is hereby terminated.

Dated May 25, 1972, to become effective upon signing.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.72-8130 Filed 5-30-72;8:47 am]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Ch. II ]

[Docket No. 24322; EDR-221B]

### REPORTING DATA PERTAINING TO FREIGHT ORIGIN-DESTINATION TRAFFIC MOVEMENT

#### Certain Air Carriers and Foreign Air Carriers; Extension of Time for Filing Comments

MAY 25, 1972.

The Board, by circulation of notice of proposed rule making EDR-221, dated March 16, 1972, and published at 37 F.R. 6109, gave notice that it had under consideration the enactment of a new part of the economic regulations to establish a system of reporting freight origin-destination (O&D) traffic movement by certain air carriers and foreign air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 24, 1972. On April 21, 1972, by supplemental notice of proposed rule making EDR-221A, published at 37 F.R. 8679, the undersigned, pursuant to delegated authority, extended the time for submitting comments to June 1, 1972.

Subsequently, letters were received from counsel for Scandinavian Airlines System and Swissair, requesting that the time for filing comments be extended by an additional 60 days. Both requests allege that additional time is needed in order that the two foreign carriers may evaluate the expense and feasibility of supplying the statistics which would be required under the proposed new part. Additionally, Swissair says that the proposed requirements may conflict with Swiss law.

Although a general extension of time is not warranted, the undersigned finds that good cause has been shown for an extension of the time within which foreign air carriers may file comments. It appears that counsel for foreign air carriers may encounter special difficulties, not encountered by other interested persons, in obtaining from their clients the detailed information relating to their data collection and processing capabil-

ities, necessary for the preparation of comments. However, an extension of time for foreign air carriers beyond June 30, 1972, is not warranted and would unduly delay the proceeding. An extension for foreign air carriers to June 30, 1972, which will provide a total of 106 days within which foreign air carriers may respond, should be sufficient to enable foreign air carriers to deal with any problems which are peculiar to them in the preparation of comments. The deadline for the submission of comments by persons other than foreign air carriers remains June 1, 1972.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for the submission of comments by foreign air carriers to June 30, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Rates.

[FR Doc.72-8125 Filed 5-30-72;8:47 am]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 536 ]

[Docket No. 72-19]

### FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOR- EIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

#### Proposed Requirements

##### Correction

In F.R. Doc. 72-7397 appearing at page 10389 of the issue of Saturday, May 20, 1972, the material now designated as § 536.4(b)(10) and the introductory text of subparagraph (11) should read as set forth below. Subdivisions (i) through (xvi) of material now designated as § 536.4(b)(11) will thus become part of § 536.4(b)(10).

§ 536.4 Contents of tariffs.

(b) \* \* \*

(10) Rules and regulations which in anywise affect the application of the tariff. Specific rules shall be published to govern each of the following subjects and shall bear the rule numbers designated:

1. Scope. See subparagraph (4) of this paragraph.
2. Application of rates. See subdivision (i) of this subparagraph.
3. Effective date rule. See subdivision (ii) of this subparagraph.

- 4. Heavy lift.
- 5. Extra length.
- 6. Minimum bill of lading charge(s).
- 7. Payment of freight charges. See subdivision (iv) of this subparagraph.
- 8. Specimen bill of lading. See subdivision (iii) of this subparagraph.

Every tariff shall contain the following rules, when applicable:

- Freight forwarder compensation. See subdivision (v) of this subparagraph.
- Application of surcharge and/or arbitraries/differentials/outport differentials (or other identifying term). See subdivision (vi) of this subparagraph.
- Minimum quantity rates. See subdivision (viii) of this subparagraph.
- Ad valorem rates. See subdivision (ix) of this subparagraph.
- Transshipment service. See subdivision (vii) of this subparagraph.
- Application of contract rate system. See subdivision (xii) of this subparagraph.
- Open rates. See subdivision (xiii) of this subparagraph.
- Explosives or other dangerous articles. See subdivision (xi) of this subparagraph.
- Green salted hides. See subdivision (x) of this subparagraph.
- Returned cargo. See subdivision (xvi) of this subparagraph.
- Shippers requests and complaints. See subdivision (xiv) of this subparagraph.

Additional rules which affect the application of the tariff shall follow the rules specified above and shall be numbered consecutively.

## FEDERAL RESERVE SYSTEM

[ 12 CFR Parts 220, 221 ]

[Regs. T, U]

### CREDIT BY BROKERS, DEALERS AND BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

#### Exempt Credit to Specialists, OTC Market Makers, Third-Market Makers and Block Positioners

By notice of proposed rule making published in the *FEDERAL REGISTER* on February 4, 1971 (36 F.R. 2412-2414), the Board of Governors proposed to exempt from margin requirements credit extended by banks and brokers or dealers to block positioners, and credit extended by banks to third-market makers to carry on their market making activities. The proposals would have subjected to certain conditions credit for block positioning activities by all market makers, including specialists, block positioners, over-the-counter firms making a market in OTC margin stocks, and third-market makers.

Following consideration of the comments received, the Board has withdrawn certain parts of the proposed revisions of paragraph (g) of § 220.4 (Regulation T) and paragraphs (o), (w), and (y) of § 221.3 (Regulation U) pertaining to limitations on exempt credit to specialists, OTC market makers, and third-market makers. The Board is republish-

ing, with certain modifications in the proposed language, paragraph (g) of § 220.4, and paragraphs (w), (y), and (z) of § 221.3, with simultaneous publication of proposed rules in this area by the Securities and Exchange Commission appearing elsewhere in this issue of the *FEDERAL REGISTER*.

The Board also proposes at this time an amendment to § 221.3(a) to conform with the existing practice under which banks need not obtain purpose statements in connection with transactions arising out of the ordinary course of broker/dealer business.

The text of the proposed amendments, as revised, is as follows:

#### § 220.4 Special accounts.

(g) *Specialist's account.* (1) In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions as a specialist in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists.

(2) Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialist's use of credit pursuant to this paragraph (g), the requirements of § 220.6(b) regarding joint ventures shall not apply to such accounts and the maximum loan value of a registered security in such account (except a security that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be as determined by the creditor in good faith.

#### § 221.3 Miscellaneous provisions.

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided*, That this requirement shall not apply to any credit described in paragraph (o), (w), (x), (y), or (z) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter

(Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

(o) *Specialist.* In the case of credit extended to a member of a national securities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in such securities, the maximum loan value of any stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be as determined by the bank in good faith: *Provided*, That the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialists' use of credit pursuant to this section.

#### (w) OTC market maker exemption.

(1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market-making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock the OTC market maker shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity (Securities and Exchange Commission Form X-17A-12(1)) and all other reports required to be filed by market makers in OTC margin stock pursuant to a rule of the Commission (Rule 17a-12 (17 CFR 240.17a-12)), shall not have ceased to engage in such market-making activity, and shall have a reasonable average rate of inventory turnover in such stock: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith\* by a duly

\*As described in paragraph (a) of this section.

authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

(y) *Third-market maker exemption.*

(1) In the case of credit extended to a third-market maker, as defined in subparagraph (2) of this paragraph (y), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible security described in paragraph (t)(1) of this section) in order to conduct the market-making activity of such a market maker, the maximum loan value of any stock (except (i) a convertible security described in paragraph (t)(1) of this section, and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall, at least 5 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity, and all other reports required to be filed by third-market makers pursuant to a rule of the Securities and Exchange Commission and, except when such activity is unlawful, shall not have ceased to engage in such market-making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-3, executed by the third-market maker who is the recipient of such credit and executed and accepted in good faith<sup>20</sup> by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (y) and paragraph (a) of this section.

(2) A third-market maker with respect to a stock that is registered on a national securities exchange is a dealer who has had and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)), or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) of the Commission (17 CFR 240.15c3-1(b)(2)), of \$100,000 plus \$20,000 for each stock in excess of five in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission

(but in no case does this subparagraph (2) require net capital of more than \$1 million) who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations in the stocks for which he makes a market at all times on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iii) he does no more than 25 percent of his business in the stock with other market makers and/or on national securities exchanges except as odd-lot dealer, alternate specialist, or alternate odd-lot dealer specialist, and (iv) he has a reasonable average rate of inventory turnover on the stock.

(3) If all or portion of the credit extended pursuant to this paragraph (y) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be a third-market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

(z) *Block positioner exemption.* (1) In the case of credit extended to a block positioner, as defined in subparagraph (2) of this paragraph (z), for the purpose of financing the activity of block positioning, the maximum loan value of any margin stock obtained in the ordinary course of the activity of block-positioning as described in subparagraph (2) of this paragraph (z) (except (i) a convertible security described in paragraph (t)(1) of this section and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be determined by the bank in good faith: *Provided*, That in respect of such activity he shall have filed with the Securities and Exchange Commission a notice of undertaking such activity as prescribed by the Commission, and all reports required to be filed by block-positioners: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-5 and paragraph (a) of this section, executed by the block positioner who is the recipient of such credit and executed and accepted in good faith<sup>21</sup> by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such block positioning activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (z) and paragraph (a) of this section. In determining whether or not an extension of time has been granted

pursuant to subparagraph (3) of this paragraph (z) and whether or not such extension of time is commensurate with the circumstances the bank may rely on a statement executed by an officer of the exchange or association on behalf of the committee in conformity with the requirements of Federal Reserve Form U-6 and paragraph (a) of this section.

(2) A block positioner is a dealer who (i) is registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and has a minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3-1 (17 CFR 240.15c3-1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) of the Commission (17 CFR 240.15c3-1(b)(2)), of \$1 million, (ii) engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner of the dealer, or the dealer itself, participates or a person "associated with" such dealer as defined in section 3(a)(18) of the Securities Exchange Act of 1934) a block of stock (other than a convertible security as described in paragraph (t)(1) of this section) with a current market value of \$200,000 or more in a single transaction or in several transactions at approximately the same time from a single source to facilitate a sale or purchase by such customer, (iii) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms, and (iv) sells the shares comprising such block as rapidly as possible commensurate with the circumstances.

(3) No credit shall be extended or maintained pursuant to this paragraph (z) in respect of any such block of stock or portion thereof which the block-positioner has held continuously for more than 20 business days, and any credit extended pursuant to this paragraph (z) shall be extinguished or brought into conformity with the initial margin requirements of §§ 221.1 and 221.4 before the expiration of such 20-day period. For the purposes of this subparagraph, a block or portion thereof shall be treated as not having been held continuously only to the extent that there has been a net sale (or in the case of short positions, net purchase) of such securities (whether or not represented by the same certificate) during such 20-day period.

(4) In exceptional cases the 20-day period specified in subparagraph (3) of this paragraph (z) may on the application of the block-positioner, be extended for one or more periods limited to 5 business days each commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which the block-positioner is a member or through which his block transaction was effected, or by a committee of

<sup>20</sup> As described in paragraph (a) of this section.

<sup>21</sup> As described in paragraph (a) of this section.

a national securities association, if effected in the over-the-counter market: *Provided*, that such committee is satisfied that the block-positioner is acting in good faith in making the application and that the circumstances in fact warrant such treatment.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

The proposed amendments, as revised, are republished primarily for the purpose of enabling interested persons to study them concurrently with the proposed rules in this area by the Securities and Exchange Commission appearing elsewhere in this issue of the FEDERAL REGISTER.

Additional data, views or comments on the Board's proposed amendments, as revised, may be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 30, 1972. Such materials will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding Availability of Information.

By order of the Board of Governors, May 22, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary of the Board.

[FR Doc. 72-8170 Filed 5-30-72; 8:48 am]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 240, 249 ]

[Release 34-9611; File No. 87-441]

### OTC MARGIN SECURITIES

#### Elimination of Reports To Be Filed by Market Makers in Certain Instances

Notice is hereby given that the Securities and Exchange Commission proposes to amend Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 (the Act) to eliminate the filing of notices and reports by market makers in OTC Margin Securities under certain circumstances. It also proposes to revise Form X-17A-12(1) (17 CFR 249.619) to reflect this amendment and to revise Form X-17A-12(2) (17 CFR 249.620) to make the quarterly report form filed by OTC Market Makers more useful for regulatory purposes.

On July 3, 1969, in Release No. 8637 under the Act and in the FEDERAL REGISTER for July 13, 1969 at 34 F.R. 11539, the Commission gave notice of the adoption of Rule 17a-12 requiring notifications and reports from broker-dealers who make markets in OTC Margin Securities to implement rules of the Board of Governors of the Federal Reserve System (Federal Reserve Board) providing exemptions from specified margin

requirements of loans by banks to broker-dealers who are market makers in securities placed by the Federal Reserve Board, pursuant to Regulation U under the Act (12 CFR Part 221) on its list of OTC Margin Stocks.

The Commission's Rule 17a-12 provides that all OTC Market Makers, as defined in subparagraph (2) of paragraph (a) of the rule, must file a notice on Form X-17A-12(1) with the Commission for every OTC Margin Security as to which he is an OTC Market Maker. He must also notify the Commission on the form whenever he ceases to make a market in such security. The Commission intends to amend paragraph (b) of the rule by excepting from notification requirements a broker-dealer who does not use OTC Market Maker exempt credit as provided for by section 3(w) of Regulation U (12 CFR 221.3(w)). Furthermore, paragraph (c) of the rule would be amended to permit a broker-dealer to withdraw his notifications whenever he no longer intends to apply for or receive such credit on any OTC Margin Security. Form X-17A-12(1) would be revised to take account of these amendments. It is also proposed that paragraph (d) of Rule 17a-12 be amended to require that only those OTC Market Makers who have notices on file with the Commission during the calendar quarter furnish reports on Form X-17A-12(2).

These proposals are intended to reduce the reporting burden on broker-dealers who do not ordinarily apply for OTC Market Maker exempt credit. Under the amended rule, as proposed, a broker-dealer who has not filed a notice with the Commission but is otherwise eligible for exemption from margin requirements under Regulation U, may, within 5 days after applying for such credit, file a notification that he is an OTC Market Maker with the Commission.

It is also proposed at this time to revise the quarterly report form, Form X-17A-12(2), and to eliminate Schedule A of that form. Under the present reporting system, OTC Market Makers who have obtained exempt credit on any OTC Margin Security during the quarter must show, in Schedule A, details of their transactions in all stocks in which they were OTC Market Makers on a sample day, designated by the Commission, during the quarter. It has been found that the National Association of Securities Dealers' automated quotation system (NASDAQ), which was not in operation at the time of the adoption of Rule 17a-12, provides information necessary for checking compliance by broker-dealers with certain conditions of the Board's exemption. Reports of transactions on a sample day would, therefore, no longer be necessary.

Form X-17A-12(2) would be expanded to include a few of the items which are presently on Schedule A. Whereas the information in Schedule A is now furnished only for the sample day, in the proposed revised form, the data would relate to the entire quarter. The items proposed to be

added to the form are the maximum number of shares of each security pledged as collateral on an exempt loan, the firm's daily average closing position in the security, and total purchases and sales as principal of the security. In addition, the form would require the listing of the names of creditor banks and the total amount of OTC Market Maker exempt credit outstanding at the end of the quarter.

#### PROPOSED AMENDMENTS

The Commission proposes to amend paragraphs (b), (c), and (d) of § 240.17a-12 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-12 Reports to be filed by market makers in OTC Margin Securities.

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X-17A-12(1) (§ 240.619) identifying each such security; except that no notice need be filed unless he applies for credit on any OTC Margin Security pursuant to the "OTC market maker exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve System under the Act.

(c) Every registered broker-dealer who has filed a notice under paragraphs (a) or (b) of this section and who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs, or who no longer intends to apply for or receive OTC Market Maker exempt credit on any OTC Margin Security, shall, within 5 days thereafter, notify the Commission on Form X-17A-12(1) (§ 240.619) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however*, That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security and has filed a notice on Form X-17A-12(1) (§ 240.619) pursuant to paragraphs (a) or (b) of this section shall, within 10 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X-17A-12(2) (§ 240.620).

(Sec. 17(a), 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

Copies of proposed revised Form X-17A-12(1) (17 CFR 249.619) and Form X-17A-12(2) (17 CFR 249.620) have been placed on file with the FEDERAL REGISTER. Copies of such Forms may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments with respect to the proposed amendments, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 30, 1972. All communications with respect to the proposals should refer to File No. S7-441. Such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

MAY 31, 1972.

[FR Doc. 72-8202 Filed 5-30-72; 8:48 am]

[ 17 CFR Parts 240, 249 ]

[Release 34-9612; File No. S7-442]

### CERTAIN DEALERS WHO ARE THIRD MARKET MAKERS OR BLOCK POSITIONERS

#### Proposed Filing of Notices and Reports

Notice is hereby given that the Securities and Exchange Commission has under consideration two proposed new rules, Rule 17a-16 (17 CFR 240.17a-16) and Rule 17a-17 (17 CFR 240.17a-17) under the Securities Exchange Act of 1934 (the Act), to provide for the filing of notices and reports by certain broker-dealers who are third market makers or block positioners which would serve as the basis, under proposed rules and regulations of the Board of Governors of the Federal Reserve System (Federal Reserve Board), for exemptions from specified margin requirements for loans by banks to such broker-dealers.

On January 26, 1971, the Federal Reserve Board issued for comment a proposal to amend Regulation U (12 CFR Part 221) under the Act to provide that, under certain conditions, securities firms that acquire substantial blocks of stock for their own account to facilitate the sale or purchase by their customers of quantities which could not otherwise be absorbed by the market be exempt from the margin restrictions of that regulation (see FEDERAL REGISTER for February 4, 1971 at 36 F.R. 2412). The Board also reissued for comment an earlier proposal that broker-dealers who make over-the-counter markets in securities registered on national securities exchanges be exempt from margin regulations of Regulation U to carry on their market making activities. A notice of several changes in the details of these proposals is being issued today by the Federal Reserve Board.

Under the Act, the Commission has administrative and enforcement responsibilities with respect to credit regulations. The purpose of the Commission's proposed rules is to implement the

Board's proposed exemptions from margin requirements for third market makers and block positioners. The Board's proposals require the filing of notices and reports with the Commission by these broker-dealers in order to be eligible for the so-called "exempt credit." Proposed Rule 17a-16 and proposed Forms X-17A-16(1) (17 CFR 249.631) and X-17A-16(2) (17 CFR 249.632) would implement the third market maker exemption; proposed Rule 17a-17 and proposed Form X-17A-17 (17 CFR 249.635) would implement the block positioner exemption.

#### THIRD MARKET MAKER EXEMPTION

The Federal Reserve Board proposes to add paragraph (y) to section 3 of Regulation U (12 CFR 221.3(y)) to permit banks to extend "third market maker exempt credit" to bona fide over-the-counter market makers in registered securities. The proposed amendment generally parallels a similar provision adopted in 1969 for market makers in OTC Margin Stocks. A third market maker, as defined in subparagraph (2) of section 3 (y), is a dealer who is in compliance with Rule 15c3-1 (17 CFR 240.15c3-1) under the Act, who has and maintains a specified minimum net capital (as that term is defined in Rule 15c3-1), and who, with respect to a registered security, furnishes bona fide, competitive bid and offer quotations to other broker-dealers on request; is ready, willing and able to effect transactions for his own account in reasonable amounts and at his quoted prices with other broker-dealers; has a reasonable average rate of inventory turnover; and does no more than 25 percent of his business with other market makers and/or on national securities exchanges. An exception to the latter provision is made for third market makers who are also alternate specialists or odd-lot dealer/specialists on regional exchanges.

Under the proposal, as issued by the Board today, a third market maker must have net capital of \$20,000 for each security in which he is a third market maker but not less than \$100,000 as a minimum; however, he is not required to have more than \$1 million regardless of the number of issues in which he is a third market maker. The net capital requirements for third market makers are greater than those for OTC Market Makers, as specified in section 3(w) of Regulation U (12 CFR 221.3(w)), reflecting the generally higher prices of stocks and the larger size of trades in the third market.

In the Commission's proposed Rule 17a-16, the definition of a third market maker is given in paragraph (c) and is identical with the Board's definition except that the Commission's rule uses the term "Qualified Third Market Maker." This is to distinguish a third market maker who would be eligible for exempt credit from a third market maker as defined in Rule 17a-9 (17 CFR 240.17a-9) under the Act. The latter contains no net capital requirement and

relates only to market makers in common stocks.

Paragraphs (a) and (b) of proposed Rule 17a-16 require that a Qualified Third Market Maker file a notice on Form X-17A-16(1) for each registered security in which he makes a market at least 5 business days before obtaining third market maker exempt credit. However, no notice is required if the market maker does not intend to use such credit. The rule further provides, in paragraph (d), that within 5 days after ceasing to be a Qualified Third Market Maker in a security or if the broker-dealer no longer intends to seek exempt credit, he must notify the Commission of such fact on Form X-17A-16(1). In addition, pursuant to paragraph (e) of the rule, every Qualified Third Market Maker who has had notices on Form X-17A-16(1) with respect to any security on file with the Commission at any time during a calendar quarter, must file with the Commission a report on Form X-17A-16(2). Three copies of this report must be filed within 20 days after the end of each calendar quarter. The quarterly reports would be nonpublic but would be available for official use to any official or employee of the United States or the Board and to any other person to whom the Commission authorized disclosure.

Paragraph (f) of the proposed rules takes into account the possibility that certain anti-manipulative provisions of the Federal securities laws, such as Rule 10b-6 (17 CFR 240.10b-6) under the Act, would prohibit a market maker from meeting all of the conditions required to be a Qualified Third Market Maker at certain times. Therefore, the proposed rule provides for notification to the Commission of temporary cessation of market making activities under these circumstances.

Form X-17A-16(1), as proposed identifies the security in which the broker-dealer is or commences making a market and also serves to notify the Commission when market making has ceased or when the broker-dealer no longer intends to seek exempt credit in any security registered on a national securities exchange. When a broker-dealer ceases to make a market in a security, he must list the names of the banks, if any, with which he has third market maker exempt credit outstanding with the subject security as collateral.

The proposed quarterly report on Form X-17A-16(2) calls for details of the third market maker's net capital and bank borrowings pursuant to the margin exemption. It also would contain a certification that the broker-dealer did not accept credit from any bank in reliance on the third market maker exemption when he did not meet the net capital or other requirements for such exemption.

If the third market maker had any such exempt credit outstanding at any time during the calendar quarter, it is proposed that he would also file Schedule A of Form X-17A-16(2) for each registered security in which he was or



had been a market maker during the quarter. On this schedule he would furnish information as to his position in the security, the number of shares pledged as collateral, and his volume of trading during the quarter, showing separately his trading with other market makers and on exchanges.

#### BLOCK POSITIONER EXEMPTION

The Federal Reserve Board has proposed to amend Regulation U by adding paragraph (z) to section 3 (12 CFR 221.3(z)) to permit brokers-dealers who meet specified conditions to obtain credit from banks without regard to the margin restrictions of that regulation in connection with their positioning of blocks of stock. A block of stock, according to subparagraph (2) of section 3(z), is a position with a current market value of \$200,000 or more acquired in a single transaction or in several transactions at approximately the same time from a single source. Credit obtained pursuant to the block positioner exemption would have to be extinguished or brought into conformity with the initial margin requirements of sections 1 and 4 of Regulation U (12 CFR 221.1 and 221.4) within 20 days. In exceptional circumstances, the exempt credit could be extended for additional 5-day periods upon application by the block positioner to an appropriate self-regulatory agency.<sup>1</sup>

Under subparagraph (2) of proposed section 3(z), a block positioner is defined as a dealer who: (1) Is a registered broker-dealer and has minimum net capital, as defined by Rule 15c3-1 under the Act (or the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3-1(b)(2) (17 CFR 240.15c3-1(b)(2)) under the Act), of \$1 million; (2) engages in transactions in blocks of stock as principal, from time to time, to facilitate the sale or purchase of the block by his customer; (3) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the shares could not be sold to or purchased from others on equivalent or better terms; and (4) sells the shares comprising the block as rapidly as possible commensurate with the circumstances. In addition, the block positioner must file with the Commission a notice of intent to undertake such block positioning activity and all other reports required to be filed by the Commission.

<sup>1</sup> The Board's proposals of January 1971 would have included specialists, third market makers and market makers in OTC Margin Stocks as block positioners whenever they acquired a block of \$200,000 or more and, accordingly, the time limitation on block positioner exempt credit would have applied. As issued today, specialists and OTC Market Makers would continue to be exempt from margin restrictions on blocks as well as in their regular market making activities, pursuant to section 4(g) of Regulation T (12 CFR 220.4(g)) and sections 3(o) and 3(w) of Regulation U (12 CFR 221.3(o) and 221.3(w)), while no distinction for blocks would be made for third market makers under the new proposed paragraph (y) of section 3 of Regulation U.

Rule 17a-17, as proposed by the Commission, provides in paragraph (a) that any broker-dealer who intends to apply for block positioner exempt credit from a bank must file a notice to that effect with the Commission at least 5 business days prior to applying initially for such credit. No form has been devised for the notification since it will be a one-time filing by the block positioner and will not pertain to any specific stock. The block positioner would give notice in writing that he intends to apply from time to time for exempt credit under the block positioner exemption provided for by Regulation U and that he meets all of the conditions precedent to being a block positioner as defined in the rule. Paragraph (b) of proposed Rule 17a-17 sets forth the requisite conditions which are the same as those required by the Federal Reserve Board in section 3(z) of Regulation U.

Paragraph (c) of Rule 17a-17 would require that all broker-dealers who have given and not withdrawn notices that they are block positioners file a report 20 days after the close of each calendar quarter on Form X-17A-17. These reports, like the quarterly reports of OTC Market Makers and Qualified Third Market Makers, would be nonpublic except that they would be available for official use to any official or employee of the United States or the Board and to any other person to whom the Commission authorized disclosure in the public interest.

Form X-17A-17, as proposed, would constitute a report on the extent of participation in blocks and amount of borrowings of the broker-dealer pursuant to the block positioner margin exemption during the quarter. All information on the forms would pertain only to blocks or which such credit was granted. The block positioner would also be asked to furnish the amount of his net capital as of the end of the quarter. In addition, he would certify that at all times during which his notification as a block positioner was on file with the Commission he maintained the minimum net capital required and met all other conditions necessary to be a block positioner as defined in section 3(z) of Regulation U.

If the block positioner received credit from a bank during the quarter, he would also be required to file proposed Schedule A of Form X-17A-17 for each block positioned, and on which exempt credit was granted, for a selected week during the quarter. At the end of each calendar quarter, the Commission would select a week within the preceding 3 months and notify each block positioner of the dates. It is proposed that if less than 10 blocks were positioned by the firm in the designated week, the firm would select consecutively enough additional blocks closest to that week in terms of positioning date, either before or after the selected week, to make a total of 10 blocks for which schedules would be filed.

The broker-dealer would furnish, on a separate Schedule A for each block: the date of the block trade; where it

was effected; the total size of the block sold by the customer of which the block positioned was a part; commission paid on the total block; number and price of shares positioned; details of credit received and repaid; and how the block was liquidated, in terms of markets used and length of time involved.

#### PROPOSED SECTIONS AND FORMS

As proposed Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adopting new §§ 240.17a-16, 240.17a-17, 249.631, 249.632, and 249.635 as follows:

#### § 240.17a-16 Notices and reports by qualified third market makers.

(a) Every broker or dealer registered pursuant to section 15 of the Act who is a "Qualified Third Market Maker" (as hereinafter defined) in any security registered on a national securities exchange and who applies for or receives credit with respect to any such security from any bank in reliance on the "Third Market Maker Exemption" provided for in Regulation U under the Act (hereinafter called "Third Market Maker exempt credit," shall, within the time prescribed in this section file with the Commission a notice on Form X-17A-16(1) (§ 249.631 of this chapter) for each such security in respect of which he is a Qualified Third Market Maker.

(b) A Qualified Third Market Maker shall file the notice prescribed in paragraph (a) of this section at least 5 business days before receiving the extension of Third Market Maker exempt credit, but he need not file such notice unless he applies for Third Market Maker exempt credit.

(c) For the purpose of this section, a Qualified Third Market Maker shall mean a dealer (1) who is subject to and is in compliance with § 240.15c3-1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3-1 by subparagraph (b)(2) thereof) and (2) who has and maintains minimum net capital as defined in § 240.15c3-1 (or in such capital rules of such exchange) of \$100,000 plus \$20,000 for each security in excess of five in respect of which he has filed and not withdrawn the notice on Form X-17A-16(1) (§ 249.631 of this chapter) (except that he shall not be required to have such net capital of more than \$1 million to be a Qualified Third Market Maker under the provisions of this section); and (3) who, except when such activity is unlawful, meets all of the following conditions with respect to such security: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other brokers or dealers on request; (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices with other brokers and dealers; (iii) he does no more than 25 percent of his business for his own account with other

market makers and/or on national securities exchanges (except as odd-lot dealer, alternate specialist or alternate odd-lot dealer/specialist) in any such security; and (iv) he has a reasonable average rate of inventory turnover in such security.

(d) Every registered broker-dealer who has filed a notice under paragraph (a) of this section who ceases to be a Qualified Third Market Maker in any security listed in any notice filed under such paragraph, or who no longer intends to apply for or receive Third Market Maker exempt credit on any security registered on a national securities exchange, shall within 5 business days thereafter, notify the Commission on Form X-17A-16(1) (§ 249.631 of this chapter) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however*, That if a security has ceased to be registered on any national securities exchange, no such notice respecting cessation of market making activities need be filed as to that security.

(e) Every registered broker-dealer, who during any calendar quarter is or has been a Qualified Third Market Maker and who has filed a notice on Form X-17A-16(1) (§ 249.631 of this chapter) pursuant to paragraph (a) of this section shall, within 20 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X-17A-16(2) (§ 249.632 of this chapter).

(f) At any time that a broker-dealer who is otherwise a Qualified Third Market Maker is unable to meet one or more of the conditions specified in subdivision (i), (ii), (iii) or (iv) of subparagraph (3) of paragraph (c) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and, if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(g) Reports on Form X-17A-16(2) (§ 249.632 of this chapter) will be maintained in a nonpublic file: *Provided, however*, That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and any other person to whom the Commission authorizes disclosure in the public interest.

**§ 240.17a-17 Notices and reports by block positioners.**

(a) Every broker or dealer registered pursuant to section 15 of the Act, and every member of a national securities exchange, who applies for or receives from any bank any credit in reliance on the "Block Positioner Exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve

System under the Act shall, at least 5 business days prior to applying initially for such credit (hereinafter sometimes referred to as "exempt credit"), file with the Commission a notice of his intention to apply for and receive such credit and stating that he meets all of the conditions precedent to being a Block Positioner as defined in paragraph (b) of this section.

(b) For the purpose of this section, a "Block Positioner" is a dealer (1) who is registered with the Commission pursuant to section 15 of the Act, or is a member of a national securities exchange, and is subject to and in compliance with § 240.15c3-1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3-1 by paragraph (b) (2) thereof), and (2) who has and maintains minimum net capital as defined in § 240.15c3-1 (or in such capital rules of such exchange) of \$1 million and who, (3) except when such activity is unlawful, meets all of the following conditions:

(i) He engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner, the dealer, or a person associated with such dealer as defined in section 3(a)(18) of the Act participates) a block of stock (other than a convertible security as described in section 3 of Regulation U) with a current market value of \$200,000 or more in a single transaction, or in several transactions at approximately the same time, to facilitate a sale or purchase by such customer; (ii) he certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms; (iii) he sells the shares comprising the block as rapidly as possible commensurate with the circumstances; and (iv) except upon receiving extensions of time in accordance with Regulation U, he does not hold such block continuously for more than 20 business days and before the expiration of such 20-business-day period either extinguishes the exempt credit or brings any credit on the block in conformity with the initial margin requirements of sections 1 and 4 of Regulation U. A block of securities or portion thereof shall be deemed to have been held continuously to the extent that there has not been a net sale (or in the case of short positions, a net purchase) of such securities (whether or not represented by the same certificates) during such 20-business-day period.

(c) Every Block Positioner who has filed a notice pursuant to paragraph (a) of this section, shall, thereafter, within 20 days after the end of each calendar quarter, file with the Commission three fully executed copies of a report for such calendar quarter on Form X-17A-17

(§ 249.635 of this chapter); except that no such report need be filed if, prior to the beginning of such calendar quarter, the Block Positioner filed a written statement withdrawing the notice which he filed pursuant to paragraph (a) of this section.

(d) Reports on Form X-17A-17 (§ 249.635 of this chapter) will be maintained in a nonpublic file: *Provided however*, That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and to any other person to whom the Commission authorizes disclosure in the public interest.

**§§ 249.621-249.630 [Reserved]**

**§ 249.631 Form X-17A-16(1), notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-16 of this chapter.**

This form must be executed and filed with the Commission pursuant to paragraphs (a) and (b) of § 240.17a-16 of this chapter by certain broker-dealers, defined to be "Qualified Third Market Makers" by paragraph (c) of said section, at least five (5) business days before such broker-dealers obtain third market maker exempt credit pursuant to Regulation U under the Act.

**§ 249.632 Form X-17A-16(2), quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a-16(e) of this chapter.**

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (e) of § 240.17a-16 of this chapter within twenty (20) days after the end of each such calendar quarter, by every broker-dealer who, during a calendar quarter, is or has been a Qualified Third Market Maker, as defined in paragraph (c) of said section and who has filed a notice on Form X-17A-16(1) (§ 240.631 of this chapter) pursuant to paragraph (a) of said section.

**§§ 249.633-249.634 [Reserved]**

**§ 249.635 Form X-17A-17, quarterly report required to be filed by a broker-dealer block positioner pursuant to section 17 of the Act and § 240.17a-17 of this chapter.**

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (c) of § 240.17a-17 of this chapter within twenty (20) days after the end of each calendar quarter, by every broker-dealer block positioner who has filed a notice pursuant to paragraph (a) of said section.

(Sec. 15(b), 48 Stat. 895, 78 Stat. 565, 15 U.S.C. 78o; sec. 17(a) 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a) 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

PROPOSED RULE MAKING

10811

Copies of proposed Forms X-17A-16(1), X-17A-16(2), and X-17A-17 have been placed on file with the FEDERAL REGISTER, and, in addition, copies of such forms may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

The proposed rules and related forms would be adopted pursuant to the pre-

visions of sections 15(b), 17(a), and 23(a) of the Act. All interested persons are invited to submit views and comments with respect to the above proposals, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 30, 1972. All communications with respect to the proposed rules

should refer to File No. S7-442. Such communications will be available for public inspection.

By the Commission.

[SEAL]

RONALD F. HUNT,  
*Secretary.*

[FR Doc.72-8203 Filed 5-30-72; 8:48 am]

# Notices

## DEPARTMENT OF STATE

Agency for International  
Development

DEPUTY ASSISTANT ADMINISTRATOR  
FOR POPULATION AND HUMANITARIAN ASSISTANCE

### Delegation of Authority

Pursuant to the authority delegated to me, I hereby redelegate to the Deputy Assistant Administrator for Population and Humanitarian Assistance, to the extent consistent with law, all the authorities now or hereafter delegated to the Assistant Administrator for Population and Humanitarian Assistance by Delegations of Authority Nos. 19, 40, 41, Administrator or Deputy Administrator including those authorities conferred by Delegation of Authority from the Ad- and 95, and any other authorities, powers, or functions under any Agency Regulation, Policy Determination, Manual Orders, Directive, Notice, or Issuance.

This Delegation of Authority shall be effective immediately.

Dated: April 28, 1972.

JAROLD A. KIEFFER,  
Assistant Administrator for  
Population and Humanitarian  
Assistance.

[FR Doc. 72-8121 Filed 5-30-72; 8:47 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ASSOCIATE STATE DIRECTOR, UTAH  
STATE OFFICE, ET AL.

### Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2d delegations are authorized as listed:

1. Associate State Director may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in amount not to exceed \$2,000: *Provided*, That the requirement is not available from established sources; and may procure for emergency fire suppression and presuppression not to exceed \$2,500.

2. State Administrative Officer may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in amount not to exceed

\$2,000: *Provided*, That the requirement is not available from established sources.

3. District Managers may enter into contracts with established sources of supplies and services, excluding capitalized equipment, regardless of the amount. May procure on the open market for supplies, materials, and construction contracts, excluding capitalized equipment, in an amount not to exceed \$1,000: *Provided*, That the requirement is not available from established sources.

4. District Administrative Officers may enter into contracts with established sources of supplies and services, excluding capitalized equipment, not to exceed \$1,000 per order. May enter into contracts on open market for supplies and materials, excluding capitalized equipment in an amount not to exceed \$1,000: *Provided*, That the requirement is not available from established sources.

5. Division Chiefs, Natural Resource Specialist and Fire Control Officers may enter into contracts for emergency purchases of supplies and services, excluding capitalized property, not to exceed \$100—and in addition the Fire Control Officer may enter into a contract for an emergency fire not to exceed \$500 per order.

6. Cadastral Engineering Survey Party Chiefs may enter into contracts for supplies and services, excluding capitalized property not to exceed \$200—and contract Cadastral Crew Lodging not to exceed \$500 per order.

7. Other employees as specifically designated by the State Director to make small procurement of supply, services and materials, excluding capitalized equipment, by standard form 44, not to exceed \$200 per order.

B. The authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with the applicable policies, procedures, and control prescribed by General Service Administration.

This delegation cancels and replaces all previous delegations of BLM-Utah to this date.

Dated: May 22, 1972.

R. D. NIELSON,  
State Director.

[FR Doc. 72-8120 Filed 5-30-72; 8:47 am]

## DEPARTMENT OF AGRICULTURE

Forest Service

CROSS-FLORIDA BARGE CANAL  
PROPOSAL FOR OKLAWAHA RIVER

### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft en-

vironmental statement for Cross-Florida Barge Canal (Proposal for Oklawaha River), USDA-FS-DES(Leg) 72-36.

The draft environmental statement concerns a proposal to initiate studies leading to acquisition and management by USDA, Forest Service, as part of Ocala National Forest of certain lands and structures associated with Cross-Florida Barge Canal along the Oklawaha River in Marion and Putnam Counties, Fla.

This draft environmental statement was filed with CEQ on May 24, 1972.

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

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

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

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

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

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue, SW., Washington, DC 20250. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,  
Acting Deputy Chief,  
Forest Service.

MAY 25, 1972.

[FR Doc. 72-8132 Filed 5-30-72; 8:48 am]

## PROPOSAL TO TRANSFER NATIONAL FOREST LANDS TO COCHITI INDIAN TRIBE

### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a proposal to

transfer national forest lands to Cochiti Indian Tribe, USDA-FS-DES(Adm) 72-37.

The draft environmental statement concerns a proposal for the acquisition of 13,440 acres of land situated in the southwestern portion of the La Majada and Caja del Rio Grants.

This draft environmental statement was filed with CEQ on May 16, 1972.

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

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold SW., Albuquerque, NM 87101.

A limited number of single copies are available upon request to Wm. D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold SW., Albuquerque, NM 87101.

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

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Wm. D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold SW., Albuquerque, NM 87101. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,  
Acting Deputy Chief,  
Forest Service.

MAY 24, 1972.

[FR Doc.72-8116 Filed 5-30-72;8:46 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary  
for Community Development

[Docket No. D-72-181]

### EXECUTIVE ASSISTANT TO THE AS- SISTANT SECRETARY FOR COM- MUNITY DEVELOPMENT

#### Redelegation of Authority

Warren H. Butler, Executive Assistant  
to the Assistant Secretary for Commu-

nity Development, is authorized, during the current vacancy in the Office of the Deputy Assistant Secretary for Community Development, to exercise the power and authority of the Secretary of Housing and Urban Development delegated to the Deputy Assistant Secretary for Community Development, with all of the powers, functions and duties delegated or assigned to the Deputy Assistant Secretary for Community Development.

(Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Secretary's delegations of authority, 36 F.R. 5004, March 16, 1971)

*Effective date.* This redelegation of authority is effective as of April 20, 1972.

FLOYD H. HYDE,  
Assistant Secretary  
for Community Development.

[FR Doc.72-8122 Filed 5-30-72;8:47 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

### CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

#### Order Confirming Order for Evidentiary Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2).

On May 19, 1972, the Atomic Safety and Licensing Board issued an order during the course of an evidentiary hearing in this proceeding providing for a further session of evidentiary hearing on June 19, 1972 and stated that a formal order would be issued confirming that order.

*Wherefore, it is ordered.* In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a session of evidentiary hearing in this proceeding shall convene at 1:30 p.m. on Monday, June 19, 1972 in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: May 22, 1972, Germantown, Maryland.

ATOMIC SAFETY AND LICENS-  
ING BOARD,  
SAMUEL W. JENSCH,  
Chairman.

[FR Doc.72-8096 Filed 5-30-72;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 24915]

### AIRLIFT BLOCKED-SPACE CASE

#### Notice of Postponement of Hearing

Notice is hereby given that the hearing previously set for June 13, 1972 (37 F.R. 8570), will be held on June 27, 1972, at 10 a.m., e.d.t., in Room 1031, Universal Building North, 1875 Connecticut Avenue, NW., Washington, DC.

Dated at Washington, D.C., May 24, 1972.

[SEAL] MERRITT RUHLEN,  
Hearing Examiner.

[FR Doc.72-8105 Filed 5-30-72;8:46 am]

[Dockets Nos. 24353, 24452; Order 72-5-81]

### EASTERN AIR LINES, INC.

#### Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of May 1972.

U.S. Mainland-Puerto Rico/Virgin Islands Fares, Docket 24353; Reduction in U.S. Mainland-Puerto Rico/Virgin Islands circle-trip fares proposed by Eastern Air Lines, Inc., Docket 24452.

By tariff revision<sup>1</sup> marked to become effective May 24, 1972, Eastern Air Lines, Inc. (Eastern) proposes to reduce its circle-trip fares between various east coast mainland points and Puerto Rico/Virgin Islands to the level existing prior to April 1, 1972.<sup>2</sup> In support of its proposal, Eastern alleges that the April 1 increases were based upon the proposed increased day thrift-fare levels which the Board suspended,<sup>3</sup> and as a result no longer provide the "three-for-one" destination service originally intended. The carrier by this filing would restore the fares to their previously existing relationship with normal fares.

American Airlines, Inc. (American) has complained against the proposal requesting that it be suspended pending a determination of its lawfulness in the "U.S. Mainland-Puerto Rico/Virgin Islands Fares" case, Docket 24353. American alleges that the proposed lower fare level will undercut the lowest excursion fares for direct service and, since there are no significant conditions attached to the use of Eastern's circle-trip fares, carriers providing direct service will be under considerable competitive pressure to meet the fares. The carrier further alleges that Eastern's proposal is inconsistent with the need for additional revenues that the carriers (including Eastern) in this market have demonstrated, and which the Board acknowledged in Order 72-3-94.

Eastern has answered American's complaint alleging that because of the circuitous routing involved in its circle-trip fares they pose no competitive hazard to American's direct service, and pointing out the Board's action in Order 70-1-82 dated January 16, 1970, which dismissed a somewhat similar complaint of Pan American against its circle-trip fares. Eastern also alleges that the Board's action in Order 72-3-94 of March 29, 1972, with respect to the then proposed increases in the circle-trip and certain other fares was permissive rather

<sup>1</sup> Revisions to Eastern's tariff CAB No. 326.

<sup>2</sup> American and Pan American World Airways, Inc. (Pan American) have filed matching fare reductions.

<sup>3</sup> Order 72-3-94 dated Mar. 29, 1972.

than mandatory. Eastern also notes the fact that in the principal market concerned (New York-San Juan), the proposed fare would yield 4.13 cents per passenger mile, or substantially above the 3.85-cent-per-mile yield from the midweek night thrift fare in that market.

Upon consideration of the tariff proposal, the complaint, Eastern's answer thereto, and other relevant matters, the Board finds that Eastern's proposed reduction in mainland U.S.-Puerto Rico/Virgin Islands circle-trip fares, and the matching reductions filed by American in its competitive round-trip excursion fares and by Pan American in its circle-trip fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended. The proposals are already under investigation in the "U.S. Mainland-Puerto Rico/Virgin Islands Fares" case (Docket 24353).

The carriers have furnished no traffic or financial data, nor any indication of the impact of the proposed changes on traffic and revenues in justification of the reduced fares, which in a number of instances result in yields considerably below the midweek night thrift fare in the major New York-San Juan market. In our opinion, the fact that the fares have previously been in effect does not of itself justify their reinstatement at this time, particularly in the face of the carriers' recent strong allegations of greatly increased costs and need for a 9-percent across-the-board increase in fares in these markets.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

*It is ordered, That:*

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto<sup>4</sup> are suspended and their use deferred to and including August 21, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein the complaint in Docket 24452 is hereby dismissed; and

3. Copies of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,

[SEAL] HARRY J. ZINK,<sup>5</sup>  
Secretary.

[FR Doc.72-8108 Filed 5-30-72;8:46 am]

<sup>4</sup> Filed as part of the original document.

<sup>5</sup> Dissenting statement of member Minetti filed as part of the original document.

[Docket No. 23333; Order 72-5-83]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority May 23, 1972.

By Order 72-5-15, dated May 4, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 3 of the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 72-5-15 will herein be made final.

*Accordingly, it is ordered, That:*

Agreement CAB 23018, R-1 and R-2, be and hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *And provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-8126 Filed 5-30-72;8:47 am]

[Docket No. 23333; Order 72-5-88]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority May 24, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted at the 13th Joint Specific Commodity Rates Board meeting held March 14-17, 1972, in Geneva.

Insofar as it would apply in air transportation as defined by the Act, the agreement relates to the specific commodity rate structures applicable between the continental United States and Australasia and between Puerto Rico and Europe. As reflected in the attachment hereto,<sup>1</sup> the agreement embodies additional rates under existing commodity descriptions and rates under a new commodity description. In addition, several specific commodity rates adopted since the 12th meeting of the Joint Specific Commodity Rates Board in Miami on October 5, 1971, and already approved

by the Board, would be extended for a further period of effectiveness.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That eventual approval thereof is conditioned as hereinafter ordered.

*Accordingly, it is ordered, That:*

Action on Agreement CAB 23054 be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-8127 Filed 5-30-72;8:47 am]

[Docket No. 23333; Order 72-5-70]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority May 18, 1972.

By Order 72-5-2, dated May 1, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Joint Conferences of the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 72-5-2 will herein be made final.

*Accordingly, it is ordered, That:*

Agreement CAB 22821, R-2, be and hereby is approved: *Provided*, That, approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; and provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-8106 Filed 5-30-72;8:46 am]

<sup>1</sup> Filed as part of the original document.

[Docket No. 23333; Order 72-5-84]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority May 23, 1972.

By Order 72-5-42, dated May 10, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Joint Conferences of the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 72-5-42 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22821, R-3 and R-4, be and hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; and *provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.72-8107 Filed 5-30-72;8:46 am]

[Docket No. 24498; Order 72-5-92]

### MURRAY AIR FREIGHT, INC.

#### Order of Investigation and Suspension Regarding Increased Excess Valuation Charge

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1972.

By tariff revisions filed April 28, and marked to become effective May 28, 1972, Murray Air Freight, Inc. (Murray), an air freight forwarder, proposes to increase its excess valuation charge from 15 to 20 cents for each \$100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or \$50 per shipment, whichever is higher.

No justification has been submitted by the forwarder for the proposed charge.

Most major forwarders currently have in effect an excess value charge of 15 cents per \$100 on their domestic traffic. The Board has suspended, pending investigation, a number of previous proposals to increase excess valuation charges above this level where no showing has been made that existing excess value revenues do not cover the amount of claim expense stemming from the declarations of excess value.<sup>1</sup> Furthermore, the Board, after hearing in "Im-

<sup>1</sup> E.g., Orders 71-6-142, 71-4-53 and prior orders cited therein. In all these cases, the suspended matter was cancelled by the carriers.

perial Air Freight Service, Inc., Increased Excess Value Charges," Docket 23538, found proposed increases in excess valuation charges from 15 to 25 cents per \$100 unlawful essentially upon the above grounds (Order 72-4-141, April 26, 1972). As noted above, Murray has not submitted any data on the relationship between its excess value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that proposed rates and rules may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rates and rules should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the charge and provisions of "Exception 1:" and "Exception 2:" in Rule No. 4(H) (1) (b) on sixth revised page 9 of Air Tariffs Corporation, agent's CAB No. 1, and rules, regulations, or practices affecting such charge and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, "Exception 1:" and "Exception 2:" in Rule No. 4(H) (1) (b) on sixth revised page 9 of Air Tariffs Corporation, agent's CAB No. 1, are suspended and their use deferred to and including August 25, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 24498, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Murray Air Freight, Inc., which is hereby made a party to Docket 24498.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.72-8128 Filed 5-30-72;8:47 am]

[Docket Nos. 23612, etc.; Order 72-5-85]

### POSTMASTER GENERAL

#### Order to Show Cause Regarding Petition for Service, Domestic Service, and Transatlantic and Transpacific Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on 24th day of May 1972.

Petition of Postmaster General for service mail rates, Docket 23612; Domestic service mail rates investigation, Docket 23080; Transatlantic and transpacific mail rates, Docket 18078.

By petition of July 12, 1971, the Postmaster General (PMG) has requested that the Board prescribe service mail rates for the transportation by aircraft, on a space-available basis, of civil domestic mail of the second, third, and fourth classes (boat mail) to Hawaii and other domestic points in the Pacific, and civil international mail, excluding airmail and air parcels, destined for foreign countries in and beyond the Pacific. The requested rates were to be for a limited time, becoming effective on July 12, 1971, and were for the purpose of eliminating a backlog of such mail at west coast ports which had accumulated as a result of the dock strike along that coast. The PMG stated that the backlog would be eliminated and future surface mail rerouted around those west coast ports by September 12, 1971.

The rates petitioned for were 12.31 cents, 13.35 cents, and 11.98 cents per nonstop great-circle ton-mile, respectively, for United States-Orient, United States-Southeast Asia, and United States-South Pacific services, and a rate of 11.4 cents per nonstop great-circle ton-mile for service to Hawaii.<sup>1</sup>

On July 13, 1971, the PMG filed an amendment to his original petition to change the effective date for the requested rates from July 12, to July 9, 1971, since mail had been tendered under the conditions for which the rates were requested beginning on July 9. The PMG also requested that his original petition be amended to cover service from Honolulu to the west coast and points in the Pacific, inasmuch as the strike had sharply limited sailings into and out of Honolulu.

Answers to the PMG petition were filed by American, Continental, Northwest, Pan American, Trans World, and Western. With the exception of Northwest, all agreed to provide the service requested at the rates proposed by the PMG for the period in question, although generally with the caveat that such acquiescence resulted from the emergency nature of the transportation and did not constitute agreement that the rates proposed would be proper under any other conditions. Northwest has agreed to transport mail to points other than Hawaii (international carriage) at the rates proposed by the PMG, but has challenged the rate proposed for mainland-Hawaii carriage, contending that the rate adopted by the Board in the "Nonpriority Mail Rate Investigation", Docket 18381, governs that carriage.<sup>2</sup>

The PMG has filed an answer, as an unauthorized document with a motion for acceptance thereof, to the Northwest answer challenging the Northwest interpretation of the Board's order in the

<sup>1</sup> See Appendix A. These rates are equivalent to the current rates for Space Available Mail (SAM) computed on a great-circle mileage basis.

<sup>2</sup> Order No. 70-4-9, dated Apr. 2, 1970.

"Nonpriority" case. Northwest then filed a reply to the PMG answer, also as an unauthorized document with a request for acceptance thereof. We will receive both the unauthorized answer of the PMG and the unauthorized reply to that answer by Northwest.

Our consideration of the PMG petition will be divided into two parts, treating the issues regarding the fair and reasonable rate for the "domestic" carriage here involved separately from those relating to the "international" carriage. With regard to the domestic services (i.e., transportation of the mail in question between the U.S. mainland west coast, Hawaii, and certain other Pacific points designated in Order 70-4-9), Northwest has urged that the rate proposed by the PMG cannot be used because that carriage is covered by the rate set by the Board in the "Nonpriority" case. In support of this petition Northwest has pointed out that the Board's order in the "Nonpriority" case defines nonpriority mail as "all mail other than airmail and air parcel post, which may be tendered from time to time by the Post Office Department and carried on a space-available basis." This definition, argues Northwest, clearly includes the classes of mail described in the instant petition of the PMG and thus the nonpriority rate would be applicable.

Since the rates in question were open rates at the time the PMG's petition was filed, it is not necessary to resolve the issue raised by Northwest. However, we have decided to address the issue in order to set forth the correct interpretation of our mail rate orders.

The PMG has argued that the only types of mail specifically at issue in the "Nonpriority" investigation were first class, a special surcharged second class, and PAL; that no evidence was introduced relating to any other type of mail, and thus, he concludes, the nonpriority rate is only applicable to first-class and special surcharged second-class mail.

A somewhat analogous argument was made in the "States-Alaska Service Mail Rate Investigation." There Western Air Lines contested the Postmaster General's contention that the domestic multielement mail rate applied to the Alaskan operations of Western subsequent to the merger of Pacific Northern Airlines into Western. One of the arguments raised by Western against application of the domestic rate to its newly acquired Alaskan service was that " \* \* \* the domestic mail rate investigation, Docket 16349, did not encompass the question of rates for Alaska service \* \* \*." The Board rejected Western's argument as a basis for any holding that the domestic rate could not apply to Alaska operations, and the analogous argument being made at this time by the PMG must similarly be rejected.

Basically, the mail rates established in the "Domestic Service Mail Rate Investigation," by Order E-25610,<sup>4</sup> applied to

<sup>4</sup> Order E-26334, Feb. 9, 1968, at page 5.  
<sup>4</sup> Aug. 28, 1967.

"the transportation of mail by aircraft" except "the transportation of first-class and other preferential mail (other than airmail and air parcel post) for which a separate rate has been or hereafter may be established." At that time a separate mail rate had been established for the transportation of first-class mail pursuant to Order E-17255.<sup>5</sup> Subsequently, this mail rate was reopened by the "Nonpriority Mail Rates" case, Docket 18381, and pursuant to Order 70-4-9, service mail rates were established "for the transportation by air of nonpriority mail (i.e., all mail other than airmail and air parcel post, which may be tendered \* \* \* on a space-available basis)."<sup>6</sup> Order 70-4-9 thus removed from the ambit of Order E-25610 all nonpriority mail as defined therein.<sup>7</sup> Therefore, any of the boat mail transported on a space-available basis between the points designated in Order 70-4-9 would move at the rates established by such order until such time as a separate rate was established for this mail.

However, the nonpriority rates established by Order 70-4-9 have been open since December 12, 1970,<sup>8</sup> and the rates paid pursuant to such order have been temporary rates since that date. Therefore, an open-rate situation exists for any boat mail subject to the rates prescribed in Order 70-4-9, and there is no legal bar to establishing rates dating from July 9, 1971 for "domestic" boat mail commensurate with the rates proposed by the PMG.

With respect to the boat mail transported to other points in the Pacific, i.e., "international" carriage, for certain carriers there was in effect on the date of the PMG petition a final transpacific rate established by Order 68-9-9, dated September 4, 1968. That order provides that the rates established therein are applicable "for all mail matter other than specific mail matter for which rates are elsewhere established." Thus, "all mail" in transpacific transportation must be compensated for at the rates established in Order 68-9-9, except mail of specific types for which the Board has established a separate rate. The only types of mail matter for which separate industry rates have been established in the Pacific are certain types of military mail, specifically MOM and SAM.<sup>9</sup> The mail types described in the instant petition clearly do not fall within those limited exceptions, and the transpacific rates established by Order

<sup>5</sup> Dated July 31, 1961, 34 CAB 143.

<sup>6</sup> Order 70-4-9, p. 1. These nonpriority rates applied to the operations of the various named air carriers between specified points. Such Pacific points as here may be pertinent include Honolulu and Hilo, Hawaii; Pago Pago, American Samoa; Agaña, Guam; and Wake Island.

<sup>7</sup> This, of course, would not encompass military mail moving on a space-available basis since rates for this mail had already been established (MOM—Order 68-9-8, Sept. 4, 1968, and SAM—Order E-26713, Apr. 25, 1968).

<sup>8</sup> Order 70-12-48.

<sup>9</sup> See footnote 7.

68-9-9 would therefore apply to the carriers named therein for the "international" transportation of boat mail. In instances where a final mail rate is in effect a new rate cannot be made retroactive to a period predating the application for such rate.<sup>10</sup> Therefore, in those instances where the rates established by Order 68-9-9 would apply to boat mail, the new rate requested by the PMG cannot be made applicable prior to July 12, 1971.

Thus, for the transportation of boat mail in "domestic" service, we propose to establish final rates applicable to each of the carriers herein commencing with the period July 9, 1971.<sup>11</sup> With respect to the transportation of such mail in "international" service, we propose to establish rates commencing with July 12, 1971, for all of these carriers except American and Continental, for which we propose to establish rates commencing July 9, 1971. The transpacific rates established by Order 68-9-9 are not applicable to American, and no rate has yet been established for American's transpacific services.<sup>12</sup> Therefore, "international" boat mail rates for American may also be established from July 9, 1971. Likewise, the transpacific rates determined by Order 68-9-9 do not apply to Continental. Separate rates for the latter's Trust Territory operations were finalized on February 7, 1972, for all mail matter other than specific mail matter for which rates are elsewhere established.<sup>13</sup> Therefore, Continental's rates for the "international" carriage of boat mail may date from July 9, 1971.

Since Northwest's objections to the rate as requested by the PMG were of a technical nature and, as previously discussed, do not serve as a bar to establishing the level of rates as herein proposed, we have tentatively decided that the level of the rates for boat mail should be in accordance with the PMG's request. As noted previously, the rates are at the level of rates for SAM mail, which is also carried on a space-available basis and in cases in which adequate surface transportation is not available. Therefore, while we recognize that there are some differences in the two types of mail,

<sup>10</sup> "Transcontinental & Western Air, Inc. v. Civil Aeronautics Board," 336 U.S. 601, 605 (1949).

<sup>11</sup> Order 70-4-9 applies in like manner to American, Continental, Flying Tiger, Northwest, Pan American, Trans World, United, and Western.

<sup>12</sup> American had a final system rate (Order E-25610) that was applicable to mail not specifically covered by other mail rates. This rate would apply to any after acquired route authority. (See "Eastern A.L., Puerto Rico Mail Rates," 11 CAB 479 (1950).) However, the rates established by Order E-25610 were opened on Dec. 12, 1970, as previously noted. On Jan. 28, 1972, American filed a petition in Docket 18078, requesting that the transpacific rates be made applicable to its transpacific operations. That petition is pending at this time.

<sup>13</sup> Order 72-2-22, Docket 21994.



the SAM rates serve as a useful benchmark for evaluating the reasonableness of the rates here proposed. We have also given consideration to the emergency nature of the transportation, the limited duration of the services performed, and to the almost unanimous agreement reached by the parties with respect to these rates.

Therefore, upon consideration of the petition filed herein, the answers thereto, and of other matters officially noticed, the Board tentatively finds and concludes that:

1. The fair and reasonable rates of compensation to be paid The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., for the transportation on a space-available basis of civil domestic mail of the second, third, and fourth classes, the facilities used and useful therewith, and the services connected therewith, for the period July 9, 1971 through July 11, 1971,

(a) Between west coast ports of the United States, on the one hand, and Honolulu and Hilo, Hawaii, on the other hand, shall be 11.4 cents per nonstop great-circle mail ton-mile;

(b) From west coast ports of the United States to Agana, Guam, and Wake Island; and between Honolulu, Hawaii, on the one hand, and Agana and Wake Island, on the other hand; shall be 12.31 cents per nonstop great-circle mail ton-mile.

2. The fair and reasonable rates of compensation to be paid to American Airlines, Inc., and Continental Air Lines, Inc., on and after July 9, 1971, and to The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. on and after July 12, 1971, for the transportation on a space-available basis of civil domestic mail of the second, third, and fourth classes, and civil international mail, excluding air-mail and air parcels, from west coast ports of the United States to domestic points in the Pacific and foreign countries in and beyond the Pacific, and between west coast ports of the United States and Hawaii, the facilities used and useful therewith, and the services connected therewith, shall be 12.31 cents, 13.35 cents, and 11.98 cents per nonstop great-circle mail ton-mile, respectively, for such mail destined for Orient, Southeast Asia, and South Pacific points as these points are described in Appendix A, and 11.4 cents per nonstop great-circle ton-mile between west coast U.S. ports and Hawaii.

3. The rates to be established herein are to be paid in their entirety by the Postmaster General and shall not be applicable to any transportation occurring subsequent to September 30, 1971.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

*It is ordered, That:*

1. The motions of the Postmaster General and Northwest Airlines for leave

to file otherwise unauthorized documents are granted.

2. All interested persons, and particularly American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish as final the rates specified above.

3. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified therein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

4. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

5. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

6. This order shall be served upon the parties enumerated in paragraph 2, above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

APPENDIX A  
PACIFIC RATE AREA  
Orient

Guam.	Ponape.
Hong Kong.	Rota.
Johnston Island.	Saipan.
Kwajalein.	Seoul.
Koror.	Taipei.
Majuro.	Tokyo.
Manila.	Truk.
Nauru.	Wake.
Okinawa.	Yap.
Osaka.	

Southeast Asia

Bangkok.	Rangoon.
Bombay.	Saigon.
Calcutta.	Singapore.
Colombo.	Cam Rhan Bay.
Djakarta.	Da Nang.

South Pacific

Auckland.	Pago Pago.
Melbourne.	Papeete.
Nandi.	Sydney.
Noumea.	

[FR Doc.72-8109 Filed 5-30-72;8:46 am]

## FEDERAL POWER COMMISSION

[Docket No. E-7631, etc.]

CITY OF CLEVELAND, OHIO, ET AL.

Order Establishing Rate for  
Emergency Service

MAY 18, 1972.

City of Cleveland, Ohio v. Cleveland Electric Illuminating Co., and City of Cleveland, Ohio. Dockets Nos. E-7631, E-7633, and E-7713.

On March 8, 1972, the Commission issued an order pursuant to section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) requiring, among other things, that Cleveland Electric Illuminating Co. (CEI) interconnect with the city of Cleveland (City) by continuing service through five load transfer points and by establishing emergency 69 kv. service. The order set a hearing date of March 21, 1972, and specified that the rate and conditions of service for these interconnections would be established at the hearing.

The hearing has been concluded, initial briefs have been filed and the parties are still unable to agree on the terms of arrangement between them to carry out the order to interconnect.

The rate for the service provided through the five load transfer points expires because the Commission suspension of CEI's notice of cancellation and termination of service ends today. Both CEI and Staff filed motions with the Examiner asking that he establish "interim" rates for the load transfer service and the 69 kv. emergency service pending a final determination in this docket. The Examiner issued a "Ruling On Interim Rates" on May 5, 1972, denying the motions. On May 12, CEI filed with the Commission a motion to establish rates under section 202 of the Federal Power Act.

As there will be no rate or conditions in effect for the continuation of the existing load transfer service after May 17, 1972, and since our consideration of CEI's motion of May 12, 1972, has not been completed, we will continue CEI's Rate Schedule FPC No. 7, as supplemented, until further action of the Commission. CEI's motion also requested a rate for the 69 kv. emergency interconnection service. However, this service will not become operational for some time. Therefore, no action will be taken on that aspect of the motion.

The Commission finds: The Cleveland Electric Illuminating Co.'s Rate Schedule FPC No. 7, as supplemented, should be the rate applicable to the continuation of the load transfer service, effective May 18, 1972, and continue in effect for this service subject to further order of the Commission.

The Commission orders: It is appropriate and in the public interest under current emergency conditions to provide for a rate for the continuation of the load transfer service after May 17, 1972. Pursuant to the provisions of section 202(c) of the Federal Power Act, the rate and the conditions encompassed in CEI's

Rate Schedule FPC No. 7, as supplemented, shall be used for billing purposes and for service for the load transfer service, effective May 18, 1972, and shall remain in effect subject to further order of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-8099 Filed 5-30-72;8:45 am]

[Docket No. RP72-116]

### EL PASO NATURAL GAS CO.

#### Notice of Petition for Order Respecting Advance Payments

MAY 19, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on April 17, 1972, filed a petition requesting the Commission to issue an order permitting it: (1) To record in Account 166 of the Uniform System of Accounts certain advances made and to be made to Atlantic Richfield Co. (Atlantic) and other joint interest owners for natural gas exploratory and developmental activities to be conducted upon certain leases situated in the State of Alaska; (2) to accord investments, costs, and revenues (from off-system sales of gas and from liquids) applicable to working interests assigned to El Paso in consideration of the aforementioned advances, the same accounting now accorded such amounts under the Uniform System of Accounts applicable to leases acquired prior to October 8, 1969; and (3) to include all such amounts recorded in Account 166 and, as well, such investments, costs, and revenues applicable to working interests so acquired, in the determination of El Paso's cost of service in any future rate proceeding, subject to a showing of justice and reasonableness. If the Commission should not grant the accounting and rate treatment El Paso seeks for working interests, it requests the Commission to affirm that working interest expenditures and revenues will be accorded area rate treatment contemplated by § 2.66 of the Commission's general policy and interpretations.

In support of its petition, El Paso states that there have been recently concluded arrangements, as more fully described in its petition, between El Paso, Pacific Gas & Electric Co., and Southern California Edison Co., "the funding parties," and Atlantic whereby, in an effort to stimulate exploratory and developmental activities to be undertaken by Atlantic on certain of its leases in the North Slope area of Alaska, the funding parties have agreed to advance funds to Atlantic and others, and to expend on working interests acquired, up to \$65 million. El Paso states that the advances to Atlantic are exclusively directed to the frontier area of Alaska, where no guideline or in-line producer rates exist today and where there has been very little exploration and development conducted and avers that in such area advance payments constitute an appropriate mech-

anism to secure the necessary exploration for, and development of, natural gas supplies for interstate markets in the lower 48 States.

El Paso says that each of the funding parties has until July 15, 1972, to receive regulatory approval for the inclusion in its utility cost of service of all funds advanced to Atlantic and that, absent approval by that date, each party has the right to withdraw from further participation prior to July 30, 1972.

Copies of El Paso's petition were served on all of El Paso's customers, interested state commissions, Atlantic Richfield Co. and Southern California Edison Co.

Answers or comments relating to the petition may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 30, 1972.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-8097 Filed 5-30-72;8:45 am]

[Docket No. RP72-124]

### GRAND VALLEY TRANSMISSION CO.

#### Notice of Proposed Changes in Rates and Charges

MAY 18, 1972.

Take notice that Grand Valley Transmission Co. on May 9, 1972, tendered for filing proposed changes in its FPC Gas Rate Schedule No. 1. The proposed changes would increase the currently effective rate of 18.5 cents to 25 cents per Mcf and increase revenues by \$205,300 based on a volume of sales for the 12-month period ending December 31, 1971. The proposed rate change is described in the company's transmittal letter as follows:

The subject increase in rate is proposed to become effective on May 31, 1972 (the contract between Grand Valley and El Paso provides that the same shall be effective on the first day of the month following acceptance by the Commission.)

The proposed increase will result in an annual increase in revenues to Grand Valley of \$205,300, based on sales volumes to El Paso in the 12 months ended December 31, 1971, and an annual increase in revenues to Grand Valley of \$174,900, based on estimated sales volumes to El Paso in calendar year 1972. For the reasons set forth hereinafter, the proposed increase will result in an increase in Grand Valley's annual net income of only \$15,800, based on sales volumes to El Paso during 1971, and only \$13,450, based on estimated sales volumes to El Paso during 1972.

Grand Valley respectfully requests that the proposed increase be allowed to become effective without suspension and, pursuant to § 154.51 of the Commission's regulations, for waiver of the Commission's 30-day notice requirement.

Although Grand Valley is technically classified as a Class C interstate pipeline, it is essentially a small gathering system with facilities located in Grand and Uintah Counties, Utah. Grand Valley gathers gas from producers and compresses and transports it to a connection with El Paso's Northwest Division pipeline at a point near Westwater Junction, Grand County, Utah. All the gas purchased and gathered by Grand Valley is sold to El Paso under a contract dated

December 1, 1959, which is on file with the Commission as Grand Valley's FPC Gas Rate Schedule No. 1.

Because of the rate for sales of gas by Grand Valley to El Paso, and consequently the depressed rate which Grand Valley has been able to offer producers in its area, Grand Valley has been unable to attract additional supplies of gas for sale to El Paso and the volumes of sales to El Paso have thus declined (compare Grand Valley's purchases in 1971 and estimated 1972 purchases on Schedule H(1)-3 H(2) of the filing).

Recognizing such fact, El Paso and Grand Valley entered into renegotiation of the contract between them which culminated in the contract amendment dated January 17, 1972, herewith tendered for filing. Such amendment provides for an extension of the term of the old contract, the rate increase herewith tendered for filing, and that Grand Valley will diligently attempt to extend the term of its contracts with its suppliers and obtain contracts for additional gas supplies.

As a result of the amendment of Grand Valley's contract with El Paso, Grand Valley renegotiated its contracts with its producer-suppliers which provided for extension of the terms thereof, the inclusion of acreage not previously committed to Grand Valley, and an increase in the price paid by Grand Valley to such producers from 13 cents per Mcf to 19 cents per Mcf. Grand Valley is also aggressively pursuing a program to obtain additional supplies of gas. If the instant rate filing is not approved by the Commission, Grand Valley will be unable to carry out its program of securing additional gas for resale to the interstate market.

From the foregoing, it will be seen that 6 cents of the total 6.5-cent per Mcf increase herewith tendered for filing is a "tracking" of increases in the cost of gas to Grand Valley. In this connection, one of Grand Valley's producer-suppliers<sup>1</sup> has already been authorized to place its increase to Grand Valley in effect subject to refund on April 23, 1972. Likewise, another of Grand Valley's producer-suppliers (Oil Resources, Inc.) is filing concurrently herewith to place into effect its increase to Grand Valley and Grand Valley expects that its other producer-suppliers either have already or will also file immediately.

As will be seen from Statement M attached to the filing, Grand Valley's total net profit for calendar year 1971 was only \$19,000. It is obvious that Grand Valley cannot absorb the increases of its producer-supplier for even 1 day.

As to the remaining one-half cent per Mcf of the increase tendered for filing which is not a "tracking" of producer-supplier increases, Grand Valley submits that the attached data fully demonstrate that such increase is necessary in order for Grand Valley to continue adequate service. In fact, the attached data show that Grand Valley cannot service its debt unless the instant rate increase is approved. Grand Valley respectfully requests waiver of the provisions of Part 154 of the Commission's regulations, particularly § 154.22 thereof, to the extent necessary to permit the proposed increase to become effective, without suspension, on May 31, 1972.

A copy of this filing is being mailed to the purchaser, El Paso, and to the Public Service Commission of the State of Utah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

<sup>1</sup> Getty Oil Co., Docket No. RI72-210. See Commission order issued Apr. 21, 1972 in Mobil Oil Corp. et al., Docket No. RI72-207 et al.

Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-8098 Filed 5-30-72;8:45 am]

[Dockets Nos. E-7729, E-7700]

### NEW ENGLAND POWER SERVICE CO. AND NEW ENGLAND POWER CO.

#### Order Accepting for Filing and Making Effective Proposed New Rate Schedules and Rate Schedule Changes, Providing for Hearing, and Consolidating Proceedings

MAY 19, 1972.

On February 11, 1972, New England Power Service Co. submitted on behalf of New England Power Co. proposed new rate schedules applicable to service to be rendered by NEPCO to seven of its Massachusetts municipal customers. That service involves the final transmission by NEPCO of the municipals' power entitlements from the New Brunswick Electric Power Commission which became effective August 1, 1971.

Concurrently with the filing of the above-mentioned subtransmission service contracts, New England Power Service Co. also filed amended primary service resale contracts applicable to the same municipal customers. These amendments make provision in the existing contracts for the New Brunswick purchases. The municipal customers and the rate schedules involved are shown below:

Name of customer	Existing primary service resale contracts FPC No.	New sub-transmission service contracts FPC No.
Middleton.....	171	224
Danvers.....	179	222
Marblehead.....	181	223
Ashburnham.....	182	221
North Attleborough.....	185	225
West Boylston.....	188	227
Shrewsbury.....	207	226

The company requests waiver of the Commission's 30-day notice requirements to permit the proposed subtransmission service contracts and amendments to the existing primary service contracts to become effective August 1, 1971, consistent with the effectiveness of the municipals' New Brunswick entitlements. The proposed effective date of August 1, 1971, appears reasonable.

The subtransmission service contracts were executed under protest by the

municipal customers. They request that the new contracts be consolidated for hearing with NEPCO's currently pending rate increase proposal in Docket No. E-7700. This procedure appears reasonable. The municipals also request that the rates applicable to NEPCO's transmission of the New Brunswick Power entitlements be suspended for 1 day and be made subject to refund following hearing. The amendments to the existing primary service contracts do not appear to be in dispute, and no reason exists for suspension of the proposed amendments. The subtransmission service contracts are new Rate Schedules not subject to suspension under the Federal Power Act and § 2.4(d) of the Commission's rules of practice and procedure. The rates contained therein are subject to reduction after hearing, however, pursuant to section 206 of the Federal Power Act.

The Commission finds:

(1) A hearing should be held to determine the justness and reasonableness of New England Power Co.'s proposed subtransmission service contracts.

(2) The proceeding in Docket No. E-7729 should be consolidated with the proceeding in Docket No. E-7700 for purposes of hearing and decision.

(3) The proposed new contracts and proposed amendments to existing contracts submitted in Docket No. E-7729 should be accepted for filing and made effective as of August 1, 1971.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 206, 301, 306, 307, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the justness and reasonableness of NEPCO's proposed FPC Rate Schedules designated Nos. 221, 222, 223, 224, 225, 226, and 227.

(B) The proceeding in Docket No. E-7729 is consolidated with the proceeding in Docket No. E-7700 for purposes of hearing and decision.

(C) Section 35.3 of the Commission's regulations under the Federal Power Act is waived, and the proposed new schedules and amendments to existing contracts hereinbefore described are accepted for filing and made effective as of August 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-8100 Filed 5-30-72;8:45 am]

## FEDERAL RESERVE SYSTEM

### NORTHERN STATES FINANCIAL CORP. AND TWIN GATES CORP.

#### Amended Applications

Notice of receipt of the application of Northern States Financial Corp., Detroit, Mich., under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842-(a)(1)), to become a bank holding company through acquisition of 80 percent or more of the voting shares of City National Bank of Detroit, Detroit, Mich.,

and the acquisition of indirect control of 13.2 percent of the voting shares of National Bank of Rochester, Rochester, Mich., was published in the FEDERAL REGISTER on February 8, 1972 (37 F.R. 2858).

Northern States Financial Corp. has filed an amendment to its application with respect to the acquisition of City National Bank of Detroit indicating that it now intends to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to City National Bank of Detroit. Twin Gates Corp., Wilmington, Del., which presently owns 22.48 percent of the outstanding voting shares of City National Bank of Detroit and which previously filed an application to exchange those shares for 22.48 percent of the voting shares of Northern States Financial Corp. (April 5, 1972; 37 F.R. 6894), has also amended its application to reflect the change in the application of Northern States Financial Corp. Any person wishing to comment on the applications, as amended, 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 June 12, 1972.

Board of Governors of the Federal Reserve System, May 23, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-8112 Filed 5-30-72;8:46 am]

## SMALL BUSINESS ADMINISTRATION

[License 06/06-5159]

### MESBIC OF ARKANSAS, INC.

#### Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On March 16, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 5550), stating that MESBIC of Arkansas, Inc., 300 Spring Building, Suite 620, Little Rock, AR 72201, had filed an application with the Small Business Administration, pursuant to section 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 26, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 06/06-5159 to MESBIC of Arkansas, Inc., pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended.

Dated: May 22, 1972.

CLAUDE ALEXANDER,  
Associate Administrator  
for Operations and Investment.

[FR Doc.72-8102 Filed 5-30-72;8:45 am]

[License 02/02-0122]

**NUCLEAR ENERGY CAPITAL CORP.****Notice of Surrender of License**

Notice is hereby given that Nuclear Energy Capital Corp., New York, N.Y., incorporated under the laws of New York on July 11, 1969, has surrendered its license No. 02/02-0122 issued by the Small Business Administration (SBA) on October 18, 1961.

Nuclear Energy Capital Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Nuclear Energy Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: May 22, 1972.

CLAUDE ALEXANDER,  
Associate Administrator  
for Operations and Investment.

[FR Doc.72-8103 Filed 5-30-72;8:46 am]

[License 02/02-0272]

**STAR CAPITAL CORP.****Notice of Surrender of License**

Notice is hereby given that Star Capital Corp., 76 Beaver Street, New York, NY 10005, incorporated under the laws of the State of Delaware on December 9, 1969, has surrendered its license No. 02/02-0272, issued by the Small Business Administration (SBA) on December 22, 1969.

Star Capital Corp. has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Star Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: May 22, 1972.

CLAUDE ALEXANDER,  
Associate Administrator  
for Operations and Investment.

[FR Doc.72-8104 Filed 5-30-72;8:46 am]

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****ALLEGHENY BEVERAGE CORP. ET AL.****Notice of Applications for Variances**

1. *Allegheny Beverage Corp.* Notice is hereby given that Allegheny Beverage Corp., 2214 North Charles Street, Baltimore, MD 21218 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety

and Health Act of 1970 (84 Stat. 1594) and 29 CFR Part 1905 for a variance from the occupational safety and health standards prescribed in 29 CFR 1910.23 (36 F.R. 10472), guarding floor and wall openings and holes, 29 CFR 1910.24 (36 F.R. 10474), fixed industrial stairs, and 29 CFR 1910.27 (36 F.R. 10483) fixed ladders.

The addresses of the places of employment that will be affected by the application are as follows:

Baltimore Plant, 1650 Union Avenue, Baltimore, MD 21211.  
Hampton Pepsi Plant, Hampton, Va.  
Richmond Pepsi Plant, 1630 West Main Street, Richmond, VA 23220.

Applicant certifies that employees who will be affected by the variance request have been notified of the application by posting copies of the application at places where notices to employees are normally posted. The notice informs employees of their right to petition for a hearing.

Regarding the merits of the application, applicant states that the time extension requested for compliance at its plants is needed because the production areas are being modified and the production lines are being remodeled. Applicant alleges that the deficiencies would be corrected by the completion of the remodeling work. Applicant seeks an extension of time for compliance with the standards until the remodeling and modification work at all three plants has been completed.

For further information interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following area offices:

Occupational Safety and Health Administration, Federal Building, Room 1110A, 31 Hopkins Plaza, Charles Center, Baltimore, MD 21201; Occupational Safety and Health Administration, 3661 Virginia Beach Boulevard, Stanwick Building, Norfolk, VA 23502; Occupational Safety and Health Administration, Federal Building, Room 8018, Post Office Box 10186, 400 North Eighth Street, Richmond, VA 23240.

2. *St. Joe Minerals Corp.* Notice is hereby given that the St. Joe Minerals Corp., Post Office Box A, Monaca, PA 15061, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR Part 1905 for a permanent variance from 29 CFR 1918.74(a)(9) concerning load indicating devices for cranes used to load or unload vessels.

The applicant states that the work will be performed at its Zinc Smelting Division, St. Joe Minerals Corp., Box A, Monaca, PA 15061, located on the Ohio River about 30 miles downstream from Pittsburgh, Pa.

Applicant certifies that a copy of the application has been posted on bulletin boards in the work or lunch areas of the affected employees. In addition, the con-

tents of the application and its purposes were explained to the affected employees at a regular employees communication meeting on November 12, 1971. Employees were informed of their right to petition for a hearing at the meeting.

Regarding the merits of the application, applicant states that the primary use of the crane is to load with a hook, accurately weighed zinc bars with a currently dated weight ticket attached. The applicant contends that the bars are hoisted inside a steel lifting frame for safety in hoisting. Applicant states that the configuration of the lifting frame for hoisting zinc bars limits the weight of the total load to 9 tons and that the weight is at least 2 tons less than the rated capacity of the crane (12 tons) at maximum reach (75-foot radius). The total weight of the zinc ingots which are occasionally loaded does not exceed 9 tons.

Applicant proposes to dispense with the load indicating device on the crane which it uses for loading zinc bars, slabs, or ingots into river barges on the Ohio River at its Zinc Smelting Division. Applicant contends that the load indicating device, producing a read-out of the weight of the lift, would afford no safety benefit if required on the crane it uses because the lifts made by the crane are already accurately weighed with a currently dated weight ticket attached. Applicant states that the practices and methods which it proposes to use will provide employment and places of employment which are as safe and healthful as those which would prevail if applicants were to comply with the requirements of 29 CFR 1918.74(a)(9).

For further information interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the Occupational Safety and Health Administration, Room 445-D, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

3. *Tudor Engineering Co.* Notice is hereby given that Tudor Engineering Co., 149 New Montgomery Street, San Francisco, CA 94105, has made application pursuant to section 6(d) of the Williams Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR 1905.11 for a variance from the safety and health standards prescribed in 29 CFR 1910.27 requiring that a caged ladder have a maximum length of 30 feet between landing platforms.

Applicant states that the person primarily expected to be using the ladder is Mr. Gene Hiatt, bridge manager and employee of Umatilla County. Applicant certifies that a copy of the application has been delivered to Mr. Hiatt.

The applicant states that it will install supplemental navigation lights and appurtenant facilities for the Umatilla Toll Bridge at Umatilla, Ore. The bridge, which is owned by Umatilla County, crosses the Columbia River and connects Umatilla County, Ore., with Benton County, Wash.

Regarding the merits of the application, applicant states that ladders would be used to provide access to the new navigation lights for the purpose of installation and servicing. Applicant plans to install one fixture each on the upstream and downstream faces of the bridge piers, which are concrete structures with vertical faces. Applicant states that the light fixtures will be mounted at an elevation prescribed by the U.S. Coast Guard which is approximately 30 feet below the top of the piers involved. Applicant contends that the most convenient arrangement for servicing the light fixtures would be from a platform located about 4 feet below the fixture which would require the use of ladders approximately 34 feet long.

Applicant requests a permanent variance to allow installation of two 34-foot length ladders and two 35-foot length ladders (total of four) on the upstream and downstream faces of the concrete bridge piers of the Umatilla Toll Bridge to provide access to the navigational light installation and service platforms located approximately 34 feet below the access points. Applicant states that after installation of the light fixtures, the ladders would be used for servicing two or three times per year. Applicant states that the practices, means, methods, and operations proposed will provide employment and places of employment which are as safe and healthful as those which would prevail if applicants were to comply with the requirements of 29 CFR 1910.27.

For further information, interested persons are referred to copies of the application which will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following area offices: Occupational Safety and Health Administration, 100 McAllister Street, Room 1706, San Francisco, CA 94102; Occupational Safety and Health Administration, Room 526, Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

All interested persons, including employers and employees who believe they will be affected by the grant or denial of any of the above applications for variances, are invited to submit written data, views, and arguments regarding the relative application within 30 days following the publication of this notice in the FEDERAL REGISTER. In addition, employers and employees who believe they would be affected by the grant or denial of any of the variances may request a hearing on the application for variance within 30 days after the publication of this notice in the FEDERAL REGISTER, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing shall be in quadruplicate and shall be addressed to the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 24th day of May 1972.

G. C. GUENTHER,  
Assistant Secretary of Labor.

[FR Doc.72-8123 Filed 5-30-72;8:47 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

MAY 24, 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 55822 Sub 12, Victory Express, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 566, Pre-Fab Transit Co., now being assigned hearing July 13, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 107295 Sub 589, Pre-Fab Transit Co., now being assigned hearing July 14, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 119547 Sub 29, Edgar W. Long, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 119547 Sub 31, Edgar W. Long, Inc., now being assigned hearing July 12, 1972 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

FD 26757, The Chesapeake & Ohio Railway Co. Abandonment between Hatch's Crossing and Northport, Leelanau County, Mich., now being assigned hearing July 20, 1972 (2 days), at Traverse City, Mich., in a hearing room to be later designated.

FD 26835, Cadillac & Lake City Railway Co. Reorganization, now being assigned hearing July 17, 1972 (3 days), at Cadillac, Mich., in a hearing room to be later designated.

MC 116133 Sub 8, Pollard Delivery Service, Inc., now assigned July 17, 1972, at Washington, D.C., postponed to August 21, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 123744 Sub 7, Butler Trucking Co., now assigned June 6, 1972, at Washington, D.C., hearing postponed to June 13, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 7419 Sub 4, Reliable Transfer & Storage Co., Inc., now being assigned hearing July 13, 1972 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC 112822 Sub 201, Bray Lines, Inc., now being assigned hearing July 10, 1972 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC 8948 Sub 101, Western Gillette, Inc., now being assigned hearing July 24, 1972 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

MC 134884 Sub 1, Farwest Furniture Transport, Inc., now being assigned continued hearing July 17, 1972 (1 week), at Seattle, Wash., in a hearing room to be later designated.

FD 26820, Historic Railroads, Inc.—acquisition and operation—between Queenstown and Denton in Caroline and Queen Annes Counties, Md., now being assigned hearing June 29, 1972 (1 day), at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 119919 Sub 6, Blaine Albert Willets, doing business as Willets' Charter Service, now being assigned hearing June 26, 1972 (1 day), at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7692, Dodds Truck Line, Inc.—Investigation and revocation of certificates—now assigned July 26, 1972, at Jefferson City, Mo., postponed indefinitely.

MC 123383 Sub 60, Boyle Brothers, Inc., now assigned May 31, 1972, Washington, D.C., postponed to July 10, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-8138 Filed 5-30-72;8:48 am]

### ASSIGNMENT OF HEARINGS

MAY 25, 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 133796 Sub 6, George Appel, now assigned May 31, 1972, at Washington, D.C., postponed indefinitely.

MC 135772, Barrett Transfer & Storage Co., continued to June 13, 1972, at Seattle, Wash., in a hearing room to be later designated.

MC 134892, Classic Furniture Transfer, Inc., now assigned June 1, 1972, at New York, N.Y., canceled.

MC-F-11372, Roadway Express, Inc.—control and merger—Poole Transfer, Inc., now assigned July 17, 1972, at Chicago, Ill., postponed indefinitely.

MC 29120 Sub 130, All-American Transport, Inc., now being assigned hearing July 17, 1972, in room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL (1 week).

MC 106644 Sub 130, Superior Trucking Co., Inc., now being assigned hearing July 12, 1972, at Memphis, Tenn., in a hearing room to be later designated (1 day).

FD 13273 Sub 2, in the matter of the application of E. Spencer Miller under section 20a(12) of the Interstate Commerce Act, now being assigned hearing July 18, 1972, at the office of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-8139 Filed 5-30-72; 8:48 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

MAY 25, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 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. 42438—Plaster and related articles from Cody and Himes, Wyo. Filed by Western Trunk Line Committee, agent (No. A-2666), for interested rail carriers. Rates on plaster, gypsum lath, gypsum wall board, and related articles, in carloads, as described in the application, from Cody and Himes, Wyo., to points in western trunk-line (including Illinois) territory.

Grounds for relief—Market and motor competition.

Tariff—Supplement 155 to Western Trunk Line Committee, agent, tariff ICC A-4421. Rates are published to become effective on June 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-8137 Filed 5-30-72; 8:48 am]

[Notice 67]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73509. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Van Curler Trucking Corp., Rochester, N.Y., of that portion of the operating rights set forth in certificate No. MC-38514, issued June 9, 1961, to Blanchard Moving & Storage Co., Inc., Rochester, N.Y., authorizing the transportation of: New steel office furniture and scientific equipment, both uncrated, from Rochester, N.Y., to points in 29 specified States and the District of Columbia; and photographic machines and equipment, uncrated, between Rochester, N.Y., on the one hand, and, on the other, points in 30 specified States and the District of Columbia. Raymond A. Richards, 23 West Main Street, Webster, NY 14580, representative for applicants.

No. MC-FC-73609. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Patrick J. O'Connor, doing business as O'Connor Brothers, Elizabeth, N.J., of the operating rights set forth in certificate No. 8526, issued October 18, 1962, issued to Patrick O'Connor and Thomas O'Connor, doing business as O'Connor Bros., Elizabeth, N.J., authorizing the transportation of household goods, between points in Essex, Union, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, points in New Jersey and New York. Abraham Grossman, 1143 East Jersey Street, Elizabeth, NJ 07201, attorney for applicants.

No. MC-FC-73621. By order of May 19, 1972, the Motor Carrier Board approved the transfer to Matty's Gulf & Towing Service, Inc., Newark, N.J., of the operating rights in certificate No. MC-119459 issued May 15, 1969, to Peter DiGiovanni, doing business as Guaranteed Motor Towing Service, Somers, N.J., authorizing the transportation of disabled trucks, disabled tractors, and disabled buses, in driveway service, or in truckaway service using wrecker vehicles, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. No service may be performed under the authority granted herein from or to points in Cuyahoga, Summit, Medina, and Portage Counties, Ohio. Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102, attorney for applicants.

No. MC-FC-73676. By order of May 23, 1972, the Motor Carrier Board approved the transfer to City Delivery Service, Inc., Boise, Idaho, of certificate of registration No. MC-121394 (Sub-No. 1), issued November 16, 1971, to Donald K. Leedom, doing business as Larry's Delivery Service, Twin Falls, Idaho, evidencing a right to engage in interstate or foreign commerce, solely within the State of Idaho, transporting general commodities, and various commodities of a general commodity nature, within spe-

cific areas and serving points in Idaho. Kenneth G. Berquist, attorney, Post Office Box 1775, Boise, ID 83701.

No. MC-FC-73702. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to Robert L. Pittman, doing business as Robert L. Pittman Moving & Storage, Merriam, Kans., of that portion of the operating rights set forth in certificate No. MC-104758, issued September 29, 1971, to Pat's Van Lines, Inc., Kansas City, Mo., authorizing the transportation of household goods, as defined by the Commission, between Tonganoxie, Kans., and points within 6 miles of Tonganoxie, on the one hand, and, on the other, points in Missouri, within the Kansas City, Mo.-Kans., commercial zone as defined by the Commission. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105.

No. MC-FC-73707. By order entered May 23, 1972, the Motor Carrier Board approved the transfer to S. M. Minute Service, Inc., New York, N.Y., of the operating rights set forth in permits Nos. MC-128517, MC-128517 (Sub-No. 3), and MC-128517 (Sub-No. 4), issued August 16, 1967, June 5, 1968, and October 9, 1970, respectively, to Stanley Wishnia and Seymour Miller, doing business as Minute Service Co., New York, N.Y., authorizing the transportation of photocopy equipment, machines, and supplies, between New York, N.Y., and Teaneck, N.J., and between Paramus, N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract or contracts with 3M Business Products Sales, Inc. Alvin Altman, 1776 Broadway, New York, NY 10019, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-8134 Filed 5-30-72; 8:48 am]

[Notice 74]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1972.

The following are notices of filing of applications<sup>1</sup> for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be

<sup>1</sup>Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 2633 (Sub-No. 58 TA), filed May 9, 1972. Applicant: CROSSETT, INC., Post Office Box 946, Warren, PA 16365. Applicant's representative: M. A. Burgett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Clinton, Potter, and Tioga Counties, Pa., to points in Tompkins and Wayne Counties, N.Y., for 120 days. Supporting shipper: The Mebtex Co., Post Office Box 5146, Vienna, WV 26101. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 94350 (Sub-No. 312 TA), filed May 10, 1972. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Kauffman & Broad Home Systems at Hopkinsville, Ky., to dealer locations in Tennessee, Indiana, Illinois, Mississippi, and Missouri, for 180 days. Supporting shipper: Kauffman & Broad Home Systems, Los Angeles, Calif. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1200 Main Street, 300 Columbia Building, Columbia, SC 29201.

No. MC 108313 (Sub-No. 11 TA), filed May 9, 1972. Applicant: CALEDONIA LINES, INC., 41 Evergreen Lane, Ontario, NY 14519. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and compressed gasses*, in bulk (except petroleum products) between points in Ohio, Indiana, New York, New Jersey, Pennsylvania, Maine, New Hampshire, Massachusetts, Connecticut, Vermont, Rhode Island, and Michigan, for 180 days. Supporting shipper: H. R. Stretton, traffic manager, Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 110525 (Sub-No. 1036 TA), filed May 10, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520

East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Wilmington, Mass., and Norwich, N.Y., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 112963 (Sub-No. 27 TA), filed May 9, 1972. Applicant: ROY BROS. INC., 764 Boston Road, Pinehurst, MA 01866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, enamel sealers, and solvents*, in bulk, in tank vehicles, from Gardner and Templeton, Mass., to points in Malne, New Hampshire, Vermont, Rhode Island, Connecticut (except Barkhamstead), and New York, for 180 days. Supporting shipper: Lilly Chemical Products, Inc., 29 Maple Street, Gardner, MA 01440. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 116938 (Sub-No. 7 TA), filed May 9, 1972. Applicant: FRANK BEATY, R.F.D. No. 2, Manchester, Tenn. 37355. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cinder block, concrete block, tile and related construction products, and brick, block and tile raw materials*, between Cohutta, Ga., on the one hand, and, on the other, points in Tennessee, Alabama, and North Carolina, for 180 days. Supporting shipper: General Shale Products Corp., Post Office Box 3547, Johnson City, TN 37601. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, TN 37203.

No. MC 133796 (Sub-No. 9 TA), filed May 10, 1972. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating ventilation, and air-conditioning enclosures, and materials, and packing and bracing materials*, from Champaign, Ill., to points in the United States (except Alaska and Hawaii), and return of used packing and bracing materials, for 180 days. Supporting shipper: The Brandt Corp., 50-20 25th Street, Long Island City, NY 11101. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bu-

reau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133967 (Sub-No. 13 TA), filed May 5, 1972. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Rolfe, E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, except commodities in bulk, in tank vehicles, from Park Falls, Wis., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, Kentucky, Oklahoma, Texas, and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of the commodities specified above, from points in the above-named destination States to Park Falls, Wis., restricted to transportation to be performed under contract with Flambeau Paper Co., a division of the Kansas City Star Co., Park Falls, Wis., for 180 days. Supporting shipper: Flambeau Paper Co., Park Falls, Wis. 54552. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136615 TA (Correction), filed April 12, 1972, published in the FEDERAL REGISTER, issue of May 4, 1972, corrected and republished in part as corrected this issue. Applicant: WM. C. STETZEL, INC., Post Office Box 435, Stanley, NY 14561. Applicant's representative: William R. Stevens, 300 First Trust Building, Syracuse, NY 13201. NOTE: The purpose of this partial republication is to reflect applicant correct name as Wm. C. Stetzel, in lieu of Wm. C. Stetzen, shown erroneously in previous publication. The rest of the notice remains the same.

No. 13665 (Sub-No. 1 TA), filed May 8, 1972. Applicant: WHITE CLOUD CO., INC., 3200 Pan American Freeway NE., Albuquerque, NM 87107. Applicant's representative: Orville C. McCallister, 500 Oak NE., Albuquerque, NM 87106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings*, from Houston, Tex., to points in New Mexico, under continuing contract or contracts with Dura Bilt Products, Inc., Albuquerque, N. Mex., for 180 days. Supporting shipper: William A. Sego, president, Dura Bilt Products, Inc., 4610 McLeod NE., Albuquerque, NM 87109. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136675 (Sub-No. 1 TA), filed May 8, 1972. Applicant: ROBERT D. KING, doing business as K-K TRUCKING, 2380 South Sarah Street, Fresno, CA 93206. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *General commodities* except articles of unusual value, between Fresno, Oakland, Richmond, San Francisco, and San Leandro, Calif., on the one hand, Yosemite Village (Yosemite National Park), Calif., on the other, and return over the same route, for 180 days. Supporting shipper: Yosemite Park and Curry Co., Yosemite National Park, Calif. 95389. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136686 (Sub-No. 1 TA), filed May 8, 1972. Applicant: CAROLINA TRANSFER & STORAGE COMPANY, 1823 West Franklin Avenue, Gastonia, SC 28052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools*, used in the construction and maintenance of telephone system and communication, between Gastonia, S.C., and points in Gaston, Lincoln, Cleveland, and Rutherford Counties, N.C., under contract with Western Electric Co., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, NC 28202.

No. MC 136690 TA, filed May 1, 1972. Applicant: J & S TRUCKING CO., INC., Route 2, Box 341, Carrollton, GA 30117. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, in vehicles equipped with mechanical refrigeration, from the plantsites of Duffey Boneless Beef Co. and Duffey Sausage Co., Inc., Carrollton, Ga., to points in Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Tennessee, Kentucky, Ohio, Michigan, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Missouri, Arkansas, Alabama, Mississippi, Louisiana, and Texas. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Duffey Boneless Beef Co., a division of Duffey Sausage Co., Carrollton, Ga. 30117. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, GA 30309.

No. MC 136691 TA, filed May 10, 1972. Applicant: ROB-SAN SERVICES, INC., 1811 Brainard Road, Cleveland, OH 44124. Applicant's representative: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Water heaters and wash trays*, from the plantsites at Cleveland, Ohio; Johnson City, Tenn.; and Santa Monica, Calif., to points in the United States (except Alaska and Hawaii); and (2) *materials, and supplies, and equipment* used or useful in the manufacture of water heaters and wash trays, from points in the United States (except Hawaii and Alaska) to the plantsite at Cleveland, Ohio; Johnson City, Tenn.; and Santa Monica, Calif., for 180 days. Supporting shipper: Morflo Industries, Inc., 18450 South Miles Road, Cleveland, OH 44128. Send protests to: Robert P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 178 TA), filed May 4, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Bart Cook, Greyhound Lines-West (Division of Greyhound Lines, Inc.), San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction U.S. Highway 51 and Wisconsin Highway 70, and Fifield, Wis., in summer-season service. Return movement: From junction U.S. Highway 51 and Wisconsin Highway 70 over Wisconsin Highway 70 to junction Wisconsin Highway 13 (Fifield); service to be conducted during the season extending approximately from June 20 to September 10 of each year, for 180 days. Supported by: The Passenger Public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 67340 (Sub-No. 8 TA), filed May 5, 1972. Applicant: RESORT BUS LINES, INC., Box 127, Centuck Station, 31 Railroad Avenue, Yonkers, NY 10710. Applicant's representative: Samuel B. Zinder, The Atrium, 98 Cutter Mill Road, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between intersection of the New York State Thruway (Major Deegan Expressway) and Yonkers Avenue, Yonkers, N.Y., and the intersection of the New York Highway 82 and New York Highway 22 at Amenia, N.Y., along the New York State Thruway from the intersection of Yonkers Avenue and the New York State Thruway at Yonkers, N.Y., to Interstate Highway 287 (Cross Westchester Expressway) thence along Interstate 287 to New York State Highway 119, thence along New York State Highway 119 to Central Avenue, thence along Central Avenue to the White Plains Railroad Station, thence along Central Avenue to New York State Highway 119, thence along New York State Highway 119 to

Interstate Highway 287, thence along Interstate Highway 287 to Interstate Highway 684, thence along Interstate Highway 684 to New York State Highway 22, thence along New York Highway 22 to Intersection with New York Highway 82, restricted against the transportation of passengers who shall be discharged northbound or picked up southbound south of the northern boundary line of the town of Dover, Dutchess County, N.Y., for 180 days. NOTE: This authority will be tacked with existing authority at Yonkers, N.Y., and Amenia, N.Y. Supported by: Applicant's own statement. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-8135 Filed 5-30-72; 8:48 am]

[Notice 76]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 1972.

The following are notices of filing of applications<sup>1</sup> for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 451 TA), filed May 15, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140, Post Office Box 160 (53141). Applicant's representative: Albert P. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper trailers*, from Goshen,

<sup>1</sup>Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.



Ind., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Steury Corp., 310 Steury Avenue, Goshen, IN 46526 (Bud Steury, vice president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52465 (Sub-No. 43 TA), filed May 12, 1972. Applicant: RICE TRUCK LINES, 1627 Third Street NW., Great Falls, MT 59401. Applicant's representative: Jack Ritter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, between points in Montana, Idaho, and Washington, for 180 days. Supporting shipper: American Smelting and Refining Co., 120 Broadway, New York, NY 10005. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 59336 (Sub-No. 24 TA), filed May 15, 1972. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, MI 48216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Chrysler Corp., Lyons Trim plants and facilities located in Lyons, Mich., as an off-route point in connection with its regular route operation from Ionia, Mich., over Michigan Highway 66 (formerly M-14) to junction with I-96 (formerly U.S. Highway 16) and return over the same route serving all intermediate points, for 180 days. Applicant states it does intend to tack authority to MC 59336 and its various subs. Interline is proposed at common points of U.S. Truck Co., Inc., and other concurring carriers. Such interline will be performed in line with Chrysler Corp.'s requirements. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, MI 48231. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 60253 (Sub-No. 25 TA), filed May 12, 1972. Applicant: ARLINGTON TRUCK COMPANY, 524 Oregon Road, Toledo, OH 43605. Applicant's representative: John D. Obee (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass*, on A-frame racks, from Toledo, Ohio, to Clinton, N.C., and (2) *empty racks, straps, and related equipment* used in the transportation of flat glass on A-frame racks, from Clinton, N.C., to Toledo, Ohio, for 180 days. Supporting shipper: Libbey-Owens-Ford Co., 811 Madison Avenue, Toledo, OH 43695. Send protests to: District Super-

visor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 90373 (Sub-No. 32 TA), filed May 15, 1972. Applicant: C. & R. TRUCKING CO., Inman Avenue, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Washington, N.J., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, restricted under a continuing contract with Mobil Chemical Co., Plastics Division, for 180 days. Supporting shipper: Mobil Chemical Co., Plastics Division, Macedon, N.Y. 14502. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 100623 (Sub-No. 34 TA), filed May 15, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, between the facilities of Parke-Davis in or near Teterboro, N.J., on the one hand, and, on the other, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa. Restriction: The service authorized herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 180 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor at one location to one consignee at one location on any day. No delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with carrier and are served by it pursuant to permits issued by this Commission, for 180 days. Supporting shipper: Parke, Davis & Co., Post Office Box E, Cherry Hill, NJ 08034. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 103993 (Sub-No. 713 TA), filed May 16, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-

sani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Orange County, N.C., to points in Louisiana, Minnesota, and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Flamingo Homes, division of Redman Industries, Inc., Dallas, Tex. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 103993 (Sub-No. 714 TA), filed May 16, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-sani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Plymouth County, Mass., to points in Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Rhode Island, Vermont, and Virginia, for 180 days. Supporting shipper: Arnold Trailers, Inc., Nick's Rock Road, Plymouth Industrial Park, Plymouth, MA 02360. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 108207 (Sub-No. 347 TA), filed May 10, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888 (75207), Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry yeast*, from Belle Chasse, La., to San Leandro, Calif., for 180 days. Note: Carrier does not intend to tack authority. Supporting shipper: Universal Foods Corp., 433 East Michigan Street, Milwaukee, WI 53201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 113828 (Sub-No. 200 TA), filed May 10, 1972. Applicant: O'BOYLE TANK LINES, INC., Post Office Box 30006, Washington, DC 20014. Office: 5320 Marinelli Drive, Montrose Industrial Park, Rockville, MD 20852. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone slurry*, from Baltimore, Md., to Brooklyn, N.Y., for 180 days. Supporting shipper: Harry T. Campbell Sons' Co., Campbell Building, Towson, Baltimore, Md. 21204. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 114848 (Sub-No. 52 TA), May 10, 1972. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channell Avenue, Memphis, TN 38106; Post Office Box 13068, Riverside Station, 38113. Applicant's representative: Terry T. Wharton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pellets and/or shot*, in bulk, from Memphis, Tenn., to New Johnsonville, Tenn., for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., 4948 Chef Menteur Highway, New Orleans, LA. Send protests to: Floyd A. Johnson, District Supervisor, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 116073 (Sub-No. 238 TA), filed May 16, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, from points in Yamhill County, Oreg., to points in Washington, Idaho, and Montana, for 180 days. Supporting shipper: Nomad Travel Trailers, 550 West Booth Bend Road, Post Office 648, McMinnville, OR 97128. Send protests to: J. H. Amb, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 123392 (Sub-No. 37 TA), filed May 16, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-bulk, in cryogenic trailers, from a point on the United States-Canadian boundary at Detroit, Mich., to points in Illinois, Indiana, and Michigan, for 180 days. Supporting shipper: R. E. Bryant, manager, Distribution, American Cryogenics Division of Liquid Air, Inc., San Francisco, Calif. 94111. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 125952 (Sub-No. 15 TA), filed May 9, 1972. Applicant: INTERSTATE DISTRIBUTOR, INC., 8311 Durango Street SW, Tacoma, WA 98499. Applicant's representative: George La-Bissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and beer*, from points in California to Seattle, Wash., under contract with Odom Co., for 180 days. Supporting shipper: Odom Co., 1258 First Avenue South, Seattle, WA 98134. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126276 (Sub-No. 67 TA), filed May 12, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Closures*, from the plantsite at Owens-Illinois Glass at Constantine, Mich., to Fort Smith, Ark.; Asheville, N.C.; Chambersburg, Pa.; and Canajoharie, N.Y., for 180 days. Supporting shipper: Owens-Illinois, Inc., 405 Madison Avenue, Toledo, OH 43601. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 129086 (Sub-No. 16 TA), filed May 15, 1972. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254A, Route No. 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aplite*, in bulk, from Beaver Dam, Va., to Keyser, W. Va.; and (2) *salt cake*, in bulk, from Front Royal, Va., to Keyser, W. Va., for 180 days. Supporting shipper: Chattanooga Glass Co., 400 West 45th Street, Chattanooga, TN. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 129516 (Sub-No. 6 TA), filed May 16, 1972. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, WA 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Seattle, and Tacoma, Wash., to ports of entry on the United States-Canada boundary line at or near Eastport and Porthill, Idaho, and Sweetgrass, Mont., for 180 days. Supporting shipper: Scott National Co., Ltd., Post Office Box 970, Calgary, AB, Canada. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135562 (Sub-No. 3 TA), filed May 15, 1972. Applicant: O.C.C., INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, wheels and*

*wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, from Detroit, Jackson, and Romulus, Mich., Elkhart, Ind., Rockford, Ill., Davenport, Iowa, and Milwaukee, Wis., to points in Los Angeles, Orange, Ventura, Riverside, San Bernardino, San Diego, Shasta, Marin, San Francisco, San Mateo, Santa Cruz, Fresno, Sacramento, and Kern Counties, Calif., Maricopa and Pima Counties, Ariz., Denver, Colo., Salt Lake City, Utah, Boise, Idaho, Billings and Great Falls, Mont., Reno and Las Vegas, Nev., Portland, McMinnville, Eugene, Roseburg, Grants Pass, and Medford, Oreg., Seattle, Spokane, and Trentwood, Wash., for the account of Kelsey-Hayes Co.; and (b) *axles and axle suspension components*, from Chino, Calif., to the plantsite of the Kelsey-Hayes Co. at Romulus, Mich., for the account of Kelsey-Hayes Co., for 180 days. Supporting shipper: Kelsey-Hayes Co., Romulus, Mich. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134387 (Sub-No. 13 TA), filed May 15, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, with or without metal ends, from Richmond, Calif., to Portland, Oreg., for 180 days. Supporting shipper: Boise Cascade Corp., General Offices, One Jefferson Square, Boise, ID 83701. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Federal Building, Los Angeles, CA 90012.

No. MC 135874 (Sub-No. 6 TA), filed May 11, 1972. Applicant: LTL PERISHABLES, INC., 108 Renfro Circle, Omaha, NE 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Paul-Minneapolis, Minn., commercial zone to Des Moines and Waterloo, Iowa, and Omaha, Nebr., for 180 days. Supporting shippers: Feinbert Distributing Co., Inc., 2200 Summer Street NE., Minneapolis, MN; Redi Roast Products, 7501 Commerce Lane, Minneapolis, MN. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136228 (Sub-No. 3 TA), filed May 11, 1972. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Eugene Luisi (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*

*meal, blood meal, and hides*, from Wallula, Wash., to Portland, Oreg., Tacoma and Seattle, Wash., and port of entry at Blaine, Wash., for subsequent movement by water transportation, for 180 days. Supporting shipper: Cudahy Co., Wallula, Wash. 99363. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136688 (Sub-No. 1 TA), filed May 2, 1972. Applicant: GRACE SCHNITKER AND MICHAEL E. SCHNITKER, doing business as SCHNITKER TRUCK LINES, Post Office Box 155, Arenzville, IL 62611. Applicant's representative: George B. Gillespie, 217 South Seventh Street, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, between Beardstown and Arenzville, Ill., and points in Iowa, Missouri, Kentucky, Tennessee, Wisconsin, Indiana, Arkansas, Michigan, and Nebraska, for 180 days. Supporting shippers: John H. Flood, president, Beardstown Hardwood Manufacturing, Inc., Post Office Box 247, Beardstown, Ill. 62618; Tim Huey, Huey Lumber Co., Arenzville, Ill. 62611.; Nels G. Glesne, president, Casswood Treated Products Co., Arenzville Road, Post Office Box 46, Beardstown, Ill. 62618. Send protests to:

Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 136698 TA, filed May 11, 1972. Applicant: DOUG BRADFORD, INC., 751 Brownlock Road, Bowling Green, KY 42101. Applicant's representative: Doug Bradford (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools*, used in construction and maintenance of telephone systems and communications, between points in Allen, Barren, Butler, Christian, Cumberland, Edmondson, Green, Hart, Logan, Metcalfe, Monroe, Simpson, Todd, and Warren Counties, Ky., for 180 days. Supporting shipper: J. F. Ballard, resident transportation manager, Southern Region, Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 136699 TA, filed May 11, 1972. Applicant: ROBERT ASCHENBRENER, doing business as BOB'S TRUCKING, Post Office Box 37, Surrey, ND 58785. Applicant's representative: Harris P. Kenner, 615 South Broadway, Minot, ND 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)

*Beverages*, in cans, from Minneapolis and St. Paul, Minn., and points in Eagan Township, Dakota County, Minn., to Minot, N. Dak., (2) *glass beverage containers*, from Minneapolis, St. Paul Rosemount, and Shakopee, Minn., to Minot, N. Dak.; and (3) *sugar*, in bags from Sidney, Mont., to Minot, N. Dak., for 180 days. Supporting shipper: Coca Cola Bottling Co., 411 Ninth Street SE., Minot, ND 58701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136700 TA, filed May 12, 1972. Applicant: JOSEPH PIRRI, JR., 549 Maple Street, Barrington, RI 02806. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill cinder or mill scale*, iron or steel, in bulk, in dump vehicles, from Worcester, Mass., and East Providence, R.I., to Rockland, Maine, for 150 days. Supporting shipper: Paul Blum Co., 315 Larkin Street, Buffalo, NY 14210. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-8136 Filed 5-30-72; 8:48 am]



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